



UNIVERSITY OF  
SASKATCHEWAN

# Copyright in Teaching

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**The information included in these slides and presented during this session does not constitute legal advice.**

# Land Acknowledgement

As we gather here today, we acknowledge we are on Treaty 6 Territory and the Homeland of the Métis. We pay our respect to the First Nations and Métis ancestors of this place and reaffirm our relationship with one another.

# Outline

- Very brief history/context
- Hardcopy Resources
- Digital Resources
  - E.g., Internet materials, library licensed electronic resources (e-resources)
  - Copyright friendly & copyright free resources
  - Getting permission from a copyright owner
- Indigenous Cultural Heritage
- Generative Artificial Intelligence (AI) Materials
- Supports & Getting Help

# Copyright in Post-Secondary Education

- From the early 1990s until 2011, most (if not all) Canadian universities operated under a blanket copyright license agreement
- USask and several other institutions decided to operate independent of this agreement after 2011; many more have joined since
- Significant changes to Copyright Act in 2012
- Access Copyright vs. York University (launched in 2013, Supreme Court decision in 2021) – Overall, the university won!
- Copyright due diligence remains very important

# Hardcopy

- Scans from print books, journals, newspapers, music books, etc.
- Fair Dealing Guidelines
  - Proportion of hardcopy resources that can be distributed to students
  - How the materials can be provided (e.g., Canvas learning mgmt. system)
- Images (and image citation guide)
- Different editions of the same book
- Anthologies
- Scans received through Interlibrary Loan
- Is there any way to use more than the Guidelines allow?

# For digital resources... A checklist!

- 7 questions to help you determine ways the material can be provided to students and whether copyright permission is needed
- Note: This checklist is for copyright-protected material
  - If the material is in the Public Domain (i.e., not copyright protected), it can be distributed to students in whole or in part
  - [Public Domain Flowchart](#) (U of Alberta)
  - More info about the Public Domain:  
<https://library.usask.ca/copyright/general-information/public-domain.php>

# 1 – Do I have a “legal” copy?

- Is this material (e.g., a full copyrighted book) posted on the copyright owner’s website? If not, does it have a copyright notice stating that permission was acquired to post it there? Author’s website might be ok, but...
- Does it have an Open Access license (e.g., [Creative Commons](#))?
- Copyright issues with Z-Library, SciHub, etc.
- Materials posted on academic social networking websites such as ResearchGate or Academia.edu
- Google Books and the [Internet Archive](#)? Linking ok
- Film/TV clips on YouTube or similar websites

## 2 – Can I provide students with a link to it?

- This is the best option copyright-wise for any open online material (as long as it appears to be legally posted online)
- Can be used for any format (videos, text documents, etc.)
- Also recommended for library licensed e-resources
- Images
- What about broken links?



## 3 – What do the license terms, or terms of use, say?

- For open online material, look for a clearly visible notice prohibiting use for educational purposes
  - “Copyright © All rights reserved” is not specific enough to prohibit educational use
- Check website terms of use, copyright notice/statement
- Personal subscription terms of use
- [License information](#) for USask library electronic resources (quick demo)
- What about using material I got from another institution’s library electronic resources (e.g., U of Alberta library e-resources)?

## 4 – Allowed by Canadian Copyright law?

- Fair Dealing is just one of the educational exceptions/allowances
  - Internet exception
  - Test and exam exception
  - Play/Display in class exceptions
  - Lecture capture exception
- However, license terms/terms of use supersede copyright laws
  - E.g., Netflix and many other personal streaming services disallow anything but “home use only” of the service
  - To find out which materials can be shown for educational purposes on a campus, search [media.netflix.com](https://media.netflix.com)

## 5 – Displaying instead of distributing?

- Can “Reproduce a work or do any other necessary act, in order to **display** it in the classroom for educational purposes as long as the work is not already commercially available in an appropriate format.”
- Playing films\*, videos, music, podcasts, displaying images
- What about in a synchronous online class?
- What about in a recorded online lecture? Conditions from Section 30.01 of the Canadian Copyright Act:
  - No “digital locks” can be broken or license terms breached
  - Students cannot download a copy to keep
  - Recording must be “destroyed” within 30 days of the end of the course

# 6 - Finding Copyright Free/Friendly Resources

- Text: Openly-licensed academic [journal articles](#), [Open Textbooks](#), and [Public Domain books](#)
- Text: Can filter library collection search for Open Access material (quick demo)
- Images: List of openly-licensed [image sources](#)
- Images: [Video](#) on filtering Google Image search for openly-licensed images
- Audio, Video, and Images: Creative Commons [search](#) & [content directories](#)

## 7 – Can I acquire permission from the copyright owner to use/distribute the material?

- Contact copyright owner in writing to request permission
- Can also acquire permission for a lot of material through the online [Copyright Clearance Center](#)
- Permission could be provided for free, or for a license fee
- What if there is no discernable/contactable copyright owner?
- What if they don't respond?
- More information: <https://library.usask.ca/copyright/general-information/getting-permission-from-a-copyright-owner.php>

# Copyright checklist for digital resources

1. Am I using a “legal” copy? If no, start by finding a legal copy.
2. Can I provide students with a link to this resource? (Highly recommended)
3. Do the licence terms or “terms of use” attached to this resource allow what I want to do with it? If yes, you’re good to go.
4. Are there [exceptions/limitations](#) in the Canadian Copyright Act that allow what I want to do with the material? If yes, and no terms of use/license restrictions prohibit it, you’re good to go.
5. Can I show/display it to students instead of distributing a copy?
6. Is there a [copyright-free](#) or [copyright-friendly](#) alternative I can use?
7. Can I [acquire permission](#) from the copyright owner to use/distribute the material? Please [contact us](#) for assistance if you would like 😊

# Indigenous Cultural Heritage

- Copyright Act of Canada does not include or account for Indigenous intellectual property protections
- Familiarizing yourself with protocols and protections of Indigenous cultural heritage for different Indigenous communities and peoples
- Building relationships and only sharing with permission
- Learning resources, including “[Indigenous Voices Program](https://indigenous.usask.ca/resources/resources.php)” modules:  
<https://indigenous.usask.ca/resources/resources.php>
- More information about copyright and Indigenous Cultural Heritage:  
<https://library.usask.ca/copyright/indigenous-knowledges.php>

# AI-Generated Materials & Copyright

- Copyright status of AI-generated material unclear
- Terms of use/service differ depending on the tool (e.g., ChatGPT vs. Bing Chat)
- Strong recommendation to avoid use of GenAI images
- Students are the copyright owners of materials they create for classes (e.g., their assignments); their materials **cannot be submitted to an AI or plagiarism detector tool without their consent.**
- For more information: <https://academic-integrity.usask.ca/gen-ai.php>



# Last Few Points

- Best practice to get permission from colleagues and guest speakers for using/distributing material they have created, and also from students
- Please cite & please think about copyright early!
- More likely to require permission for distributing:
  - Copyright materials that are not published or publicly available anywhere
  - Materials that you received through a private communication
  - Things you received based on conference attendance, enrollment in education/professional development, individual/personal subscriptions
  - Supplemental textbook materials if the textbook is not required for the course
  - Case studies – e.g., from Harvard Business, Ivey Business, etc.
  - Online cartoon images – e.g., from CartoonStock.com

# Supports & Getting Help

- Copyright questions, syllabus/readings review, copyright permissions assistance for course materials- [Copyright.help@usask.ca](mailto:Copyright.help@usask.ca), <https://library.usask.ca/copyright/instructors/index.php>
- Librarian for your subject area - <https://library.usask.ca/people/lists/faculty.php>
- Library course reserves - [course.reserves@usask.ca](mailto:course.reserves@usask.ca)
- Copyright-friendly and copyright-free teaching resources – [open.usask.ca](https://open.usask.ca) and Gwenna Moss Centre ([Heather Ross](#))
  - Can also answer questions about making your own teaching materials openly licensed

**Thank you!**  
**Questions?**

