SFU Copyright Office

TAKE THE MYSTERY OUT OF COPYRIGHT

COPYRIGHT.SFU.CA
Copyright in the Classroom

Don Taylor, Copyright Officer
Jennifer Zerkee, Copyright Specialist

copy@sfu.ca | copyright.sfu.ca

Nothing in this presentation is intended as or should be construed as legal advice.
Today’s Outline

• What is copyright?

• What does copyright protect? How long does it last?

• Copyright scenarios for remote learning
  • #1 – Book chapter
  • #2 – Images
  • #3 – Showing a film in class
  • #4 – Showing a YouTube video
What is copyright?

• Copyright protects:

<table>
<thead>
<tr>
<th>Literary works</th>
<th>Dramatic works</th>
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<tr>
<td>Books, poems, journal articles, websites</td>
<td>Plays, films</td>
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<table>
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<tr>
<th>Musical works</th>
<th>Art works</th>
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<td>Songs, instrumental compositions</td>
<td>Drawings, paintings, sculptures, maps</td>
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<tr>
<th>Sound recordings</th>
<th>Performances</th>
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<tr>
<td>Speeches, lectures, animal sounds, nature sounds, music, audiobook</td>
<td>Musical/theatrical performances (dancing, singing, acting), presentations</td>
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<th>Communication Signals</th>
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<td>Pay-per-view, radio programs, satellite, broadcasts</td>
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What is copyright?

Rights include
• copy
• perform in public
• publish
• translate
• adapt to another format
• record a literary, dramatic or musical work
• broadcast
• exhibit an artwork
• authorize others to do these things

Happens immediately and automatically

Term “Life plus 50”
Things not protected by copyright

• Materials that are not copyrightable
  • Thoughts/ideas
  • Facts/data
  • Single words/short phrases

• Materials in the public domain
  • Remember: “Life plus 50”
Workshop handouts

- Go to copyright.sfu.ca
- Click on Instructors
- Click on Resources
- We will be using “Copyright Information Graphic” and “Copyright Decision Tree”
COPYRIGHT DECISION TREE

SFU employees have the responsibility to abide by Canada's Copyright Act and by the University’s own copyright policies. This decision tree will help you determine whether you can use a copyright protected work in the way you would like to.

IS THE WORK PROTECTED BY COPYRIGHT?
Material not protected by copyright includes material in the public domain and material lacking in creativity or originality such as data, facts or ideas. The FAQs at copyright.sfu.ca can help you.

ARE YOU THE CREATOR OF THE WORK?
If so, do you own copyright in the work? Or have you retained the right to use it for this purpose, or to use a different version (e.g. a pre-print)?

WHAT DO YOU想要 TO DO WITH THE WORK? IS THE WORK LICENSED FOR THIS TYPE OF USE?
(e.g. Library license, Open Access, Creative Commons)

USE THE WORK

IS THERE A LICENSING AGREEMENT OR STATEMENT SPECIFICALLY DISALLOWING THIS USE OF THE WORK?
(e.g. website terms of use, restrictions on Library license)

NO

USE THE WORK AND COMPLY WITH CONDITIONS OF LICENSE

YES

DOES FAIR DEALING OR ANOTHER COPYRIGHT ACT EXCEPTION APPLY?
See the Instructors section at copyright.sfu.ca for what you can do with copyright protected works for teaching purposes, or contact the Copyright Office (copy@sfu.ca) with any questions.

NO

FIND A DIFFERENT SOURCE FOR THE SAME WORK WITHOUT THE RESTRICTION OR GO HERE

YES

IS THE WORK PROTECTED BY A TECHNOLOGICAL PROTECTION MEASURE (TPM)?
(e.g. password or download-blocker)

NO

FIND A DIFFERENT SOURCE FOR THE SAME WORK WITHOUT TPM (E.G. SCAN A PRINT VERSION INSTEAD OF DOWNLOADING A PDF) OR GO HERE

YES

USE THE WORK AND COMPLY WITH CONDITIONS IN THE ACT

NO

IF YOU ARE UNABLE TO USE THIS MATERIAL, YOU COULD:
• ask the copyright holder for permission to use the work in this way,
• adapt the material, repurpose the data in your own way or paraphrase (with attribution in each case),
• provide a link to the work instead,
• remove the work, or
• use a different work.

All works must be legally obtained. Works must be properly cited. 07/2019

copy@sfu.ca
copyright.sfu.ca
**USING COPYRIGHT PROTECTED MATERIALS FOR TEACHING PURPOSES AT SFU**

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### TEXTUAL MATERIALS

You can copy up to 10% of the work OR:
- 1 chapter from a book
- 1 article from a journal issue
- 1 article or page from a newspaper issue
- 1 entry from a reference work (e.g. encyclopedia, dictionary).

### AUDIO AND VIDEO

You can copy up to 10% of the work OR 1 track from an album, as long as you are not breaking a technological protection measure (TPM*).

### IMAGES

You can copy 1 image from a compilation (e.g. coffee table book, atlas) OR up to 10% of a stand-alone image (e.g. painting, poster, wall map). You cannot copy an entire stand-alone image.

### INTERNET MATERIALS

You can copy a short excerpt up to the fair dealing limits according to the type of media.

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**USING A SHORT EXCERPT?**

Follow these fair dealing guidelines.

---

**WANT TO USE MORE?**

Use one of these exceptions from the Copyright Act.

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**IF YOU DON’T SEE YOUR USE ON THIS CHART CONTACT THE SFU COPYRIGHT OFFICE FOR ASSISTANCE.**

copyf@sfu.ca | copyright.sfu.ca

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SFU employees are responsible for abiding by Canada’s Copyright Act and the University’s copyright policies.

Under fair dealing you may copy or distribute a short excerpt of a copyright protected work for the purposes of research, private study, education, parody, satire, criticism, review or news reporting as a:
- class handout
- email message
- posting in Canvas
- part of a course pack sold through the SFU Bookstore.

Copying multiple short excerpts from the same copyright protected work, with the intention of reproducing amounts beyond the fair dealing limits, is prohibited.

Licences for online resources govern how they can be used. See Article Databases and A-Z Journals on the SFU Library website.

These guidelines apply to teaching at SFU only. All works copied must be legally obtained. Works must be properly cited.

*Examples of technological protection measures (TPM) include passwords and regional encoding.

9/5/2019
Scenario 1: a book chapter
5. USERS’ RIGHTS

If this book had been written a decade ago, the title of this chapter would not be “Users’ Rights.” It would probably be something like “Exceptions to Infringement: Fair Dealing and Other Defences.” Until recently, fair dealing was not considered more than a fairly long-shot defence to allegations of infringement. After all, in Michelin v. CAW (1990), a case concerning the use of an unauthorized image of the Michelin Man on unionization posters, a court ruled that fair dealing provisions “should be restrictively interpreted as exceptions.” The court asserted that using what it called “another’s private property” to ground one’s own original expression was “a prohibited form of expression.”

But Théberge v. Galerie d’Art du Petit Champlain (2001) marked the beginning of a sea change. In this case, the Supreme Court held that the proper balance in copyright “lies not only in recognizing the creator’s rights but in giving due weight to their limited nature. In crassly economic terms it
COPYRIGHT DECISION TREE

SFU employees have the responsibility to abide by Canada’s Copyright Act and by the University’s own copyright policies. This decision tree will help you determine whether you can use a copyright protected work in the way you would like to.

IS THE WORK PROTECTED BY COPYRIGHT?
Material not protected by copyright includes material in the public domain and material lacking in creativity or originality such as data, facts or ideas. The FAQs at copyright.sfu.ca can help you.

NO → USE THE WORK

YES → ARE YOU THE CREATOR OF THE WORK?
If so, do you own copyright in the work? Or have you retained the right to use it for this purpose, or to use a different version [e.g. a pre-print]?

NO → WHAT DO YOU WANT TO DO WITH THE WORK? IS THE WORK LICENSED FOR THIS TYPE OF USE? (e.g. Library license, Open Access, Creative Commons)

YES → USE THE WORK AND COMPLY WITH CONDITIONS OF LICENSE

NO → USE THE WORK OR THE SPECIFIC VERSION ALLOWED

YES → FIND A DIFFERENT SOURCE FOR THE SAME WORK WITHOUT THE RESTRICTION OR GO HERE

IS THERE A LICENSING AGREEMENT OR STATEMENT SPECIFICALLY DISALLOWING THIS USE OF THE WORK? (e.g. website terms of use, restrictions on Library license)

NO → IS THE WORK PROTECTED BY A TECHNOLOGICAL MEASURE?

YES → DOES FAIR DEALINGS OR ANOTHER COPYRIGHT ACT EXCEPTION APPLY?
Technological protection measures (TPMs)

TPMs that limit access:
• Passwords
• Subscriptions
• Time limits

TPMs that limit copying:
• Read-only
• Download blocking
• Watermarks
# Using Copyright Protected Materials for Teaching Purposes at SFU

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<tr>
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<td>You can copy a short excerpt up to the fair dealing limits according to the type of media.</td>
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<tr>
<td>• 1 chapter from a book</td>
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<td>• Note: you may not copy an entire poem or short story from a collection</td>
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<td>• 1 article from a journal issue</td>
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## Using a Short Excerpt?

Follow these fair dealing guidelines.

## Want to Use More?

You can reproduce the entire work for display in the classroom or for scholarly purposes.
Collected creative works vs scholarly works

The 10% / 1 chapter fair dealing guideline does not apply to collected creative works. You can only copy up to 10% of an individual story/poem/play.

The 10% / 1 chapter fair dealing guideline does apply to collected scholarly works such as anthologies and edited collections of academic articles. You can copy an entire work from such a collection.
USING A SHORT EXCERPT?
Follow these fair dealing guidelines.

- 10% of the work OR:
  - 1 chapter from a book
  - 1 article from a journal issue
  - 1 article or page from a newspaper issue
  - 1 entry from a reference work (e.g. encyclopedia, dictionary)

FROM A Compilation (e.g. coffee table book, atlas) OR up to 10% of a stand-alone image (e.g. painting, poster, wall map). You cannot copy an entire stand-alone image.

EXCERPT UP TO THE FAIR DEALING LIMITS ACCORDING TO THE TYPE OF MEDIA.

WANT TO USE MORE?
Use one of these exceptions from the Copyright Act.

- You can reproduce the entire work for display in the classroom or for use in exams if a copy in the required format is not readily commercially available.
- You can play the entire work (e.g. DVD, CD) in the classroom.
- You can reproduce the entire image for display in the classroom or for use in exams if a copy in the required format is not readily commercially available.
- You can reproduce an entire work from the Internet as long as you are not breaking a TPM* and there is no "clearly visible notice" prohibiting copying.

IF YOU DON'T SEE YOUR USE ON THIS CHART CONTACT THE SFU COPYRIGHT OFFICE FOR ASSISTANCE.

copy@sfu.ca | copyright.sfu.ca
SFU Bookstore services

Traditional course pack
• Paper
• Cost-recovery model (student pays license and production cost, no profit)

Electronic course pack
• Campus eBookstore service
• Student pays for e-course pack

Single document needing copyright clearance
• Contact the Copyright Office at copy@sfu.ca
Posting fair dealing excerpts in Canvas

This item has been copied under the Fair Dealing provisions of the Copyright Act as enumerated in SFU Appendix R30.04A - Application of Fair Dealing under Policy R30.04. You may not distribute, e-mail or otherwise communicate these materials to any other person.

(This wording is available on copyright.sfu.ca > Instructors > Resources, under “Copyright tools and forms”)
What to do when the textbook is late?

Digital copies of relevant material could be made available to students.

Student needs to have already purchased the textbook.

Digital copies should be delivered directly to student and not posted in LMS.

Student needs to be informed that the digital copies should be destroyed once the textbook arrives.
Scenario 2: images
Finding images online

- Google: follow link to the image’s original site
  - Check for statements permitting or restricting use of content
- Check the Infographic for applicable exceptions
- Look for openly licensed images
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| **WANT TO USE MORE?** |
| **Use one of these exceptions from the Copyright Act.** |
| - You can reproduce the entire work for display in the classroom or for use in exams if a copy in the required format is not readily commercially available. |

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<td>You can reproduce an entire work from the Internet as long as you are not breaking a TPM* and there is no “clearly visible notice” prohibiting copying.</td>
</tr>
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*Examples of TPMs include encryption and digital rights management (DRM) technologies. For more information, see SFU Library's Copyright Q&A and refer to the recent update by the Canadian Copyright Act, 2012.
Creative Commons licenses

- CC BY (Attribution)
- CC BY-SA (Attribution – Share Alike)
- CC BY-NC (Attribution – Non-Commercial)
- CC BY-ND (Attribution – No Derivatives)
- CC BY-NC-SA (Attribution – Non-Commercial – Share Alike)
- CC BY-NC-ND (Attribution – Non-Commercial – No Derivatives)
Creative Commons platforms
Legitimate free image sources
Legitimate free image sources

• Pixabay.com
• Unsplash.com
• Thenounproject.org
Library-licensed image sources

SFU Library subscribes to a number of image databases for the university community’s use. Images in these collections can be freely used within SFU courses.

➢ https://www.lib.sfu.ca/help/research-assistance/format-type/online-images/databases
Scenario 3: showing a film in class
Subscription streaming services

The Netflix service and any content viewed through the service are for your personal and non-commercial use only and may not be shared with individuals beyond your household.

Amazon grants you a license to access and view the Digital Content for personal, non-commercial, private use.

The Disney+ Service is provided to individuals for their personal, noncommercial use only.
Library streaming options

• Is the streaming film already in our collection? Check the catalogue.

• If it isn’t, see https://www.lib.sfu.ca/about/branches-depts/mrc/streaming-video-service for details about requesting a streaming version.
Scenario 4: a YouTube video
Japan's Secret Water garden - David Attenborough [National Geographic Documentary 2020 HD]

465,911 views • Premiered Jan 16, 2020

Imagine a realm where the seasons' rhythms rule - where centuries of agriculture and fishing have re-shaped the land, yet where people and nature remain in harmony. Sangoro Tanaka lives in just
What about your work?

**Teaching:** Instructors own copyright in their research and teaching materials (SFU Policy R30.03).

**Publishing** usually involves copyright transfer, but can be negotiable. You can choose to publish openly in order to encourage use of your work (see the SFU Library’s page *Scholarly Publishing & Open Access*).
Pearson Sues Chegg, Alleging Copyright Infringement

The lawsuit could have far-reaching implications for the growing online study guide industry.

By Emma Whittford // September 15, 2021

Questions?

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