



Copyright in the *Virtual* Classroom

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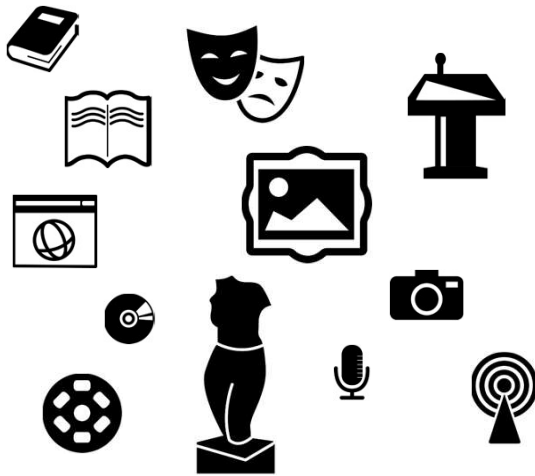
Nothing in this presentation is intended as or should be construed as legal advice.

The website copyright.sfu.ca (<https://www.lib.sfu.ca/help/academic-integrity/copyright>) has FAQs, videos, general copyright information, resources, tools, and links. We have also created copyright tips for teaching remotely (<https://www.lib.sfu.ca/help/academic-integrity/copyright/instructors/copyright-and-teaching-online>).

Contact us at copy@sfu.ca with any questions about teaching, as well as research, publishing, or any other copyright issues.

We are not lawyers; nothing in this presentation is intended as or should be construed as legal advice.

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"

Copyright protects literary (written) works, dramatic works, musical works, and artworks, as well as sound recordings, performances, and communication signals.

Copyright includes the right to copy, but also includes the other rights listed here, including the right to authorize others to do these things with your work. Only the copyright owner can do these things – usually. There are users' rights in the Copyright Act, which we'll talk about today. The copyright owner is usually the creator of the work (the author, artist, composer, etc.), but ownership of copyright can be transferred, for example to a publisher when you publish a book or article, or it can be owned by the creator's employer.

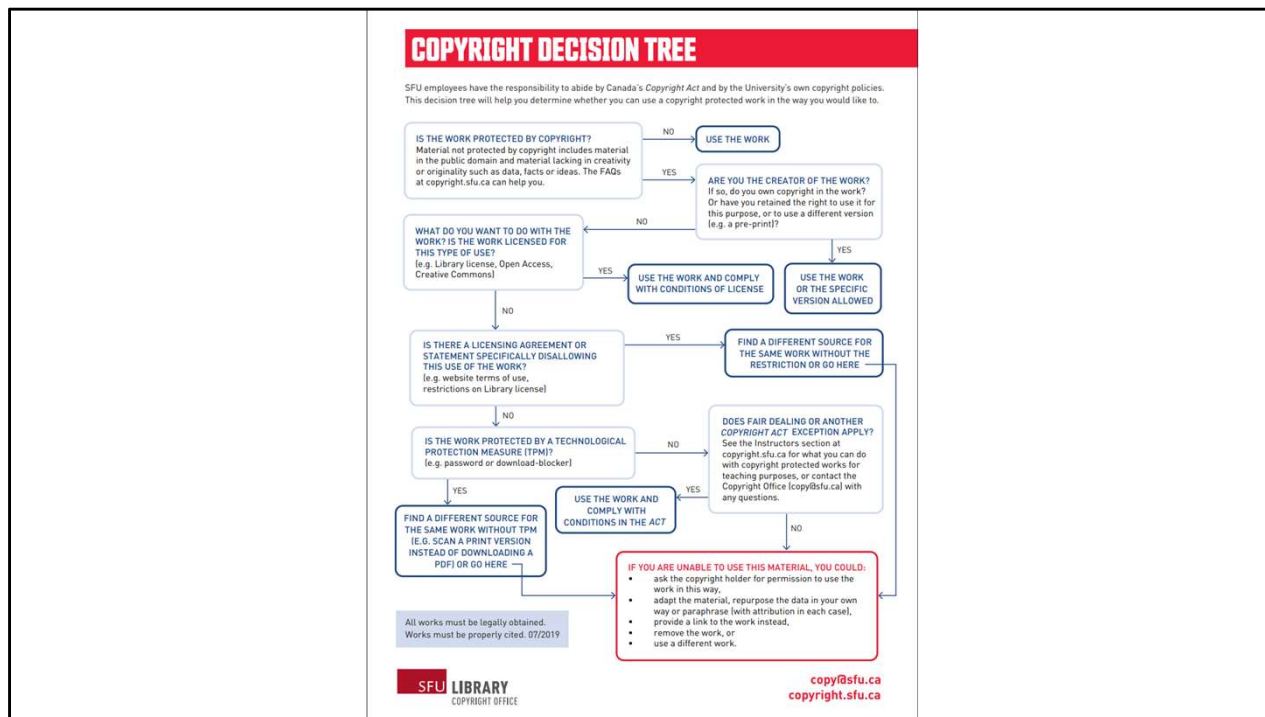
Copyright protection is effective immediately and automatically when a work is created. But copyright doesn't last forever – it does expire. The current general rule for the length of copyright protection in Canada is the life of the creator plus 50 years (though there are a few exceptions to this). When copyright expires, the work enters the public domain, meaning it can be freely copied or used in any way, without permission or payment.

Copyright laws are different in each country, and the country in which you're using the work is the one whose rules you need to follow.

Workshop handouts

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

We’re going to use two handouts during this workshop. Both are available on our website:
<https://www.lib.sfu.ca/help/academic-integrity/copyright/instructors/resources>



We've created this Decision Tree to help you work through any situation where you'd like to use third-party works, and this is not teaching-specific; you can use it for any situation where you're using someone else's material.

This works like any decision tree. Each light blue box asks a question relating to the copyright status of the work, and your answers take you either to the recommendation that you can use the work, or to another question for more clarification.

Decision Tree available from <https://www.lib.sfu.ca/help/academic-integrity/copyright/instructors/resources>

USING COPYRIGHT PROTECTED MATERIALS FOR TEACHING PURPOSES AT SFU

TEXTUAL MATERIALS

USING A SHORT EXCERPT?

Follow these fair dealing guidelines.

You can copy up to 10% of the work OR:

- 1 chapter from a book
- Note: you may not copy an entire poem or short story from a collection
- 1 article from a journal issue
- 1 article or page from a newspaper issue
- 1 entry from a reference work (e.g. encyclopedia, dictionary).

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.

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*).

You can play the entire work (e.g. DVD, CD) in the classroom.

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.

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.

INTERNET MATERIALS

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

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.

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.

05/2019

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

copy@sfu.ca | copyright.sfu.ca

SFU LIBRARY
COPYRIGHT OFFICE

This handout is our infographic on using copyright-protected works for teaching. This outlines the two most important users' rights in the Copyright Act for instructors: fair dealing under "Using a short excerpt?", and the provisions specifically for educational institutions under "Want to use more?".

When teaching remotely you may also find our copyright tips for moving teaching online helpful (<https://www.lib.sfu.ca/help/academic-integrity/copyright/instructors/copyright-and-teaching-online>).

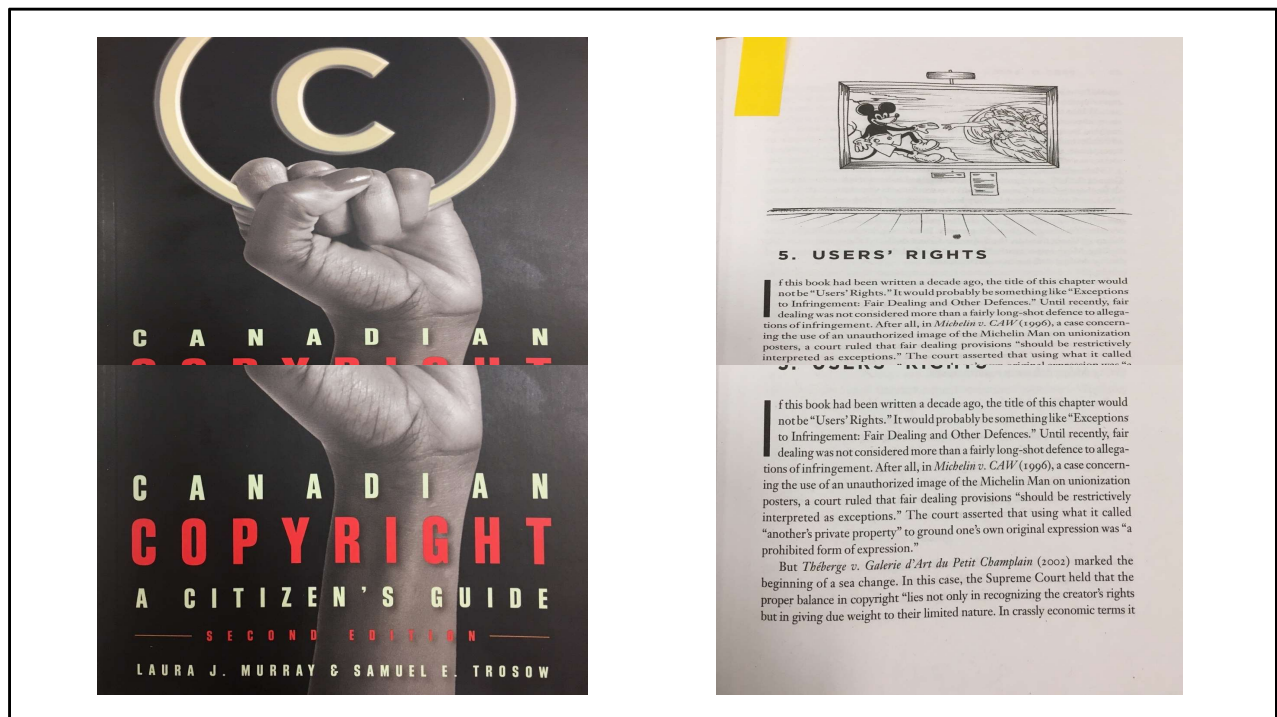
Infographic available from <https://www.lib.sfu.ca/help/academic-integrity/copyright/instructors/resources>

More information about fair dealing: <https://www.lib.sfu.ca/help/academic-integrity/copyright/fair-dealing>

More information about technological protection measures (TPMs): <https://www.lib.sfu.ca/help/academic-integrity/copyright/technological-protection-measures>

Scenario 1: a book chapter

Let's start by walking through a very typical scenario for instructors: we want to scan one chapter out of a physical book and upload it to Canvas as a required reading for our students.



Here's Laura Murray and Samuel Trosow's Canadian Copyright: A Citizen's Guide, and I'd like to upload chapter 5, "Users' rights," to our Canvas course.

Let's go through the Decision Tree. Is the work protected by copyright? Yes, it was published in 2013 and both authors are still living.

Are you the creator? No, I'm not.

Is the work licensed for this type of use? No, it's not an open access publication. Website terms of use also don't apply, and there is not going to be a library license agreement for a print book.

Canadian Copyright: A Citizen's Guide, Second edition
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Every reasonable effort has been made to identify copyright holders. Between the Lines would be pleased to have any errors or omissions brought to its attention.

Is there a statement specifically *disallowing* the use of the work? Well, you may have noticed most print books, including this one, include a statement like this.

Does that mean we can't use any part of this book at all, in any way, ever? No. When I bought this book I didn't have to sign a contract or agreement binding me to these terms. So we can answer "no" and move to the next question, which is about technological protection measures (TPMs). There are clearly no technological protection measures on a print book, so that's easy. If this were an ebook, we would have to consider both the license terms under which we or the library has access to it, as well as TPMs that might limit or prohibit copying.

Now the big question on the Decision Tree: Does fair dealing or another Copyright Act exception apply? Let's look at the fair dealing guidelines on the infographic. Are we within the limits stated there for textual materials? We want to use one chapter, chapter 5, which is 16 pages out of 286. So yes, we're within both the one-chapter and the 10% limits, and can go ahead and scan the chapter and upload it to Canvas. If the single chapter was more than 10% we could still use it, because it's one chapter; conversely if two chapters equaled only 8% we could use both because

that's under 10%. So you use the parameter that works best.



The 10% / 1 chapter fair dealing guideline does not apply to collected creative works such as collections of short stories, poems, or plays. In those cases, one “chapter” is actually one entire story, poem, or play. You can copy up to 10% of the individual story/poem/play.

Caution: The 10% / 1 chapter fair dealing guideline does not apply to collections of creative works such as short stories, poems, or plays. In these cases each “chapter” is its own individual creative work (i.e., one complete story, poem, or play). You can copy up to 10% of an individual story, poem, or play.

SFU Bookstore services

~~Traditional course pack~~

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

Digital license

- Scan the content and post in Canvas or email to students
- License cost paid by central SFU fund
- Temporary measure until pay online option available in Canvas

If fair dealing had not applied because we wanted to copy more than one chapter or 10% (or we wanted to use a short story, poem, or play), we could look at the next section on the infographic to see if any of them might apply. That's not very likely because you can see that for textual materials, the educational institution exceptions only permit you to display a work in the classroom or in an exam—not reproduce it for distribution to students. In that case, we could contact the Bookstore, who can request permission from the publisher to reproduce more than fair dealing allows.

Traditional paper coursepacks are not available during the closure, but you can access a new, temporary service: a license permitting you to post the content in Canvas. At the moment, there's no easy way to invoice students directly for the cost for this, so SFU has set up a central fund that can be used to pay for these one-off or occasional situations where content needs to be licensed for use in Canvas—so this is not for all readings for your entire course, but for a supplementary reading. We're expecting that in the not-too-distant future it will be possible for students to just use a credit card to pay for these materials directly through Canvas.

Contact the Course Materials Coordinator (course_book@sfu.ca) for details about these options.

Posting fair dealing excerpts in Canvas

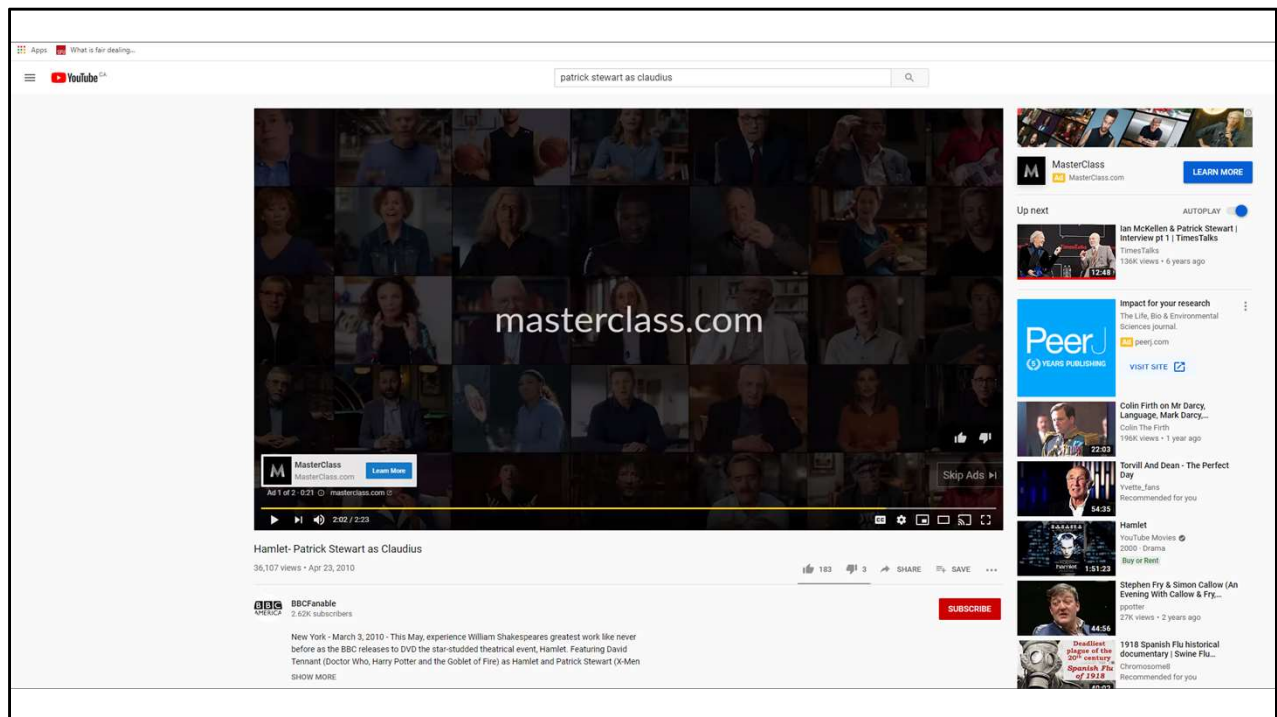
This item has been copied under the Fair Dealing provisions of the Copyright Act as enumerated in SFU Appendix R30.04A - Application of Fair Dealing under Policy R30.04. You may not distribute, e-mail or otherwise communicate these materials to any other person.

One last caveat when you're posting anything in Canvas that you copied under fair dealing: include this wording so it's clear that you have considered copyright and are working within SFU's policies. It reminds your students that the content is protected by copyright, that it was copied specifically for your course, and that it shouldn't be freely distributed.

Scenario 2: a YouTube video

This time, we want to embed a YouTube video in our lecture slides so it's easy to show it to the class during a lecture. This is a video of Patrick Stewart playing Claudius in a BBC production of Hamlet (<https://youtu.be/aCrq7UhVUK0>).

Is a YouTube video protected by copyright? Yes.



One extra consideration, though, is: was it posted legitimately? Meaning, did the copyright owner approve the posting, or is it a pirated copy? How do we determine this?

First, check the source of the video. Was it uploaded by its own creator (e.g., a news organization, corporation, media or movie company)? Or was it uploaded by an unknown individual or unclear source? Try to find content on its own creator's channel or platform.

YouTube has a sophisticated Content ID system that screens uploaded material for music or video content from most major North American producers and studios. It will automatically detect a song playing in a home video, or a movie or TV clip someone has uploaded, and notify Sony, Disney, or whoever the rights holder is. Rights holders are then given the option to have the sound muted, the whole video taken down, or to monetize the use of the content by having ads superimposed or appended to it. So if you see ads before or during a YouTube video, this means that the rights holder has been notified that their material is online and has consented to it remaining online, with those ads.

This is actually the most important factor for YouTube videos; the whole purpose of YouTube is to share videos, so provided the video was authorized to be shared (either up front or by adding ads), go ahead.

Scenario 3: showing a film in class

You can show an entire film in class under one of the *Copyright Act* exceptions for educational institutions. This can be any DVD (or other format) that you have purchased, borrowed, or rented.

Library streaming options

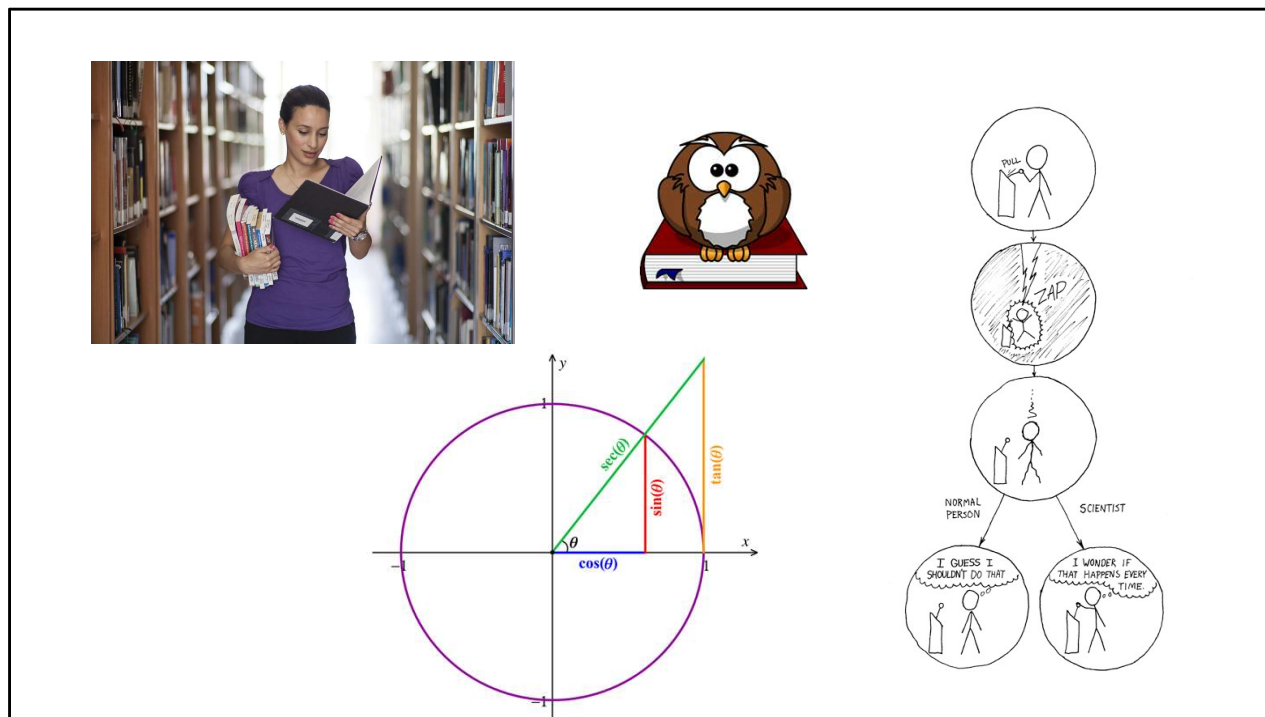
- Is the streaming film already in our collection? Check the catalogue.
- If it isn't, see <https://www.lib.sfu.ca/about/branches-depts/mrc/streaming-video-service> for details about requesting a streaming version.

But what does that mean when you're teaching online? It can make things a bit more complex. The first thing you should do is check the Library catalogue to see if we already have access to a streaming version of the film you want to assign. Then you can just provide students with a link to access on their own time.

If we don't have a streaming version of the film, you can contact our Media Bookings department to request that a streaming version be purchased or created. If you or the Library have the DVD, we can copy it, and if not, we will look into purchasing it. When the Library streams the film for you we again provide you with a link to share with students.

Scenario 4: images

In our next scenario, we want to liven up our lecture slides with some photos, comics, or clipart. Are photos and illustrations protected by copyright? Yes. Again we'll assume I didn't draw the image or take the photo.



Is the work licensed for this type of use? If you just do a Google image search, you definitely can't assume that the results are free to use. If that's how you find stuff, that's fine, just do some more digging before you go ahead and copy something: you need to go to the site the image is actually from, not just the Google results page, and check for a statement permitting use of the content. If there's no clear statement permitting use, then you can first check the infographic for exceptions that might apply. If none apply to what you want to do with the image, you should get permission or find something else.

If an image has a watermark over it, has a price or "purchase" button, or has terms and conditions that clearly say you may not download, copy, or distribute the images, these are all signs that you should pay for the image if you want to use it.

Image credits (clockwise from top left):

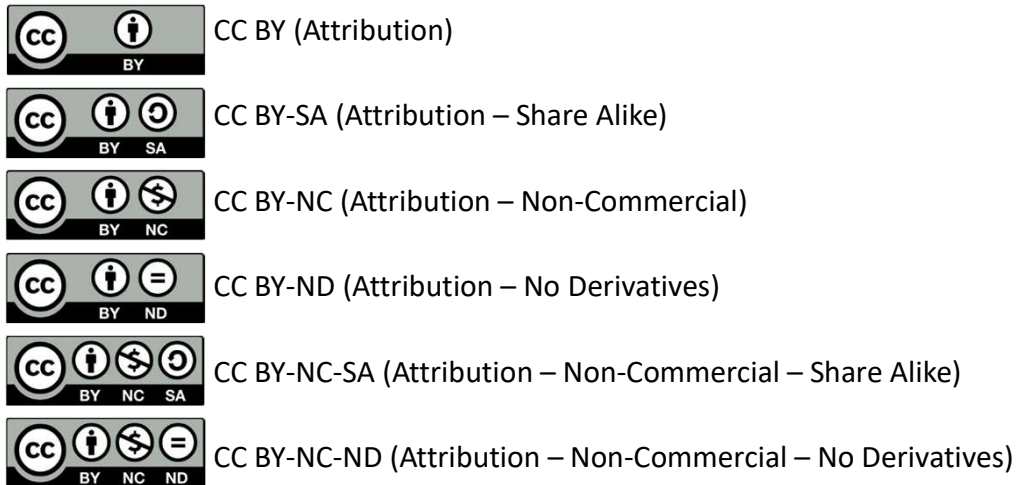
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Owl image by Clker-Free-Vector-Images, Pixabay (<https://pixabay.com/images/id-47526/>)

The Difference, xkcd.com (https://imgs.xkcd.com/comics/the_difference.png)

Math image by dognamedseven, Pixabay (<https://pixabay.com/images/id-1034657/>)

Creative Commons licenses



Creative Commons licenses are the most common way to indicate the a work can be openly reused. CC licenses provide up-front permission to do a variety of things with the work, without having to contact the rightsholder for permission each time.

There are six different CC licenses, made up of different combinations of the four conditions:

BY means Attribution, and requires the creator to be credited any time the work is used. SA means Share Alike, and requires that if you modify or adapt the work you apply the same license to your resulting work.

NC means Non-Commercial, and prohibits commercial use of the work.

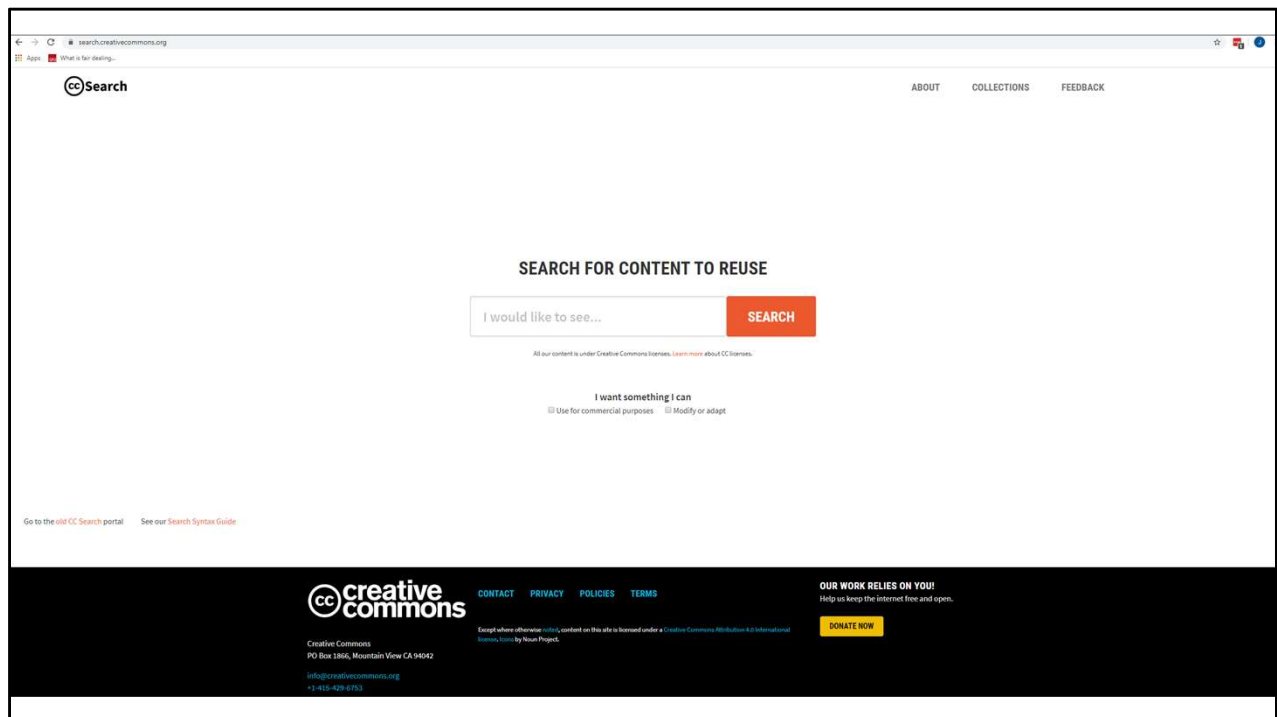
ND means No Derivatives, and prohibits making any adaptations to the work.

Image credits:

Icons by Creative Commons, CC BY

(<https://creativecommons.org/licenses/by/4.0/deed.ast>),

<https://creativecommons.org/about/downloads>



Creative Commons has its own search engine (<https://search.creativecommons.org/>), which will search a variety of sites, and only return results with a CC license. This searches a number of museums and galleries, as well as Wikimedia, Flickr, and other image sites.

Legitimate free image sources

- [Flickr.com](https://www.flickr.com/) (with Creative Commons filter)
- [Pixabay.com](https://pixabay.com/)
- [Unsplash.com](https://unsplash.com/)
- [Thenounproject.org](https://thenounproject.org/)

There are a number of legitimate free image sites, as well as many, many questionable ones. A legitimate site will have clear Terms of Use and/or licensing information that explains how the images are licensed and what you can and cannot do with them. Here are some trustworthy ones.

Flickr provides advanced search filters to restrict results to only openly licensed photos.

Pixabay and Unsplash both provide images (photos and illustrations) that are free from copyright.

The Noun Project has millions of “icons for everything” that are openly licensed.

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>

SFU Library pays for access to a number of image databases, which can be found here: <https://www.lib.sfu.ca/help/research-assistance/format-type/online-images/databases>.

Note that these images are *not* openly licensed, but can generally be freely used within SFU courses based on the terms of our subscription agreements.

What about *your* work?

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

Students have fair dealing and similar rights, but generally cannot copy and share your materials outside of the class.

So far we've talked about using other creators' materials in the classroom and sharing them with your students, but what about the works that you create?

According to SFU's Intellectual Property policy, instructors retain ownership of copyright in research and teaching materials, such as your lectures, slides, and exams.

Students *cannot* copy your lecture notes or PowerPoint slides and share these things online, or record your lecture, without your permission. They can however copy materials under fair dealing or other Copyright Act exceptions – for example, printing your slides so they can study. And they can of course take notes from your lectures in their own words. We do have a sample copyright statement that outlines what students need to know for use in your course syllabus; you can email us for that if you're interested. (Please note though that you must accommodate students who are registered with the Centre for Accessible Learning, if they need to copy course materials in a different format in order to use them.)

If you find that your teaching materials have been shared without your permission

on the tutoring sites and services that are becoming more popular, contact us (copy@sfu.ca) – we can assist you with having them removed.

Questions?

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