SFU Copyright Office

Take the mystery out of copyright

Copyright.SFU.ca
Copyright in the *Virtual* Classroom

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[copy@sfu.ca](mailto:copy@sfu.ca)  |  [copyright.sfu.ca](mailto:copyright.sfu.ca)

*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 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 WANT TO DO WITH THE WORK? IS THE WORK LICENSED FOR THIS TYPE OF USE?**
  - [e.g., Library license, Open Access, Creative Commons]

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

- **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.

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

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

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

- **USE THE WORK AND COMPLY WITH CONDITIONS OF LICENSE**

- **USE THE WORK AND COMPLY WITH CONDITIONS IN THE ACT**

- **USE THE WORK OR THE SPECIFIC VERSION ALLOWED**

- **USE THE 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**

**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
  - 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.

**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.

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.

95/2019

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

copy@sfu.ca | copyright.sfu.ca
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* (1996), 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
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.
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
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.
Scenario 2: a YouTube video
Scenario 3: showing a film in class
Showing a film in a remote class

To make a film available for a virtual screening under s. 30.01 of the Copyright Act, you must:

• not break a technological protection measure (digital lock) when copying the film, i.e., use legal screen capturing software such as Camtasia;

• only make the film available to students registered in your class, e.g., through Canvas;

• clearly state that the copy is being made available using this exception, e.g., "This item has been copied under s. 30.01 of the Copyright Act, for use in this class only. If you retain a copy, delete the copy within 30 days after you receive your final grade for the course";

• delete the recording within 30 days after course evaluations have been issued; and

• let the Copyright Office know at copy@sfu.ca that you have used this exception to make a film available to your students.
Scenario 4: images
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)
SEARCH FOR CONTENT TO REUSE

I would like to see...

SEARCH

All our content is under Creative Commons licenses. Learn more about CC licenses.

I want something I can

☐ Use for commercial purposes ☐ Modify or adapt

Go to the old CC Search portal See our Search Syntax Guide
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.com)
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.
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*).
Questions?

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