

SLIS Copyright Policy (as revised July 12, 2017)

SLIS faculty, staff and students are reminded that they are bound by the University of Alberta's "Use of Copyright Materials Policy"

(<https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/UseofCopyrightMaterialsPolicy.pdf>), which requires that the use of copyright materials conforms to the Canadian Copyright Act (<http://lawslois.justice.gc.ca/eng/acts/c42/>). Further information and guidance on the use of copyright materials is available from the University of Alberta Copyright Office (<https://www.ualberta.ca/copyright/>).

Revision History

SLIS Copyright Policy (original) – 2013/08/29

SLIS Copyright Policy (Revision 1) – 2016/04/11

SLIS Copyright Policy (Revision 2) – 2017/07/12

General Guidelines

The University of Alberta's Copyright Office (<http://www.copyright.ualberta.ca/>) provides several pieces of guidance on use of copyright materials and compliance with copyright law. Questions not covered by this policy should be directed to the Copyright Help Desk/General Inquires: copyright@ualberta.ca or 780-492-8327.

Notable information includes:

- Fair Dealing Copying Guidelines: http://www.copyright.ualberta.ca/UofA_FairDealing.pdf
- Posting to a Learning Management System: <http://www.copyright.ualberta.ca/Readings.html#LMS>
- Guidelines for Using Images:
http://www.copyright.ualberta.ca/CRBulletin_No1_Guidelines_for_Using_Images.pdf
- Finding Image Resources:
http://www.copyright.ualberta.ca/CRBulletin_No3_Finding_reusable_images.pdf
- Public Domain Flow Chart:
<http://www.lib.sfu.ca/system/files/26749/CanadianPublicDomainFlowchart.pdf>
- Preparing Your Graduate Thesis (Draft):
https://docs.google.com/document/d/1-qLOjk_SgqdWJYTPwtX23I7mMrAaU6rZ--SCpTs0yH0/edit

Specific Instructions

Readings in eClass – Journal Articles from U of A Licensed Databases

Instructors are permitted to include electronic copies of readings in eClass only when usage rights permit such use. Information on usage rights is available through the Blacklight Search interface when looking for a journal. See the example below:

Blacklight Search Results for “Canadian Journal of Information and Library Science”

Canadian journal of information and library science

Format: Journal
Language: English
Published: CANADA
ISSN: 1195-096X

Export to Refworks
Export to EndNote
Email Me This Item
Text Me a Link To This Item
Send Citation
Go to Bookmarks
View Search History
Bookmark

Subjects

- Information Technology
- Library and Information Sciences

Subscription	Coverage	Note	Our Usage Rights
Academic Search Complete	Available from 2000. Most recent 6 month(s) not available.		eRead Course Packs Link Print
EBSCOhost Library & Information Science Source	Available from 2000. Most recent 6 month(s) not available.		eRead Course Packs Link Print
Education Research Complete	Available from 2000. Most recent 6 month(s) not available.		eRead Course Packs Link Print
Project Muse Premium Collection	Available from 2010 volume: 34 issue: 1.		eRead Course Packs Link Print

Alternatively this information can be found via the GetIt Link Resolver when looking for a specific journal or article. See the example below:

GetIt Link Resolver Links for “Canadian Journal of Information and Library Science”

Get It! ualberta

Source: Canadian journal of information and library science [1195-096X]

Get It as Online Full Text

Get full text from » **Project Muse Premium Collection**
 Available from 2010 volume: 34 Issue: 1
 eClass? Course Packs? Link? Print?

Get full text from » **Academic Search Complete**
 Available from 2000
 Most recent 6 month(s) not available
 eClass? Course Packs? Link? Print?

Get full text from » **Education Research Complete**
 Available from 2000
 Most recent 6 month(s) not available
 eClass? Course Packs? Link? Print?

Get full text from » **EBSCOhost Library & Information Science Source**
 Available from 2000
 Most recent 6 month(s) not available
 eClass? Course Packs? Link? Print?

Get It from the Catalogue
 Get holdings from » **the Library Catalogue**

Get It from Another Library
 Please use the full text or catalogue links.

Finally, before posting any materials ensure that your eClass site has the SLIS and University of Alberta Copyright Office notifications on copyright:

“Materials provided in eClass are done so in accordance with the SLIS Copyright Policy (<https://uofa.ualberta.ca/education/-/media/education/slis/documents/forms/slicopyrightpolicy.pdf>) and the University of Alberta’s Guidance on the Use of Copyright Materials”

Readings in eClass – Scanned Copies of Material (e.g. book chapters)

Scanned copies of readings can be posted in eClass so long as the copying accords with the Copyright Office’s copying guidelines (http://www.copyright.ualberta.ca/UofA_FairDealing.pdf).

When post scanned copies of materials in eClass please include the University of Alberta’s Copyright Office statement:

“This content has been reproduced and provided or communicated pursuant to the University of Alberta’s Quantitative Fair Dealing Guidelines for use by the intended students enrolled in the course of study or training program for which it was made. Any reproduction or other use of this material is strictly prohibited.”

Creating Permanent Links

As advised by the Copyright Office, instead of providing copies, instructors may want to make use of permanent links to materials. U of A Libraries provides more information on creating permanent links at the following site: <http://guides.library.ualberta.ca/linking-to-library-online-resources>

For Students:

When completing assignments, preparing presentations, finishing the capping exercise, or otherwise engaging in SLIS related coursework or activities students are responsible to ensure that their work complies with Canadian copyright law. In this regard, the following questions provide a useful guide for assessing if there are any potential copyright problems with one's work. For the sake of clarity, the following questions are framed in reference to the completion of an assignment, but can be adapted for other situations when one is dealing with copyrighted works.

1) Does the assignment copy (including quoting) any part of another artistic, literary (including software), dramatic or musical work?

- If no, then there are no concerns about copyright (do also ensure that the assignment does not plagiarize, which can occur even in the absence of direct copying). Furthermore, as the creator of an original work in a fixed medium, you are now the copyright owner on your assignment.

2) If yes, is the amount of the copying substantial (i.e. **not** a short quoting from others or the use of a short clip from a video production)?

- If no, then there are no concerns about copyright. Note that s. 3 of the *Copyright Act* (herein "the Act") provides copyright owners the sole right to copy or reproduce a substantial part of a work. Therefore, insubstantial copying is not an exclusive right of the copyright owner and therefore not a copyright concern. Furthermore the *Berne Convention for the Protection of Literary and Artistic Works* (1979) (http://www.wipo.int/treaties/en/ip/berne/trtdocs_wo001.html) Article 10(1) permits quoting from works that have been lawfully made available to the public, provided that the length of the quotation is justified by the purpose of quoting it and the source is identified. Finally, always remember to include sources for quotes as this is proper citation practice and necessary to avoid concerns regarding plagiarism.

3) If yes, does copyright subsist on the work that was copied?

- Generally speaking assume works are copyrighted unless you know them not to be. Copyright is granted automatically and works do not require a statement that they are copyrighted or the presence of a © to be protected by copyright. However there are several categories of works for which copyright does not subsist.

- Facts and ideas are not protected by copyright; however, their arrangement may be. Copyright protects expressions (works) which may contain facts and ideas. For example the idea of library anxiety cannot be copyrighted; however, a specific article or book discussing it may be. Note that in the case of software and some other artistic mediums of expression the difference between idea and expression is blurry.

- Data is not protected by copyright, though its compilation, arrangement and presentation may be.

- Materials in the public domain are not protected by copyright. There are three primary categories of works in the public domain:

- § Works where the term of copyright has expired. In Canada, the term of copyright lasts for the entire life of the author plus an additional 50 years after

their death. Thus works that are sufficiently old are no longer protected by copyright.

§ Works where copyright never subsisted. This is a relatively small category, with one notable group of works - works produced by the U.S. federal government. Note that unlike the U.S. federal government, works produced by the Government of Canada are protected by Crown Copyright; however, the Government of Canada allows for personal and public non-commercial copying unless a work has an explicit declaration to the opposite (<http://publications.gc.ca/site/eng/ccl/aboutCrownCopyright.html>).

§ Works where all rights have been surrendered. A small category of works where the copyright holder has surrendered all of their rights. These works may be marked by a Creative Commons Zero (CC-0) license or other clear indicator that the work has been surrendered to the public domain. Unless such a clear indication can be found, assume a work is protected by copyright.

4) If yes, is there a lack of a license that would permit substantial copying?

- There are a number of cases where a license may exist that allows for substantial amounts of copying.
 - In many cases U of A Libraries may have negotiated licenses that permit substantial copying. This is a particularly relevant area with regard to image databases. Note that licenses for access are not necessarily licenses for copying.
 - Increasingly copyright holders are publishing works with built in licenses that permit substantial copying. The largest and most well-known group of such licenses is the Creative Commons licenses of which several variants exist (<http://creativecommons.org/licenses/>). In other cases copyright holders may have specific declarations that allow substantial copying under certain conditions (such as the non-commercial Crown Copyright copying exception). If a license can be found that permits substantial copying, then there are no copyright concerns as copyright owners are always free to license (contract) away their copyrights and in such cases contract law supersedes copyright.

5) If yes, can a fair dealing exception be applied?

- A decision around what constitutes fair is a context specific decision, that can ultimately only be decided by a court of law. In the vast majority of instances, you are advised to rely on the quantitative guidelines for fair dealing (http://www.copyright.ualberta.ca/UofA_FairDealing.pdf).

In the event where substantial copying occurs from a work on which copyright subsists and such copying is not permitted by a license or fair dealing, students should refrain from copying.

Students must also be mindful that the rules and practices regarding copyright and plagiarism, while similar, are distinct. Students are required to ensure that they comply with both the copyright law and the University's policies on academic integrity and plagiarism.

It must be noted that hyper-linking to documents does not constitute copying and or publishing the material provided on the link, and as such does not raise copyright concerns.

Finally, those students who are studying outside of Canada must be mindful to follow their own domestic copyright laws in addition to Canadian copyright law (as required by the University of Alberta's own policies).

For Instructors

Instructors should be mindful that when assigning assignments where students will have to use copyrighted materials that some uses of a copyrighted work may not be permissible under the *Copyright Act*. The above copyright algorithm provides a useful way of determining instances when students may encounter difficulties using copyrighted works.

Furthermore instructors must also be mindful that when developing and disseminating course materials any use of copyrighted materials must conform to the *Copyright Act*. Specifically, as a general guideline instructors should ensure that course materials which incorporate copyrighted works (lecture slides and any readings) are not made publicly accessible (i.e. available to those outside the specific course). In this regard course materials should only be disseminated through eClass.

Finally, those instructors who are teaching from outside of Canada must be mindful to follow their own domestic copyright laws in addition to Canadian copyright law (as required by the University of Alberta's own policies). Instructors should also note that there may be cases where students' taking a class from a country other than Canada, and such students would be bound by both Canadian and their own domestic copyright law.