

# Copyright and Graduate Studies

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Copyright Librarian, Learning Services

May 3, 2017



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# What is copyright?

Copyright is a set of  
limited rights established  
by law.

# What is copyright law?

- statutory rights: creators, users  
(legislation created by parliament)
- judicial decisions: case law  
(interpretation of legislation)



Family Law ▾ | Criminal Justice ▾ | Funding ▾ | Canada's System of Laws

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## Copyright Act (R.S.C., 1985, c. C-42)

Full Document: [HTML](#) | [XML](#) [652 KB]

U Act current to 2016-03-28 and last

Notes: • See coming into force pro

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Constitutional Documents

Consolidated Acts

Consolidated Regulations

Annual Statutes

Statutes Repeal Act: Reports, Deferrals and Repeals

Miscellaneous Statute Law Amendment Program

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**Copyright Act gives rights holders the sole right to produce, reproduce, perform, or publish a work. This right is immediate, time limited, and transferrable.**

**Copyright Act includes exceptions that give users the right to deal fairly with those works.**

**The judicial branch of government (courts and tribunals) interprets the Copyright Act, making decisions about specific cases of alleged infringement.**

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Thomson Canada Limited c.o.b. as Carswell

Thomson Professional Publishing

Respondent/Appellant on cross-appeal

Law Society of Upper Canada

Appellant/Respondent on cross-appeal

Case name: CCH Canadian Ltd. v. Law Society of Upper Canada

Collection: Supreme Court Judgments

Date: 2004-03-04

Neutral citation: 2004 SCC 13

Report: [2004] 1 SCR 339

Case number: 29320

John C., Bastarache, Michel, Binnie, William, Deschamps, Marie, Fish, Morris J.



[2004] 1 S.C.R. 339, 2004 SCC 13

Court/Respondent on cross-appeal

Court/Appellant on cross-appeal

Court/Respondent on cross-appeal

# Why should you care?

- as a user, you want to avoid infringement scenarios:
  - campus copying (as a student and as an instructor)
  - thesis preparation (third party content permissions)
- as a creator / author, you should understand implications for publishing and dissemination

# Why should you care?

- Your thesis.
  - Your career.
  - Your classroom.
-

# Your thesis.

- Using others' work?
  - Incorporating your own existing publications?
  - Preemptive publishing strategies.
-

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For Content Creators

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#### For Graduate Students

Resources



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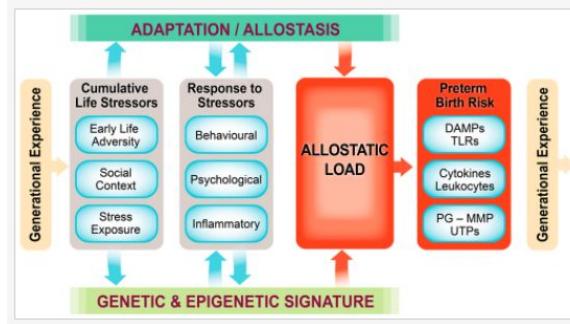
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*Int. J. Mol. Sci.* 2015, 16(12), 29856–29874; doi:10.3390/ijms161226209

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### Allostatic Load and Preterm Birth

David M. Olson <sup>1,\*</sup>, Emily M. Severson <sup>1,†</sup>, Barbara S. E. Verstraeten <sup>1,‡</sup>, Jane W. Y. Ng <sup>1</sup>, J. Keiko McCreary <sup>2</sup> and Gerlinde A. S. Metz <sup>2</sup>

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\* Author to whom correspondence should be addressed.

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(This article belongs to the Special Issue Prediction, Diagnostics and Prevention of Pregnancy Complications)

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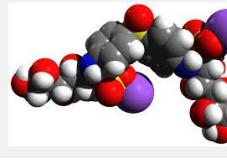
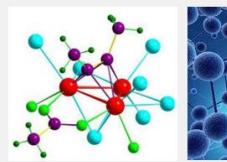


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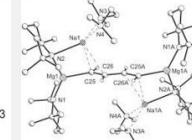
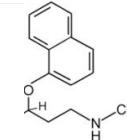
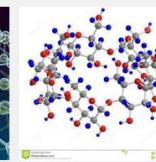
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I enjoy learning languages, graphic design, 3D modeling with Blender, cartography on OpenStreetMap, computer programming, playing Go and promoting free software.

Here's a Limerick:  $\int_1^{\sqrt[3]{e}} t^2 dt \cos\left(\frac{3\pi}{9}\right) = \ln(\sqrt[3]{e})$

David Richfield

Contents [hide]

1 Activity

1.1 Parliament diagram tool

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Sample Permission Letter (Thesis)

Sample Permission Letter (OER) - General

Sample Permission Letter (OER) - Creative Commons



# Preemptive publishing strategies

“Publishers don’t need to own your copyright to make money off your work.”  
Sam Trosow, UofA SLIS Copyright Course,  
October 2014.

1. Anticipate current and future needs.
  2. Understand terms of the agreement / publisher policies before you sign.
  3. Negotiate / work with publishers.
-

<b>Journal:</b>	<a href="#">Journal of Neurophysiology</a> (ISSN: 0022-3077, ESSN: 1522-1598)
<b>RoMEO:</b>	This is a RoMEO <b>yellow</b> journal
<b>Paid OA:</b>	A paid open access option is <b>available</b> for this journal.
<b>Publisher:</b>	<a href="#">American Physiological Society</a> , United States
<b>Author's Pre-print:</b>	✓ author <b>can</b> archive pre-print (ie pre-refereeing)
<b>Author's Post-print:</b>	✗ <b>subject to Restrictions below</b> , author <b>can</b> archive post-print (ie final draft)
<b>Restrictions:</b>	<ul style="list-style-type: none"> <li>• 12 months embargo</li> </ul>
<b>Publisher's Version/PDF:</b>	✗ author <b>cannot</b> archive publisher's version/PDF
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<b>Mandated OA:</b>	(Awaiting information)
<b>Paid Open Access:</b>	<a href="#">Authors Choice</a>
<b>Notes:</b>	<ul style="list-style-type: none"> <li>• Publisher last reviewed on 09/02/2016</li> </ul>
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» Copyright

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### In this section

- Cost of Publication
- Authorship Changes
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- Manuscript Composition
- Preparing Figures
- Data Repository Standards
- Data Supplements
- Special Instructions for Physiological Reviews
- Special Instructions for Physiology in Medicine
- Peer Review Policy
- Open Access
- Policy on Depositing Articles in PMC
- Copyright** 
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- Ethics Posters

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- Early Career Professionals

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-

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## Guide for Authors

 Author information pack

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Home → Collaboration between Federal Research Funding Organizations → Policies and Guidelines → Open Access

Open Access

- Tri-Agency Open Access Policy on Publications
- Annex
- Frequently Asked Questions
- Toolbox
- News Release
- Consultation on Draft Tri-Agency Open Access Policy
- Access to Research Results: Guiding Principles

## Frequently Asked Questions

### Questions

1. [What is open access and why is it important?](#)
2. [What is the Tri-Agency Open Access Policy on Publications?](#)
3. [Has CIHR changed its Open Access Policy?](#)
4. [Why harmonize the Agencies' current policies on open access?](#)
5. [What are the Tri-Agency Open Access Policy on Publications requirements?](#)
6. [What is the Funding Reference Number \(FRN, Appl ID\)?](#)
7. [Which grants does the Tri-Agency Open Access Policy to Publications apply to?](#)
8. [Who is responsible for ensuring that a publication is freely accessible online?](#)
9. [How does this policy apply to graduate students and post-doctoral fellows?](#)
10. [Where can I archive my publications?](#)
11. [Where can I archive my French-language research papers?](#)
12. [What is an institutional repository?](#)
13. [What if my institution does not have an institutional repository?](#)
14. [If I deposit my paper in a repository, what version of my paper must be archived?](#)
15. [Can I archive the published version \(i.e. the version of record\)?](#)
16. [How do I know if a journal is open access?](#)

[http://www.science.gc.ca/eic/site/063.nsf/eng/h\\_42701EA6.html](http://www.science.gc.ca/eic/site/063.nsf/eng/h_42701EA6.html)

## Search - Publisher copyright policies & self-archiving

[English](#) | [Español](#) | [Magyar](#) | [Nederlands](#)

One journal found when searched for: **journal of pediatric surgery**

Journal: [Journal of Pediatric Surgery](#) (ISSN: 0022-3468, ESSN: 1531-5037)

RoMEO: This is a RoMEO **green** journal

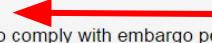
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  - c. **Request a Rationale:** Ask for clarification around / reasons for publisher's refusal to add or take away clauses.
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# Negotiate (if needed): option 2

2. Use an addendum prepared by a reputable source.
  - Scholarly Publishing and Academic Resources Coalition (SPARC)  
**Author Addendum**

<http://www.carl-abrc.ca/doc/EngPubAgree.pdf> is endorsed by the Canadian Association of Research Libraries and the Tri-Agencies (SSHRC, NSERC, CIHR).



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# Link to Resources

## Licensed Library Resources

<http://guides.library.ualberta.ca/linking-to-library-online-resources>



University of Alberta Libraries Home / Subject Guides / Linking to Library Online Resources / Home

### Linking to Library Online Resources

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#### Linking to Library Licensing Online Resources

The Library provides access to numerous online resources that we license from online vendors/publishers, and it makes sense for instructors to provide links to these resources on their course reading lists/outlines. However, due to our vendor/publisher licensing requirements, links to online resources must include a prefix that prompts for authentication for off-campus access.

The Library uses an application called EZProxy to manage off-campus authentication to our resources. To facilitate off-campus access to our online resources, the EZProxy prefix (<http://login.ezproxy.library.ualberta.ca/login?url=>) should be added to any links you provide to your students.

For example, the following is a URL for an online article:

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Number of students

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ISSN: 1570-1727

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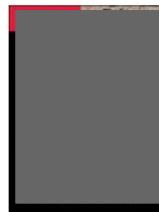
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Matthias Gross, Linsey McGahey

### Purveyors of ignorance

#### Publication details

<https://www.routledgehandbooks.com/doi/10.4324/9781315867762.ch1>

S. Holly Stocking, Lisa W. Holstein

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- i) The "dealing" must be for one of the following purposes enumerated in the *Copyright Act*: research, private study, education, parody, satire, criticism, review or news reporting; and
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The purpose of these Guidelines is to provide a simple and straightforward approach to making determinations of the application of the Fair Dealing exception in particular circumstances. While the Guidelines are not intended to be a replacement for the full analysis outlined by the Supreme Court of Canada, use of the Guidelines is expected to yield a result consistent with such a full analysis in the vast majority of applicable cases.

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  - d) an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart or plan) from a copyright-protected work containing other artistic works;
  - e) an entire newspaper article or page;
  - f) an entire single poem or musical score from a copyright-protected work containing other poems or musical scores;
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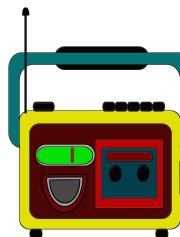
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- e) newsletters with restricted circulation intended to be restricted to a fee paying clientele;
- f) business cases which are made available for purchase; or
- g) multiple short excerpts from the same copyright-protected work, with the intention of copying or communicating substantially the entire work.

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NP	Newspaper (print or digital source)
OT	Other (i.e. business case, out-of-print work)
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11																1		

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1. Link to resources where reasonable, distribute with care in the classroom.
  - pedagogically sound
  - via a licence (library or CC)
  - fair dealing exception
  - permission
2. Plan ahead for course packages, copyright course reviews, and permissions.
  - 6-8 weeks
  - requested by CRO or you?

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- Your thesis.
  - Your career.
  - Your classroom.
-

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  - Your classroom.
    - UofA policies and procedures.
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