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)
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.
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.
Your thesis... your responsibility.
Institutional Repository (ERA)

https://era.library.ualberta.ca/
FGSR Thesis Requirement & Preparation

4.3 Prepare Supporting Documents

These documents must be received prior to electronic submission of your thesis.

1. University of Alberta Thesis/Dissertation Non-Exclusive License

2. Copyright Permission Letters
Copyright Office

For Graduate Students

Preparing Your Graduate Thesis

(2st Updated: 19 February 2016)

FGSR thesis requirements include authorizing the University of Alberta to share your thesis with Library and Your thesis will be made widely available online through both these providers, enabling people around the world to access it. While the Copyright Office cannot provide legal advice, we suggest that graduate students follow these steps:

1. Determine who holds the copyright to the content in your thesis.
2. Identify acceptable uses of the content for which you do not hold the copyright.
3. Seek permission to include content that is not otherwise available for use in your thesis.

1. DETERMINE COPYRIGHT OWNERSHIP

In general, you hold the copyright in the original content of your thesis. However, you should consider whether:

A. reproduced from your own previous or forthcoming publications (e.g., journal articles, book chapters,
Step 1: Determine who holds the copyright to the content in your thesis.

Have you already published a thesis chapter as an article?

Did you transfer your rights to the publisher?

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Read the fine print. Are these uses adequate?

When in doubt, ask.
Permission Guidelines

For further guidelines about obtaining permission, please review our Frequently Asked Questions below:

- When is permission required?
- When is permission not required?
- From whom do I need permission?
- How do I obtain permission to use photographs or illustrations?
- Do I need to obtain permission to use material posted on a website?
- What rights does Elsevier require when requesting permission?
- How do I obtain permission from another publisher?
- What is Rightslink?
- What should I do if I am not able to locate the copyright owner?
- What is Elsevier's policy on using patient photographs?
- Can I obtain permission from a Reproduction Rights Organization (RRO)?
- Is Elsevier an STM signatory publisher?
- Do I need to request permission to re-use work from another STM publisher?
- Do I need to request permission to text mine Elsevier content?
- Can I post my article on ResearchGate without violating copyright?
- Can I post on ArXiv?
- Can I include/use my article in my thesis/dissertation?

Yes. Authors can include their articles in full or in part in a thesis or dissertation for non-commercial purposes.

https://www.elsevier.com/about/our-business/policies/copyright/permissions
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Publishers *often* allow for work to be used in a thesis.

Frequently Asked Questions Regarding IEEE Permissions

- When is permission to reuse IEEE required?
- From whom do I need permission?
- What if I do not see the “Request Permission” link on either the Table of Contents or the Abstract Page in Xplore?
- Does IEEE require individuals working on a thesis or dissertation to obtain formal permission for reuse?
- If I want to republish an article in another language do I still need to obtain a license from IEEE?
- How do I obtain permission to use photographs or illustrations?
- Do I need to obtain permission to use IEEE material posted on its website?
- Does IEEE require certain rights when requesting permission to use material in an IEEE work?
- What is Rightslink®?
- Is IEEE an STM signatory publisher?

Step 2: If it’s not yours, identify acceptable uses of the content.

Are you using images (e.g., tables, pictures, etc.) created by someone else?

What gives you the right to do so?

Figure 6. Conceptual framework linking transgenerational allostatic load and preterm birth.

Olson, et al. Available under a Creative Commons Attribution Licence.

OR

Olson, et al. CC BY

Exact style will be dependent on discipline / academic unit requirements. Provide full reference in your bibliography / reference list, etc.
Creative Commons Licensing: https://creativecommons.org/

- Licences that provide a standardized way to communicate permissible uses of a work.
- Creative Commons licences are not an alternative to copyright; they enable the creator to select terms of use that suit their needs.
- Authors must retain (at least some of) their rights to apply a CC licence and/or make their works available in an open access environment.
- Note that publisher copyright and archiving policies are documented in tools like SHERPA/RoMEO: http://www.sherpa.ac.uk/romeo/
HINT: limit Google image searches by terms of use
ALWAYS be diligent and document your rationale for using the work.
Step 2: If it’s not yours, identify acceptable uses of the content.

**Fair Dealing Assessment**

Two-step test:

1) Does use fall within accepted list of purposes? (as stated in Section 29 of the Copyright Act, e.g., research, private study, education...)

2) Was the dealing fair? (framework set out in p54-60 of CCH Canadian Ltd. v. Law Society of Upper Canada, [2004] 1 SCR 339, 2004 SCC 13 (CanLII), <http://canlii.ca/t/1qlp0>)
   - purpose (could be interpreted as ‘intention’ instead of ‘category’)
   - character (e.g., distribution, repeated use, etc.)
   - amount (of work needed)
   - alternatives (necessity and availability)
   - nature (e.g., is work confidential or published?)
   - effect of the dealing on the work (does it compete in the marketplace?)

more information: https://www.ualberta.ca/copyright/intro-to-copyright-law/fair-dealing/tools
Step 3: If needed, seek permission to use others’ work in your thesis.

Check for an automated licence service if the work is owned by a major publisher. Read the terms carefully as some can be onerous. Consider using the sample permission letter instead.
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https://www.ualberta.ca/copyright/resources/forms-and-templates
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.
Your career.

● Share your intellectual property for maximum visibility and impact.
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Submission of an article implies that the work described has not been published previously (except in the form of an abstract or as part of a published lecture or academic thesis or as an electronic preprint, see https://www.elsevier.com/sharingpolicy), that it is not under consideration for publication elsewhere, that its publication is approved by all authors and tacitly or explicitly by the responsible authorities where the work was carried out, and that, if accepted, it will not be published elsewhere including electronically in the same form, in English or in any other language, without the written consent of the copyright-holder.
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Tri-Agency Open Access Policy on Publications

Frequently Asked Questions

Questions

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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?

Search - Publisher copyright policies & self-archiving

One journal found when searched for: journal of pediatric surgery

<table>
<thead>
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<th>Journal:</th>
<th>Journal of Pediatric Surgery (ISSN: 0022-3468, ESSN: 1531-5037)</th>
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General Conditions:
- Authors pre-print on any website, including arXiv and RePEC
- Author's post-print on author's personal website immediately
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http://www.sherpa.ac.uk/romeo/search.php
Negotiate (if needed): option 1

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   c. **Request a Rationale**: Ask for clarification around / reasons for publisher’s refusal to add or take away clauses.
   d. **Retain Documentation**: Obtain signoff / email confirmation of the agreement and retain a copy for your record.
2. Use an addendum prepared by a reputable source.
   - Scholarly Publishing and Academic Resources Coalition (SPARC) Author Addendum
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- What can you reproduce, perform, or display in the classroom?
Instructors can:

- *link* to resources instead of providing copies to students
- *distribute* copies under an exception or from a resource licensed for classroom use
- Submit a Copyright Review Request Form if you are preparing a *course package,* are unsure about terms of use, or would like the Copyright Office to seek permission
- *present / display* content for educational purposes
Link to Library Online Resources

Let the library do it

Direct Links to Articles
Use 'Get It' for Linking
Use 'RefWorks' for Linking
Linking to eBooks
Linking to Databases, Library Guides, ERA, Google Scholar

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:

http://pubs.acs.org/doi/pdf/10.1021/bi8006143
Library Reading List Service

Library staff will create a reading list or place material on reserve
http://www.library.ualberta.ca/readinglist/index.cfm

READING LIST / RESERVE REQUEST

We aim to make library resources in class reading lists easily accesible. Upon submission, we will respond within five business days with your request. Create your own links using our Linking Guide.

Print only items will be referred to our Reserve staff. Please allow two business days for processing. Reserve at http://library.ualberta.ca/reserveroom.

Questions? Email library staff http://web.library.ualberta.ca/ere

Submit your Reading List / Reserve Request:

Name (Last name, First name)

Department

Telephone

Library Card Barcode number

For items only available in print, please indicate:

Date to be placed on print reserve (YYYY-MM-DD)

Date to remove from print reserve (YYYY-MM-DD)

Number of students

Please type asterisks * next to required readings on your list.

Attach Reading List (MS Word Documents)

Choose File  No file chosen

OR

Please enter full citation information in this box (title, author, date, etc.)

Submit
Distribute Licensed Articles

Many eResources licensed through the U of A Libraries allow for classroom use.

Check first: https://www.library.ualberta.ca/

License Terms of Use

Can I post a copy in a course management system?  Yes
You may include material from this resource in course management systems like eClass.

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You may include material in course packs, which are compilations of articles for use by students in a class.

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Can I make print or electronic copies?  Yes
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Journal of Academic Ethics

Full/Alternate Title(s): Journal of Academic Ethics
Format: Journal
Published: Dordrecht
ISSN: 1570-1727

Subjects
- Arts and Humanities
- Social Sciences

Subscription
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Distribute Licensed eBook chapters

Contact your subject librarian if terms of use for library ebooks are unclear.

https://www.library.ualberta.ca/about-us/staff/subject-librarians
Distribute Print Resources

Fair Dealing Exception:

- Follow the *Fair Dealing Copying Guidelines* (created by UofA) when providing students with copies of print resources via handouts or (digitized) eClass / LMS postings.
Distribute resources under the fair dealing exception as interpreted by the University of Alberta
Presentation of Course Materials

- Section 29.4 of the *Copyright Act* allows for the display of images for instructional purposes so long as the images are not commercially available in a format suitable for this use.

- Section 29.5 of the *Copyright Act* allows for the playing of a non-infringing sound recording or movie for educational purposes.

- Always check the terms of use for conditions, restrictions, or limitations when using resources accessible via licence or person subscription (e.g., Netflix, Spotify, etc.).
Confused?

Need permission?

Using a course package?
Copyright Review Request Form

Questions? Contact the Copyright Help Desk at copyright@ualberta.ca

Complete this form and email to the Copyright Office:

- **For Printed Distribution of Course Materials**
  - When preparing a printed **COMPILATION** - excerpts of copyright material (created by others) selected from various print or digital sources.
  - When preparing printed **CUSTOM COURSEWARE** - combination of original (instructor's) material and excerpts of copyright material from print or digital sources.

- **For Digital Distribution of Copies**
  - Before uploading copies (usually a PDF) where the PDF is made from:
    - (a) a print source, AND the copying is outside the University of Alberta's Fair Dealing Guidelines
    - (b) a source held in the UA Libraries digital collection AND the license from which you downloaded your PDF does not include copy permission
    - (c) the open web AND there is a clearly visible notice prohibiting copying for educational use.

Click on column headings for instructions.

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Legend

- **BK**: Book (all books, including textbooks)
- **AN**: Anthology (compilation of multiple authors)
- **JA**: Journal Article (print or online journal)
- **NP**: Newspaper or digital source
- **OT**: Other (e.g. business catalog, out-of-print work)
- **WS**: Content from an internet website (www)
Remember:

1. Link to resources where reasonable, distribute with care in the classroom.

2. Plan ahead for course packages, copyright course reviews, and permissions.

- pedagogically sound
- via a licence (library or CC)
- fair dealing exception
- permission
- 6-8 weeks
- requested by CRO or you?
Why should you care?

- Your thesis.
- Your career.
- Your classroom.
Why should you care?

- Your thesis.
  - Third party content.
  - Publisher policies.
- Your career.
  - Publisher policies can help or hinder the visibility and impact of your work.
  - Creative Commons Licences (CC BY...) facilitate reuse.
- Your classroom.
  - UofA policies and procedures.
  - UofA Fair Dealing Guidelines.