Guidelines for Using Images

Including: figures, graphs, photographs, charts and diagrams, etc.

The following is a best practice guide for the use of copyright images at the University of Alberta. In some cases, permission to use images may be available under a licence or subscription, or under an exception in the Canadian Copyright Act. Where no licence, subscription or other agreement authorizes your use, and when no exception applies, permission from the copyright owner should be sought. Further information about seeking permission can be found at www.copyright.ualberta.ca.

1. Personal original images

When you create an original image, you own copyright in that image and may use it as you like. However, be aware that if you have published the image you may have transferred ownership of the image to the publisher under the terms of your publishing agreement. For information on ownership and re-use of the image, consult your publishing agreement. In some cases, particularly for journals, this information may be found in the author submission guidelines.

2. Images available under a licence or subscription

Some images are pre-authorized for educational use under a licence, subscription, or other contractual permission. Review terms for conditions and/or limitations. Examples of licensed resources include:

- Creative Commons licences;
- collections available for free;
- collections licensed for the University of Alberta (e.g. ARTstor digital image library);
- personal or institutional subscriptions (e.g. Photos.com);
- Publisher issued licences that accompany the textbook you are using (e.g. “for classroom use” means you have permission).

3. Images available on the Internet

Information on the use of images found on the Internet is often located in the website’s fine print, such as the ‘Terms of Use’ or ‘Legal Notices.’ Check these terms for restrictions or limitations. In some cases, copies of such images will qualify under an “Exception” as outlined in points (5) and (6) of this bulletin.

4. Copyright Expired - “Public Domain”

The general term of copyright in Canada is life of the author/creator plus an additional 50 years. When copyright has expired, images are in the public domain and may be freely used without permission. Please note that any photograph taken before 1949 is in the public domain in Canada.
5 Exception for Educational Institutions

An instructor may reproduce images for display in a classroom setting under an exception in the *Copyright Act*. The Act states that it is not an infringement of copyright to project an image using a document camera or similar device (i.e. PowerPoint slide) for the purposes of education or training on the premises of an educational institution. If you want to also provide a copy of your presentation materials to students, use the Fair Dealing exception outlined at point (6).

6 Exception for “Fair Dealing”

The Canadian *Copyright Act* allows an exception for certain limited uses of copyright material where the purpose is research, private study, education, parody, satire, criticism, review, or news reporting.

**Copying by University Employees**

University employees must ensure the amount they copy does not exceed the limits defined in the University of Alberta Fair Dealing Guidelines. These can be found at [www.copyright.ualberta.ca](http://www.copyright.ualberta.ca).

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When considering using images under fair dealing (e.g., in theses or conference presentations, etc.), individuals must assess the “fairness” of their dealing. The *Copyright Act* does not define what is fair, rather fairness is assessed based on the facts of each case. Assessing whether a dealing is fair involves consideration of six factors including: the purpose of the use; the character of the dealing; the amount of the dealing; alternatives to the dealing; the nature of the work; the effect of the dealing on the work. For more information on these six factors and assessing fairness, please contact copyright@ualberta.ca.

**Copying for Student Use**

Instructors who choose to share their presentation material with students may do so provided distribution is limited to students enrolled in the program. Posting to a secure online environment that requires students to authenticate is recommended. Please include the following notice:

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