

COPYRIGHT GUIDELINES FOR INSTRUCTORS OF TEACHER EDUCATION

UNDERGRADUATE PROGRAMS: CURRENT PRACTICES

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Introduction

The following guidelines are provided to help instructors understand how to share copyrighted materials through digital media, such as websites, blogs, and hyperlinks.

Fair dealing

Copyright laws apply when instructors choose to provide students with access to written works presented online through digital media, such as websites, blogs, and in other electronic formats. What is the best way to respect copyright in these circumstances?

The Canadian Association of University Teachers (CAUT) provides guidance for accessing scholarly works in an article entitled *Intellectual Property Advisory* (December 8, 2003). In this article CAUT takes care to clarify instances when scholars have the right to reproduce ‘copyrighted work without permission from, or payment to, the copyright owners’ (p.1)¹. ‘Fair Dealing,’² requires individuals to exercise judgment. Users are given the right to exercise “creativity and free expression by ensuring reasonable access to existing knowledge while at the same time protecting the interests of the copyright owners.” (p.1)³ In fact:

According to the Copyright Act “fair dealing’s permitted purposes” mean that substantial amounts of a work may be copied without seeking permission from, or providing payment to, the copyright owner when:

The purpose of the copying falls within the broad categories of research, private study, criticism, review or news reporting; and
It is fair to do so given the character of the dealing; the amount of the dealing; alternatives to the dealing; the nature of the original work; and the effect of the dealing on the work. (p.5)

Fair dealings permitted purposes are useful for guiding instructors in disseminating crucial sources of information in their courses. There is increasing usage of digital media to enhance course materials

¹ & ³ From CAUT *Intellectual Property Advisory*, December 2008 No. 3 (p.1).

² The *Copyright Act* does not define fair dealing. CAUT recommends and suggests a definition (p.5) in this advisory. CAUT also asserts ‘fair dealing must apply equally to works in paper and digital format’ (p.6) as a new legal provision in the *Copyright Act*.

which needs to be examined, as does the case where sources are cited in students' assignments. For information on citing digital materials see the APA Style Guide at <http://www.apastyle.org/electmedia.html>

Frequently Asked Questions about Copyright and Digital Media

Can I distribute electronic journal articles via email or as part of my blog or VISTA course?

When citing or directing students to material in electronic form, it is important to respect copyright and site licensing issues. Instead of attaching PDFs to e-correspondence or distributing materials through websites or blogs, for example, faculty, staff and enrolled students are advised to use hyperlinks to the original sources.

Hyperlinks can be made directly to the UBC library. **The links are persistent and will provide long-term references for e-portfolios, for example.** These extensive online resources—databases, e-books and electronic journals—are under license to UBC, so users must authenticate themselves before accessing and downloading the content. Go to the handout entitled *Persistent links for books, journal articles and course reserves* at <http://www.library.ubc.ca/edlib/Publications/Handouts/persistentlinks.pdf>

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Full details on UBC's copyright policies are available on the University Industrial Liaison office website at: http://www.uilo.ubc.ca/news_Copyright.asp

If there is not a pdf (hyperlink), what do you do?

If there isn't a pdf hyperlink for the full text of the article, then it will be necessary to first check to see if UBC subscribes to the journal and if it is available online from a different company. If UBC does not subscribe to the journal then it will be necessary to request the article through Interlibrary Loan. Go to <http://www.library.ubc.ca/home/orderdel.html> to place a request.

If the article is available only in html format--provide the web link to the article by copying its web address. If the article is only in html format and is included in a database then be sure obtain the persistent link for that article. See Creating Persistent Links

<http://www.library.ubc.ca/edlib/Publications/Handouts/persistentlinks.pdf>.

Can you post a pdf on a password-protected site? (Eg vista)

You can only post a pdf where you are the creator of that pdf and/or you have obtained permission from the copyright holder. If it is a pdf of an article published in a journal--the copyright holder is the journal. You cannot post the pdf on your Vista course page. You can however provide a link to it by using the persistent link. See

<http://www.library.ubc.ca/edlib/Publications/Handouts/persistentlinks.pdf> on Creating Persistent Links.

It is an infringement of copyright to post the pdf without the copyright holder's permission.

What can I add to my web page?

You need Permission to:

- Upload anything on to a web page that is not your own creation or to which you do not hold copyright
- Modify, edit, add to or in any way change content that is not your own creation or to which you do not hold copyright. This includes material that you already have permission to upload
- Upload material to which you have copyright, but which involves participants who have not given their permission to put the material up on the web. For example: a guest speaker giving a lecture [you need the speaker's permission]
- Download material for classroom distribution, courseware packages or reserve readings
- Download images for use in any promotional material such as posters or handouts

Can I scan an article and put it up in my VISTA or WebCT course or on my class blog?

Yes, if you are the copyright owner (See FAQ below). If you are not the copyright owner you must have permission to digitize the article from the copyright owner. The [UBC Access Copyright Agreement](#) covers print materials only. The doctrine of fair dealing for research or private study likely would not extend to digital formats. Found at: <http://www.library.ubc.ca/home/copyrightpage.html>

Can I post my own articles on my web page?

This will depend on who holds the copyright for your articles. Often, publishers obtain the rights to material accepted for publication. In this case, permission must be obtained from the copyright holder. Today, more authors are submitting to Open Access publications in order to retain their intellectual property rights. Open Access materials are best accessed using hyperlinks, as they do not require site licenses for access. Alternatively, authors may wish to negotiate shared copyright with publishers. The Canadian Association of Research Libraries (CARL) provides extensive information for authors wishing to retain their intellectual property rights. <http://www.carl-abrc.ca/projects/author/author-e.html>)

When scholars need to obtain copy right permissions, how do they go about this?

Go to the Net Know How site at <http://www.netknowhow.ca/nkhcrperm.html> for full information.

According to the site: if scholars wish to reproduce, in full or in part, copyrighted material you will need to request formal permission. The request should be sent to the author, webmaster, or the permissions department of the publisher in question. For purposes of proof and to define the scope of the permission being requested, it is important that the permission be in writing, and that you retain that permission in a file. You need to communicate complete and accurate information to the copyright owner to facilitate the request.

Provide at minimum the following information in a request for permission to copy:

1. Name of the author and/or web author or editor. Spare no effort in confirming the exact name and address of the addressee. Call or email the person to confirm the copyright ownership.

2. Title and edition of materials to be reproduced.

3. Exact material to be used, giving amount, page numbers, chapters, etc. -- whatever details you can provide -- and, if possible, a copy of the material. If necessary or appropriate, attach a copy of the quotations, diagrams, images, and other materials. In a web environment, a URL link to an image or diagram would be most appropriate, to point to the item you want to use.

4. Describe precisely the proposed use of the copyrighted material, including the duration and form of distribution (e.g. student handout, webpage, multimedia presentation, etc.)

5. Whether the material is to be sold or the use of it will result in financial gain or compensation.

6. A description of the individual making the request. Include your name, return address, telephone number, FAX number, email address, and the date in the letter. State clearly the name of your organization to provide context for the consideration of your request.

Can I use an image I have copied from the web in a PowerPoint presentation for my classes? Can I post this PowerPoint to my class blog?

If you obtain an image online from a website, it is important to check the website for a copyright statement. The copyright statement will state use policies regarding their images and other intellectual property. If you cannot locate a copyright statement on a website it does not mean that you have permission to use the image. Without permissions you cannot post the powerpoint to a class blog.

It is also possible to obtain images from “free image” sites. However, free image sites have differing policies. It is still important to investigate their image use policies and abide by them. For further information see:

<http://www.netknowhow.ca/nkhcrimg.html#locate>

What is Creative Commons and can I use these images?

Creative Commons (www.creativecommons.ca; www.creativecommons.org) provides access to keyword searchable content including images. Users can limit their search to images and other content that are licensed for both use and remixing in the creation of derivative works. The photo sharing site Flickr (www.flickr.com) has an advanced search form that enables users to limit their search to works licensed under Creative Commons agreements. Just as academic papers require authors to include footnotes to sources, users should include references with links to the material in its original context. There are six types of Creative Commons licenses, and users should be aware of the requirements and limitations of each. <http://creativecommons.org/about/licenses/>

How do I seek permissions for photos, web material etc.?

Look for contact information on the website and email the author to seek permission. Most authors are happy to share their images and other content, provided that the user includes attribution and links to the original source. Seek permission early, as it may take several weeks to obtain. Save email correspondence granting such permission for future reference.

<http://www.netknowhow.ca/nkhcrperm.html>

Can I use part of a DVD for a class presentation?

DVD's obtained from educational suppliers or from your media centre can be shown on school premises because the public performance rights were acquired at the time the videos were purchased. Showing videos purchased from other sources such as a retail store, purchased directly from the United States, or taped from television, either at home or at the school will likely be an infringement of copyright because the public performance rights have not been obtained. (See Copyright matters)

Can I use a song as part of my presentation?

Yes. The public performance of music in schools, when it is "in furtherance of an educational object," does not require payment or the consent of the copyright owner under the Copyright Act, because of an exception. If the performance is not in furtherance of an educational object, the exception will not apply. (For example, music used for entertainment at school concerts, assemblies, or

school dances). (See Copyright matters)

Can I download a Youtube as part of my website?

YouTube's Copyright Tips page http://www.youtube.com/t/howto_copyright provides users with information about copyright law and *YouTube* Videos. *YouTube* does not have the authority to grant permission for the use of *YouTube* content, rather, copyright belongs to the individual creator of the content. *YouTube* recommends emailing individual content owners through their *YouTube* account to obtain permission to use their material. As with images and other web content, most users are happy to share material provided the user includes attribution and links back to the original source. Again, it is important that all correspondence regarding permissions is retained for future reference. Linking to the *YouTube* source in its original context, rather than including the content in a derivative work, is one way that teachers can provide access without seeking permission.

Useful References to Help Answer Fair Dealing and Copyright Questions

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Special Thanks:

For information in this document, our thanks go to:

[Jo-Anne Naslund](#), Instructional Programs Librarian, Education Library, UBC Faculty of Education

[Anne Scholefield](#), Special Projects Coordinator, Teacher Education Office, UBC Faculty of Education

[Bette Shippam](#), Program Coordinator, Teacher Education Office, UBC Faculty of Education

Document accepted by the Committee on Curriculum, Admissions, Standings and Appeals (CCASA), UBC Faculty of Education: June 4, 2009