

Copyright FAQ: Using Copyrighted Materials in Your Teaching

Fair dealing, licensed library e-resources and other educational exceptions provide great flexibility to instructors. It is possible to create courseware that is copyright compliant yet virtually free for students enrolled in your courses, provided you follow TRU's copying guidelines.

If you need to use a substantial portion of a copyright-protected work, you can have TRU's Copyright Office secure a license on your behalf.

Can I make copies of copyright-protected works to distribute to students in class, by email or on TRU's Learning management system (Moodle)? Can I include copies of another person's images and materials in my PowerPoint presentations?

Yes. Under fair dealing you may make copies of **short excerpts** of another party's work such as an entire journal article or single book chapter for distribution to students enrolled in your course. You may also use 3rd party copyright-protected materials such as images and other graphics, in your lectures, lessons and exams provided they comply with [TRU's Fair Dealing Policy](#) or another educational exemption. If you wish to exceed the Fair Dealing limits, you can often get a permissions license to allow substantial copying, which typically involves a contract and fees.

Is there any difference between posting something I didn't create myself on my own website versus posting something on Moodle?

Yes. Posting something on your own website means you are making the work available world-wide, and not strictly for your students. Wide distribution tends towards the conclusion that the dealing is not "fair" and such uses may not be covered by any University licenses. By contrast, TRU's learning management system (Moodle) is a password protected, secure website accessible only by students enrolled in university courses. In many cases, posting

material on Moodle will be covered by one of the University's electronic subscriptions. The key thing to remember is just because you may post a copyright-protected work to Moodle under a license, fair dealing or an exemption, doesn't mean you have permission to post the work on your own personal website.

If you want to scan a copyright protected work for inclusion on an open website, you will need to obtain permission from the right's holder.

May I upload a PDF of a journal article I obtained through the library's e-journals to Moodle for my students to read?

In some instances the content is made available under a license that prohibits posting to Moodle. Consult TRU library or TRU's Copyright Office for information about such restrictions.

The licenses for many e-journals provided by the Library allow instructors to upload articles into secure course management systems such as TRU's Moodle. While there may be good reason to upload articles to Moodle, a proxied link is the best way to ensure access to the most recent version of an article. Linking to the article also allows the Library to track use and obtain data about the importance of a particular journal to the campus.

Even in cases where uploading and linking to articles in Moodle is permitted by the licenses, it is important to remember that licenses generally do not permit you to upload to a website, or create links on a website that is not part of the University's secure network and that is open to the world

at large. None of the licenses that the Library has with publishers allows for uploading to websites that allow access without authentication.

Can I copy, post or distribute government reports and documents?

It depends. Federal government documents made available on the internet are now generally published with permission to reproduce for non-commercial use. Always cite according to the instructions, and ensure you are using the current version of the document. BC Provincial Government documents are copyright protected by the Queen's Printer, and permission must be requested prior to copying and distributing. Documents and reports produced by other levels of government, agencies, health authorities, consulting companies and such will require a permissions license unless otherwise granted.

Can I use third party materials like photos, artwork, charts, graphs and maps in my lessons?

Yes, with certain restrictions. You can copy an entire artistic work from a copyright-protected work containing other artistic works. You can make a copy of a work in order to display it in a lesson (provided it's not available for purchase in the format you need). For example, you could display a stand-alone map in a lesson, but you would need permission to copy and distribute it. If you've adopted a textbook, your agreement with the publisher may allow you to use substantial material from the text, teacher materials and related third party materials in your lectures, lessons, exams, handouts and assignments.

Can I play music in class?

Yes! The [Copyright Act](#) allows you to play a sound recording or live radio broadcasts in class as long as it is for educational purposes, not for profit, on University premises, before an audience consisting primarily of students. However, if you want to use music for non-educational purposes, for example, for background music at a conference or community event, a license must be obtained from the copyright collectives the [Society of Composers, Authors and Music Publishers of Canada \(SOCAN\)](#) and [Re:Sound](#)

Can I play videos in class?

You may play videos in class in the following circumstances:

You may show a film or other cinematographic work in the classroom as long as the work is not an infringing copy, the film or work was legally obtained, and you do not circumvent a digital lock to access the film or work.

If you want to show a television news program in the classroom, under the [Copyright Act](#), educational institutions (or those acting under their authority) may copy television news programs or news commentaries and play them in class. This provision doesn't extend to copying documentaries, movies, TV series or other content off cable TV for showing at a later time.

Can I show YouTube content in class?

You may perform a work available through the Internet, e.g. YouTube, videos, except under the following circumstances:

The work is protected by digital locks preventing their performance

A clearly visible notice prohibiting educational use is posted on the website or on the work itself.

You have reason to believe that the work available on the internet is in violation of the copyright owner's rights.

Can I put an entire video on Moodle for streaming?

While current Canadian copyright law allows you to show videos in the classroom to your students without further licensing (provided you have a legitimate copy), and also allows you to record lessons for students and communicate those lessons for distance students, you do not have copyright permission to format-shift more than 10% of a video for streaming on Moodle. A license from the distributor (copyright owner) is required to rip a DVD to MP4 (or other) format for the purpose of streaming on Moodle. The cost and licensing terms vary widely for digital rights – the Copyright Office can help you secure these rights.

Can I record video programming from Netflix or other sources and show it to my students later, or place on Moodle for streaming?

You can record off-air and show up to 10% of film works – a license is required for showing more than 10% of a work that you copied from another source. Note that Netflix, HBO and other content providers have a contractual agreements that consumers digitally sign which forbid content sharing. Fair dealing does not supersede these contracts.

Can students include copyright materials in their assignments and presentations?

Generally yes. Since fair dealing includes education, private study and research, students may include limited amounts of material in their assignments and presentations. See TRU's [Fair Dealing Policy](#) for details about amounts allowable under fair dealing.

In addition to fair dealing, students also have the Non-Commercial User-Generated content personal exception, informally known as the "YouTube exception". This permits an individual to use existing works in order to create a new work and then publish it on a free platform like YouTube or Vimeo. So, you could ask your students to create a video for an assignment, and they could incorporate copyright-protected works in their new creation, such as background music and images. The non-commercial requirement says that the use of the new work must not have an adverse effect (financial or otherwise) on the original work, and the source should be cited if it is reasonable to do so.

Are there any databases of copyright materials that I can use for free without worrying about copyright?

There's a wealth of material out there which is either in the public domain or available under Creative Commons licensing, which generally means the work is available for free, subject to certain limited conditions, such as acknowledgment of the author. One of the best sources for openly licensed

content is found in BCCampus' Self Publishing Guide which provides 10 pages of links to openly licensed content. <https://opentextbc.ca/selfpublishguide/chapter/resources-search-find/>

For other online materials, a recommended best practice is to check the website's "Terms of Use", or "Legal Notices" section to confirm what conditions apply to use of the website's material. In many cases, you may be able to use the material free for non-commercial and educational purposes.

Is it okay to use images or other material from the Internet for educational purposes?

Materials on the Internet are treated the same under copyright law as any other copyright materials, so if you want to use them, they either have to fall within one of the *Copyright Act's* exceptions (such as fair dealing or the educational use of the Internet exception), or be open access or in the public domain. If what you want to use isn't from an open access or public domain source and does not fall into one of the *Act's* exceptions you will have to obtain permission from the copyright owner. Note: the person who posted the material may not be the copyright owner and may not have the right to grant you permission to use the material. If this is the case, you should not use the material unless you can identify and obtain the copyright owner's permission.

If your use exceeds fair dealing limits, check the website's "Terms of Use", "Legal Notices" or similar section. Exemption 30.04 (Internet Exemption) may apply if there are no terms or notices that specifically exclude educational use. Note that you may not use content that is protected by DRM (digital rights management) or TPMs (technological

protection measures) such as account/passwords and paywalls.

Do I need to ask permission to link to a website?

Simply linking to a website does not trigger copyright. You should, however, check the website's "Terms of Use", "Legal Notices" or similar section to ensure linking is not prohibited. You should always include the full details of the author, copyright owner and source of the materials by the link. This will avoid any suggestion that the website is your own material or that your website is somehow affiliated with the other site.

If you have reason to believe that the website contains content posted without the permission of the copyright owner, you should avoid linking to it.

I gave a PowerPoint presentation in class which includes figures, charts, diagrams and other images from a textbook. Can I post it on Moodle?

As long as you adhere to the amounts that may be copied under fair dealing you may post charts and diagrams from textbooks, or other works, on Moodle. If for example, you wish to post multiple images from a book, you may do so as long as those images amount to no more than 10% of the book (see TRU's [Fair Dealing Policy](#)). It's important to note that if you wish to post such material to a website that website must be password protected or otherwise restricted to students enrolled in your course. Adopted textbooks often have licenses that permit broad usage of the content and ancillary materials, but this needs to be verified with the publisher.

Please note that just because you acknowledge the author and source of a work doesn't mean you won't be liable for copyright infringement. Acknowledging the source is no defense if the way in which you've used the work is not permitted under the [Copyright Act](#). So make sure you either fall within an exception or have the copyright owner's permission.

May I post examples of my students' work on Moodle or on my personal website?

Only if you have the student's permission. Students own the copyright in the works they create. The University does get the right to make copies of the work for academic purposes, but this right does not extend to making it available online. Accordingly, you should ask students in advance whether they consent to having their work posted online and keep written records of the permissions given

Do I need to obtain permission to use copyright material in my courseware?

Under fair dealing, short excerpts of copyright-protected material may be included in course packs without permission. See TRU's [Fair Dealing Policy](#) for details. In addition some material covered by licenses that the Library has for electronic resources may be included in course packs.

Any materials that you would like to include in courseware are assessed by the Copyright Office for copyright clearance requirements. This includes materials from the Internet, government publications, and unpublished works, not just books and journals. Providing details such as book/journal title, web address, author name, ISBN/ISSN number, page range and total number of pages in a book will help to

confirm permission more quickly. If you have any questions about copyright materials you would like to include, contact the Copyright Office.

Do I need to obtain permission if I want copyright protected material printed on campus?

It depends. If the amount and purpose of the copying is covered by fair dealing, or another exception, or a license that the Library for e-resources which permit such use, you will not need express permission. If, for example, you want copies printed for classroom handout, and the amount to be copied is consistent with fair dealing, you will not need permission. If what you want to copy doesn't fall under fair dealing, another exception, or an existing license, permission will be needed. Any material submitted for printing is checked for copyright clearance. If you have permission to copy the item from the copyright owner, please provide documentation for the permission when submitting your order. If you do not have permission, the Copyright Office staff can assist with securing a license - which may involve fees.

When you place your order, the Copyright Office can assess what copyright clearance may be required. If you have any questions regarding copyright, contact the Copyright Office.

Can I reproduce indigenous works?

If you wish to use a work of indigenous origin that the creator has not published under a Creative Commons license, please ask permission rather than using statutory fair dealing or education exceptions. Dr. Greg Younging, UBC professor and expert

in intellectual property matters related to First Nations works, advises that indigenous people appreciate following the protocol of requesting permission from the creator of the work, or of the appropriate tribal council or other indigenous governing body responsible for the work.

Why is there sometimes a fee for copyright licenses?

Copyright holders and creators of works have the right to charge a fee for the use of their materials unless the use is otherwise covered by fair dealing, another exception, or a Library license. These fees vary, usually based on the number of pages or excerpts

copied and the number of copies made. All copyright charges are collected on behalf of the copyright holders and remitted to them.

If my course materials were licensed in a previous semester are they still licensed for subsequent semesters?

Copyright licenses are granted for a specific time period in the license, typically for the duration of the course and exam period. Most licenses require the material to be removed from servers at the end of the term. Content needs to be re-licensed at the end of the license period.

To protect yourself and the University:

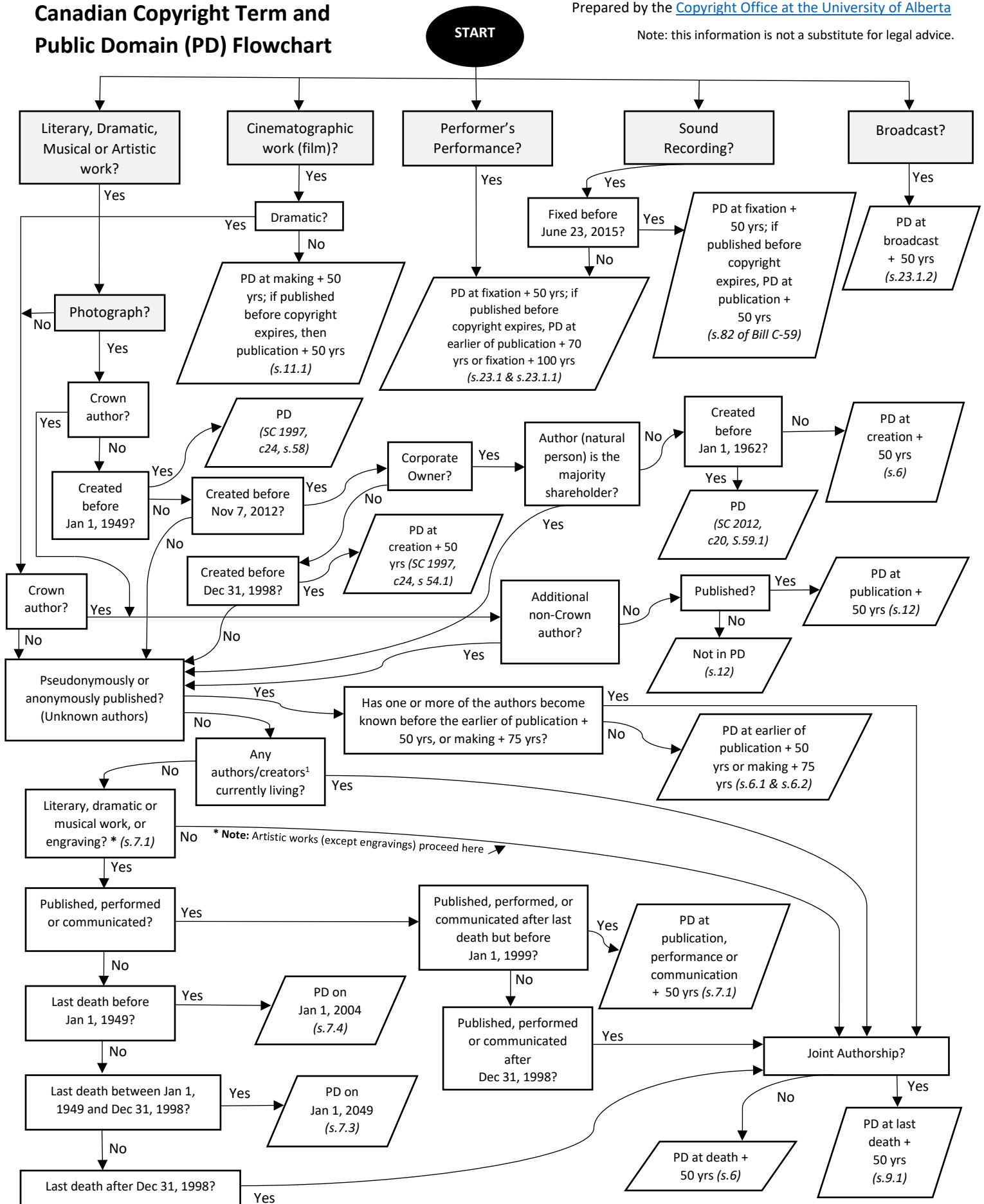
- *Record your use of third party materials and your justification for using (license, fair dealing, public domain, open source, other educational exemption) or have the Copyright Office do this for you*
- *Get a license if you are using more than a short excerpt of unlicensed copyright protected content*
- *Cite/credit where possible, understanding that acknowledgement is not a substitute for copyright clearance*
- *If you are in doubt, ask permission of copyright owner*

Some text derived from [University of Waterloo](#), [University of Saskatchewan](#), [University of Northern British Columbia](#) and [Simon Fraser University](#) copyright FAQs published under a [CC BY-NC 4.0](#) license.

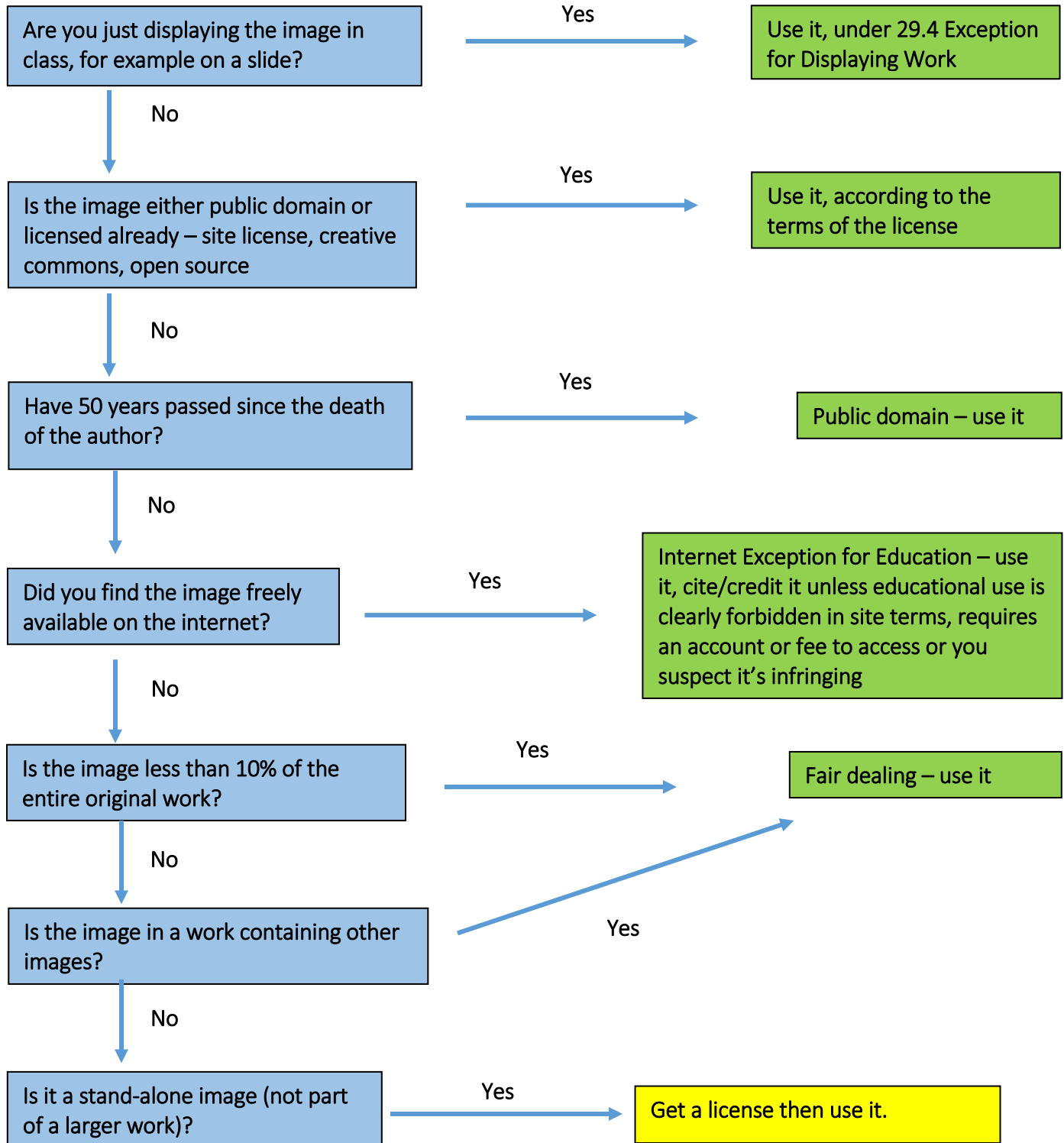
Canadian Copyright Term and Public Domain (PD) Flowchart

Prepared by the [Copyright Office at the University of Alberta](#)

Note: this information is not a substitute for legal advice.



Example: Can I copy and distribute an image (map, photo, drawing, chart, etc.) I found?





POLICY NUMBER	ADM 03-0
APPROVAL DATE	October 28, 2019
AUTHORITY	President's Council
PRIMARY CONTACT	Vice-President, Administration and Finance

POLICY

I. USE OF COPYRIGHTED MATERIAL

The University will uphold its legal obligation to comply with the Copyright Act of Canada and will take all reasonable steps to ensure all employees, faculty and students are aware of, and adhere to, the Copyright Act of Canada.

II. MATERIALS PRODUCED BY UNIVERSITY FACULTY

Materials produced by University Faculty members are governed by the Copyright Act and by collective agreement.

III. MATERIALS PRODUCED BY NON-FACULTY UNIVERSITY EMPLOYEES

In accordance with copyright law provisions, all materials produced by non-faculty University employees to attain the objectives of the University, or produced with University resources, are the property of the University.

If a non-faculty employee produces a personal project involving significant use of University time or materials, University funds, or University technical or secretarial assistance, the employee must meet with the President or designate to reach a written agreement about the ownership of the copyright and the cost allocations of the project. If a written agreement is not reached, the copyright will be vested in the University.

Works produced by an employee on the employee's own time and at the employee's own expense, remain the property of the employee.

REGULATIONS

I. PHOTOCOPYING AND DUPLICATING

(For Library reserves, class handouts, lab manuals, department handbooks, and all University printed materials.)

1. Fair Dealing

Materials may be used according to the University's Fair Dealing Policy, ADM 03-1. For additional materials relating to this policy, please see the Intellectual Property Office's ("IPO's") website.

2. Permission

Where Fair Dealing does not cover the proposed use, prior written permission must be obtained before an article or document is duplicated, distributed or sold. For assistance with obtaining permission, please contact the IPO, or refer to their website.

3. Fees

The IPO will normally pay any necessary fees to obtain permission to use copyrighted materials on behalf of University employees.

4. Acknowledgement of Copyright Clearance

The Print Shop will not knowingly reproduce and the Bookstore will not sell material unless copyright clearance has been approved and is on file in the IPO. Acknowledgement of copyright clearance and permission to duplicate will be stated on the document/articles copies.

5. Photocopiers

Copying done on University department/divisional photocopiers is the responsibility of the individual. However, the University will display copyright information on or near its machines.

II. AUDIO-VISUAL MATERIALS

1. Permission

Material included in University audio-visual productions must be free of copyright restrictions. This includes the use of print, graphic, audio and visual material, as well as the recording of a performance of a work covered by copyright. Production of videos, overhead transparencies, slides, films, photographs, audio tapes, etc., will not proceed until copyright clearance has been obtained for all materials being used.

III. COMPUTER SOFTWARE

1. Unlawful Duplication

University employees, faculty and students are not to unlawfully duplicate or use unlawfully-duplicated software for instructional or administrative purposes.

2. Use of University Equipment

University employees, faculty and students are forbidden to use University equipment to infringe copyright law.

FAIR DEALING

POLICY NUMBER	ADM 03-1
APPROVAL DATE	SEPTEMBER 24, 2013
PREVIOUS AMENDMENT	MARCH 22, 2011
REVIEW DATE	MAY 2018
AUTHORITY	PRESIDENT'S COUNCIL
PRIMARY CONTACT	DIRECTOR, UNIVERSITY LIBRARY

POLICY

The fair dealing provision in the *Copyright Act* permits use of a copyright-protected work without permission from the copyright owner or the payment of copyright royalties. To qualify for fair dealing, two tests must be passed.

First, the “dealing” must be for a purpose stated in the *Copyright Act*: research, private study, criticism, review, news reporting, education, satire or parody. Educational use of a copyright-protected work passes the first test.

The second test is that the dealing must be “fair”. In landmark decisions in 2004 and in 2012, the Supreme Court of Canada provided guidance as to what this test means in educational institutions.

This Fair Dealing Policy applies fair dealing in non-profit universities and provides reasonable safeguards for the owners of copyright-protected works in accordance with the *Copyright Act* and the Supreme Court decisions.

REGULATIONS

The following guidelines apply:

1. Teachers, instructors, professors and staff members in non-profit universities may communicate and reproduce, in paper or electronic form, short excerpts from a copyright-protected work for the purposes of research, private study, criticism, review, news reporting, education, satire or parody.
2. Copying or communicating short excerpts from a copyright-protected work under this Fair Dealing

Policy for the purpose of news reporting, criticism or review must mention the source and, if given in the source, the name of the author or creator of the work.

FAIR DEALING POLICY (ADM 03-1)

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3. A copy of a short excerpt from a copyright-protected work may be provided or communicated to each student enrolled in a class or course:
 - a. as a class
handout;
 - b. as a posting to a learning or course management system that is
password protected or otherwise restricted to students of the university;
 - c. as part of a
course pack.
4. A short excerpt means:
 - a. up to 10% of a copyright-protected work (including a literary work,
musical score, sound recording, and an audiovisual work);
 - b. one chapter
from a book;
 - c. a single article
from a
periodical;
 - d. an entire artistic work (including a painting, print, photograph,
diagram, drawing, map, chart, and 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;
 - g. an entire entry from an encyclopedia, annotated bibliography,
dictionary or similar reference work.

provided that in each case of (a) to (f) above, no more of the work is copied than is required in order to achieve the allowable purpose.

5. Copying or communicating multiple short excerpts from the same copyright-protected work, with the intention of copying or communicating substantially the entire work, is prohibited.
6. Copying or communicating that exceeds the limits in this Fair Dealing Policy may be referred to a supervisor or other person designated by the university for evaluation. An evaluation of whether the proposed copying or communication is permitted under fair dealing will be made based on all relevant circumstances.
7. Any fee charged by the university for communicating or copying a short excerpt from a copyright-protected work must be intended to cover only the costs of the university, including overhead costs.