Lachlan MacLeod
Copyright Services Coordinator
(Not a lawyer)
Agenda

- Copyright defined
- Copyright at Dalhousie
- Fair dealing: Implications for teaching, research, and writing
- Copyright for theses
- Alternatives to traditional copyright arrangements
- Managing your rights
Copyright Overview

- Copyright is a balancing act
- Copyright differs by country

BALANCE

Users’ Rights

Creators’ Rights
Copyright Overview

- Governed by *The Copyright Act*, treaties, and conventions

- Includes both economic and moral rights (attribution, right to be anonymous, right to integrity of the work)

- Temporary (copyright is limited)

- Does not apply to known facts or ideas, only unique expressions

- To be “infringing” must be a substantial excerpt, copying an insubstantial part of a work (a few sentences) is generally not infringement.

- Subject to exemptions (eg. Fair Dealing)
Notice to Faculty and Staff

Materials uploaded into Brightspace are governed by Canadian Copyright Law.

By clicking "I confirm" I am asserting:

- that I am aware of Dalhousie’s copyright guidelines,
- that the materials I will upload will be in compliance with Dalhousie’s guidelines and policies,
- and that if I have any questions about copyright or Dalhousie’s guidelines I will contact the Copyright Office at Copyright.Office@dal.ca

Additional information on copyright at Dalhousie can be found on the Copyright Office website at http://www.dal.ca/dept/copyrightoffice.html

Why am I seeing this message?

I Confirm    I Would Like More Information
What is That Message Saying?

- Is your course “copyright compliant”?

- You are uploading works which you own the copyright to; Or, you have permission from the copyright owner to upload; Or, are in keeping with an exemption in the Copyright Act (like Fair Dealing).
FAIR DEALING

What is it?
FAIR DEALING TEST: PART 1:

Are you copying for one of the following purposes?:

- Research
- Private Study
- Criticism
- Parody
- Review
- News reporting
- Education
- Satire
Apply these factors to your dealing:

- Purpose
- Amount
- Character
- Alternatives
- Nature
- Effect
Dalhousie Fair Dealing Guidelines
FAIR DEALING POLICY

You can take a short excerpt of a copyrighted work and....

◉ Email it to a student/fellow researcher
◉ Include it in your Power Point slides
◉ Put up it on display
◉ Place it in a course pack, in Brightspace, as a handout.....
Fair Dealing Guidelines: Short excerpts

A short excerpt is defined as:

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 issue (i.e. journal article, magazine);
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
Limitations

- These guidelines don't cover lectures open to the public
- They do not cover publications that are distributed outside of the university community, including thesis work
- You can't make multiple copies with the intention of making all of/or more of a work available (i.e., copy 10% 10 times)
- Licenses for material can override The Copyright Act
The library negotiates licenses with many of its database vendors, which have different terms of use.

A list of them, and a summary of their licenses can be found:

http://licenses.library.dal.ca/
Access options for this title

Title: Harry Potter and the measures of personality: Extraverted Gryffindors, agreeable Hufflepuffs, clever Ravenclaws, and manipulative Slytherins

Options for electronic Full Text
Full text available via Elsevier SD Freedom Collection
Year: 2015 Volume: 83 Issue: C Start Page: 174
Copyright & Permissions Information
# Licensed Resources

## INTERNATIONAL POLITICAL SCIENCE ABSTRACTS (IPSA)

**License Terms of Use:**

### For Dalhousie Library users

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
<th>Notes</th>
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<tbody>
<tr>
<td>Can I put it on e-reserve?</td>
<td>No</td>
<td>E-reserves are collections of electronic copies of materials made and stored on a secure network (like the University course space, BrightSpace) for use by students in connection with specific courses of instruction.</td>
</tr>
<tr>
<td>Can I put it in a course pack?</td>
<td>No</td>
<td>Course Packs are compilations of materials assembled by an academic institution for use by its students in a class for the purposes of instruction.</td>
</tr>
<tr>
<td>Can I link to it?</td>
<td>Yes</td>
<td>For instructions on the best way to create links to electronic resources, please refer to our permanent url guide.</td>
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### For Libraries

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<th>Question</th>
<th>Answer</th>
<th>Notes</th>
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<tr>
<td>Is ILL allowed?</td>
<td>No</td>
<td>Interlibrary loan or Document Delivery is a service whereby users from one library may borrow material from another library. Requests are made through Dalhousie’s Document Delivery Service.</td>
</tr>
</tbody>
</table>

If your intended use is not covered here or you have additional questions about license permissions, please contact copyright.office@dal.ca.
Copyright and Theses

- Students own copyright
- License granted to the university (non-exclusive)
- Library places thesis online via Dalspace
- Thesis is also stored with Library and Archives Canada
- Thesis FAQ
Copyright and Theses

- Fair dealing can apply to thesis work
- Fair dealing guidelines do not apply
- You must conduct a fair dealing analysis, to see if your intended use is fair
- Analysis tools on website, or contact copyright.office@dal.ca
Copyright and Theses

- As a best practice, request permissions
- Content from another author (Journals, etc.)
- Your own published papers
- Co-authored papers / research
- Usually free for theses
Endgames  »  Spot Diagnosis

Skin changes after a magnetic resonance imaging scan

BMJ 2018; 360  doi: https://doi.org/10.1136/bmj.k77 (Published 08 February 2018)
Cite this as: BMJ 2018;360:k77

Barian Mohidin, core medical trainee

Author affiliations

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A 54 year old woman with hepatitis C and end stage renal failure of unknown cause (for which she was receiving haemodialysis) had a magnetic resonance imaging scan with gadolinium in 2000. She experienced swelling and erythema of her limbs within 48 hours of the scan. This subsequently developed over months to diffuse aching pains, fibrosis with skin hardening and induration, and progressive weakness in all limbs, with substantial loss of muscle mass (figs 1 2 3). What is the clinical diagnosis?
RightsLink

Title: Skin changes after a magnetic resonance imaging scan
Author: Barian Mohdin
Publication: The BMJ
Publisher: BMJ Publishing Group Ltd.
Date: Feb 8, 2016
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Exemptions and alternatives

What else can you use?
Exemption 1: Publicly Available Through the Internet (for educational purposes)

Must meet several conditions:

- For educational/training purposes
- Give attribution (author / URL)
- No breaking of digital locks
- No prohibitive notice
- Not an infringing copy
Conditions for educational performance:

- On the premises of university
- Audience primarily students/instructors
- Can't be an infringing copy
- No breaking of digital locks
- Doesn't always apply to streaming services (Netflix, iTunes, Amazon) – check license/terms of use
- Provide full attribution / credit
Alternatives to Copyrighted material
Creative Commons licenses

- **Attribution (BY)**: Others can copy, distribute, display, perform and remix your work if they credit your name as requested by you.
- **No Derivative Works (ND)**: Others can only copy, distribute, display or perform verbatim copies of your work.
- **Share Alike (SA)**: Others can distribute your work only under a license identical to the one you have chosen for your work.
- **Non-Commercial (NC)**: Others can copy, distribute, display, perform or remix your work but for non-commercial purposes only.

[https://creativecommons.org](https://creativecommons.org)
Public Domain
Material that is produced by the Canadian Federal/Provincial Government

Allows non-commercial use without permission or payment (attribution required)

Rules may differ for between governments, provinces and municipalities (always check if you need permission)

Not all government documents fall under Crown Copyright
Seeking permissions

- If exceptions (fair dealing, public domain, Creative Commons, etc.) do not apply - ask permission.

- [Advice on obtaining permissions](https://www.copyright.gov/) (Copyright Office website)

- [Silence does not equal permission](#)
Managing your rights
Copyright & Employees in Canada

- Authors are deemed to be the first owner.
- Employers can have copyright under the following conditions:
  - The author is an employee under a service contract or apprenticeship.
  - The work is made in the course of the employment.
  - There is no agreement to the contrary.

Article 23: Copyrights, Patents and Author’s Rights

23.01 Except as dealt with in Clauses 23.05 and 23.06, the Board makes no claim to the copyrights in books, articles and similar material in the print or digital media written or prepared by any Member. The Board makes no claim to the copyright of any work of art, such as painting, sculpture, music or the like, created by any Member. The Board, therefore, undertakes to transfer to those Members who are the authors, and hereby transfers to those Members who are the authors, the copyrights of all material they have created in the print or digital media and in works of art.

“... the Board makes no claim to the copyrights in books, articles and similar material in the print or digital media written or prepared by any Member.”
Author rights in an academic context

- RAs normally produce works in the course of employment. So the employer may be copyright holder - unless you have an employment contract that grants you copyright.

- You might retain moral rights e.g. attribution or association with the work provided you haven't waived those.
Copyright Transfer Agreement

The ______ Association ("the Proprietor") will be pleased to publish your article ("the Work"), tentatively entitled

__________________________

in the _____ Journal of _______ ("the Journal") if the Work is accepted for publication. The undersigned authors transfer all copyright ownership in and relating to the Work, in all forms and media, to the Proprietor in the event that the Work is published. However, this agreement will be null and void if the Work is not published in the Journal.

The undersigned authors warrant that the Work is original, is not under consideration by another journal, and has not been previously published.

(This agreement must be signed by all authors. A photocopy of this form may be used if there are more than 10 authors.)

__________________________          ________________________
Author's name & signature          Date          Author's name & signature          Date
Provides a template that you can tailor to suit your needs

Establishes that the Addendum and the Publication Agreement work in tandem but in the case of a conflict, the Addendum takes precedence

Author’s retention of rights

Not all publishers will accept an addendum

Remember: Publishers don't need all of your rights to publish the paper in their journal
Resources

SPARC Addendum:


SHERPA - ROMEO: publisher permissions database:

http://sherpa.ac.uk/romeo/index.php
Thank you!

Email: copyright.office@dal.ca

Web: www.dal.ca/dept/copyrightoffice.html