Services for Faculty:

Frequently Asked Questions About Copyright

# LEARNING RESOURCE CENTRE:

## I'd like to find some online articles to use for readings in my course. Can the LRC help?

### Answer

With pleasure! The LRC provides access to thousands of published articles and ebooks that you can use for your course readings.

**What am I allowed to do with the LRC online information resources?**

**Answer**

The copyright for materials contained in the databases belongs to the vendor of the database and/or the publisher of the original publication.

Do not engage in systematic or substantial printing, copying or downloading of content (entire journal issues, books, etc.).

LRC resources can be legally distributed to students using persistent links. For help creating the persistent link, please contact the LRC at LRC@Michener.ca

Generally speaking:

|  |  |
| --- | --- |
| **It is normally acceptable to:*** search, view, retrieve, and display content for non-commercial personal, instructional, or academic research needs
* save, print, or make copies of reasonable amounts or parts of the resources (such as individual journal articles) for non-commercial personal use
* share content with other current Michener students, faculty, and staff
* post links to specific content in such a way that it is available only to other authorized users
 | **It is normally NOT acceptable to:*** sell or re-distribute content, or provide access to someone outside of the Michener community, such as an employer
* share content with people other than current Michener students, faculty, and staff
* modify or alter the content of licensed resources in any way
 |

## Can I share an article from an LRC database with my students at another educational institution?

### Answer

Michener digital content (articles, ebooks, etc.) cannot be shared with students at another institute. The products are licensed exclusively for use by Michener students, faculty and staff.

## Can I photocopy an article I printed from a LRC online information service article database?

### Answer

It depends on the licence that Michener has with the database provider. Some allow it while others do not. Alternatively, you can easily share the article via a persistent link (the LRC can help do this) whereby each reader downloads and prints their own copy of the article.

## I have several copies of the course text. Can I put them on reserve in the LRC so students do not have to buy the book?

### Answer

The Michener LRC Short Term Loans / Course Reserve collection offers textbook loans as a courtesy to students. By design, it is not meant to replace the purchase of required textbooks. The LRC typically purchases one copy of each text in use. Please note that students cannot reproduce more than one chapter, or 20%, of any book per semester.

# BOOKS:

**My textbook comes with supplemental materials. Can I share them with my students?**

**Answer**

If a faculty member has chosen a book as their course textbook and the students enrolled in that course are required to purchase the textbook, the faculty has the permission of the publisher to use the accompanying instructional and supplementary materials for that textbook in order to instruct the course.

Please see the list below for specific permissions and instructions of various textbook publishers. If the publisher or your use of the material is not listed here as being permitted by the publisher please contact us at LRC@Michener.ca We will make the appropriate arrangements to obtain the permissions required.

|  |  |
| --- | --- |
| **Publisher** | **Permissions & Considerations** |
| Cengage    | The use of instructor's manuals for course instruction purposes is permitted. This includes projecting or posting content in electronic format for course presentation and printing for student instruction. |
| Elsevier | Only when the textbook is adopted and students are required to purchase it can faculty use the instruction materials at their discretion. |
| Macmillan | Instructors who adopt the text are allowed to use and post all of the resources that come with the text. |
| McGraw-Hill    | Instructors can use the supplementary resources in the PowerPoint slides or on the course websites. They can distribute excerpts from the manuals but not whole chapters. |
| Nelson | The use of the instructor's manuals for course instruction purposes is permitted. This includes projecting or posting content in electronic format for course presentation and printing for student instruction. |
| Oxford University  Press                   | Allows use of accompanying instructional materials when the textbook is adopted for a course. |
| Pearson    | Adoption of any text provides the instructor with legal permission for limited replication of any content assets found within the Instructor Support Materials. |
| Wiley | As long as the textbook that the resources are accompanying is adopted in a course, the faculty has the right to modify and distribute the instructor materials for the purpose of teaching their course. |

## What if I want to copy more from a book than what is allowed under Fair Dealing?

### Answer

The LRC has negotiated a premium licence with Access Copyright to allow copying up to 20% of a book. Beyond that limit, we will try to obtain permission from the copyright holder on your behalf. Additional payment of royalties may be required. Please contact LRC@Michener.ca and we will assist with the process.

## Are students allowed to bring a photocopy of a textbook to class?

### Answer

No, complete copying of a textbook violates Canadian Copyright Laws and Michener’s Copyright Policy. We suggest at the beginning of each semester that Faculty inform their students that copied textbooks cannot be brought into class or be used during an exam. Faculty who become aware of a student using a photocopy of a textbook during the course of the semester should inform the student that the copied textbook cannot be brought to class.

Although alleged copyright material cannot be taken from the person without a proper investigation, Michener has the right to prohibit the use of the material in question until an investigation of the incident has been completed. Notify the LRC at LRC@Michener.ca of the suspected infraction.

**How can I distinguish between an eTextbook printout and an infringing photocopy of a textbook?**

**Answer**

All eTextbooks print with a unique watermark on the page. The purchaser's name may even be listed in the watermark.

## Can I photocopy something from a book for an exam?

### Answer

Yes, Canadian Copyright laws allow copying for test or exam purposes.

# BLACKBOARD:

**Can I scan a book chapter and post it to Michener’s BlackBoard?**

**Answer**

Probably yes. The chapter should be a short excerpt - our Access Copyright licence specifies no more than 20% of a work.

## Can I post a PDF I downloaded to BlackBoard?

### Answer

Generally, it is preferable to post the web link to the original website that posts the file.

**Can I copy something from a website onto a Word document and post it into my Blackboard course?**

Reasons for this may include: to remove additional stories that appeared with the material that were not appropriate or to correct ugly/hard to read layout of the article, etc.

**Answer**

While it’s always best to link to material on the Internet, if you must copy the item then, yes, you are permitted under these conditions:

* if there is no clearly visible notice prohibiting it
* the material is legitimately posted
* there is no access lock preventing the general public from accessing it
* you provide an attribution for the material

**Can I scan an article from a magazine and post it to Michener’s BlackBoard?**

**Answer**

Probably yes.

To determine whether an article can be scanned and posted in your Blackboard course under the Fair Dealing exemption, you must consider whether it meets the Fair Dealing Factors.

Typically, the article should be a short excerpt of the journal (ie. one article from a journal), and it cannot be from a personal subscription you might have that limits that content to personal use.

## Do I need permission to link to a website in BlackBoard?

### Answer

You do not need permission to link.

"*Hyperlinks are, in essence, references.  By clicking on the link, readers are directed to other sources.  Hyperlinks may be inserted with or without the knowledge of the operator of the site containing the secondary article.*"

Supreme Court of Canada: Crookes v. Newton, 2011 SCC 47 (2011) 3 S.C.R.

## Can I post to Blackboard a file I downloaded from a public website?

### Answer

In general, it is always best to link to the original website instead of downloading and uploading the work. However, under the updated Copyright Act, you are allowed to reproduce or distribute publicly accessible material on the Internet as long as:

* there is no clearly visible notice prohibiting it
* the work is properly cited
* the work is a legitimate copy uploaded with the copyright owner's knowledge
* there is no access lock on the material

Anything behind a non-Michener login (for example, your association membership website, textbook website, etc.) cannot be shared with students by providing your login and a link.

# ARTICLES:

**Can I abridge or adapt an article to make it easier for my students to read for one of their tests?**

**Answer**

Under fair dealing, faculty is allowed to reproduce and adapt articles for tests and examinations. This means you can abridge them or edit them to make them clearer for students.

Faculty does have to follow the conditions set out in the law, which are:

* use only short excerpts (one chapter, one article, one story, or 20% - per Access Copyright - of a work)
* use legitimate works (no pirated or unlawful copies)
* cite the work (if you modify it you should state "adapted from..." or "abridged from...")

# WEB:

## Can I take a selection from a website and copy it into another document and post online for my class?

### Answer

You should be fine to use a short excerpt from a website as long as it’s legitimate material (not something scanned and posted online illegally) and the material is cited.

**Does Fair Dealing apply to Internet materials?**

**Answer**

Materials found on the Internet are afforded the same copyright protection as print materials. This includes: all text, graphics, images, sound, video, news and games available on the Internet, as well as postings to newsgroups and e-mail messages.

Before copying something found on a website (the work needs to be fully cited), you must consider the six Fair Dealing factors and should use a legally posted copy. Content retrieved from password protected websites cannot be reproduced without consent.

There are some exceptions:

* Ideas - Copyright protects the way in which information is presented, it does not protect facts or information. Taking information from another web site and expressing it in your own words does not infringe copyright.
* Public Domain - Material which is in the public domain is not protected by copyright and can be copied freely. Fifty years after an author's death, works produced by this author become part of the public domain. Or, an author may also choose to place an item in the public domain by including a notice which grants permission for copying.
* Titles, names and slogans - Short combinations of words, such as titles, names and slogans, are not generally protected by copyright – although they may be trademarked.

# VIDEO:

**Can I use online videos from sites like YouTube or Vimeo in my classroom?**

**Answer**

You are allowed to show an online video in your class as long as it is a legitimate copy of the work (i.e. it was uploaded by the copyright owner), there is no clearly visible notice prohibiting educational use and there is no access lock preventing the public from accessing the video.

## Do student clubs need a license to screen films at events?

### Answer

Film screenings at student club events and social functions are covered by the Michener's feature film public performance licence with Audio-Ciné Films for titles from their repertoire. Do not hesitate to contact the LRC (LRC@Michener.ca ) for assistance.

## Do I need Public Performance Rights (PPR) to show a DVD in class?

### Answer

**Public performance rights are no longer necessary when screening any video or DVD in college classrooms during a course in session; however:**

* Only legally acquired media can be used. Titles can be sourced from Michener’s Learning Resource Centre or your home purchased collection.
* Personal "on demand" subscriptions (iTunes, Bell, Rogers, Netflix, etc.) cannot be screened in class due to licensing restrictions.
* Online video feeds from web services must be:
	+ legally posted online - for example, you cannot show a scene from the film The Matrix, posted online by someone called johnsmith12345
	+ free of permitted use notices banning use in educational settings

## Can I embed a TEDTalk video in a course or BlackBoard?

### Answer

[TEDTalk usage policies](http://www.ted.com/pages/talk_usage_policy)

"Anyone is free to download the videos from TED.com; share them with friends; republish or embed them on their website or blog."

You must follow these guidelines:
**Attribution**: you reference explicitly TED as the original source of the materials, and TED's logos and visuals as well as those of the TEDTalks sponsors remain untouched and unedited.

**NonCommercial**: You can't use TEDTalks (or any parts of them) for commercial purposes.

**NonDerivative**: You cannot alter the videos in any way (edit, remix, cut, etc).

**I have recorded some TV programs on to my PVR and wish to prepare an edited DVD with portions suitable for the class. Am I allowed to do this?**

**Answer**

As usual, the answer isn’t a straight yes or no.

Recording television broadcasts to show in the classroom can be done within certain restrictions:

* News programs or news commentaries can be recorded and screened in class.
* Purchased TV programming on DVD can be shown in class.
* Recorded at the time of broadcast, TV documentaries and TV series can be screened in face to face classrooms only if there is no commercially-available DVD copy.
* You can never use materials where you have had to bypass “technical protection measures” (digital locks or passwords) to make a recording.

So, if there is a commercially available DVD of the TV programs you have recorded, you would not be able to show your recording in class. Instead, you would need to purchase those DVDs to show in class.

# MUSIC:

**Can I play music in my classroom?**

**Answer**

The short answer is yes, with exceptions.

The Copyright Act allows a college to play music or other sound recordings in class for educational purposes. If the performance will be offsite and / or outside of school hours, our licence with the Society of Composers, Authors and Music Publishers of Canada (SOCAN) will apply.

However, if you want to save the music in digital format and / or post the music online (even in BlackBoard), it is a totally different story and can take a great deal of time to get the required permissions. And, there will most likely be a fee to do use the music this way.

**Can I or my students add pop songs to videos we create for class or assignments?**

**Answer**

The general rule is…you or your students are allowed to use copyrighted materials (i.e. pop songs) as long as they follow the conditions:

* The copyrighted material is a legitimate copy (e.g. you didn’t use a pirated/illegal copy of the item)
* The material is cited
* Your video is not for promotional or commercial purposes
* The material is used to create a transformative work
* The use of the material in your video will not impact the market for the material

## Can we play background music at orientation? We would purchase it from iTunes?

### Answer

Our SOCAN license covers playing music outside of the classroom. However, music purchased from iTunes (and like services) cannot be used as the licensing terms clearly state that it is for personal use only. Therefore, you would not be able to use such music in a public location. Your best option is to legally purchase music on CD/DVD which could then be played under the terms of the SOCAN licence.

## I want to share 25 popular music songs with my students. Can I post the files online in BlackBoard?

### Answer

Music is one of those copyright mediums that is very difficult to deal with.

The easiest way to handle this type of situation would be for the program to purchase the material you want the students to listen to on CD. They need no special permissions to play a legal copy of a CD to students in the classroom.

If you want to post the music online, it is a totally different story and can take a great deal of time to get the required permissions – and there will most likely be a fee to do so.

To get permissions, we can help you by starting with the Canadian Musical Reproduction Rights Agency ([http://www.cmrra.ca](http://www.cmrra.ca/)), or via email at inquiries@cmrra.ca or telephone at 416-926-7521.

We will also have to contact Re:Sound, a music licensing agency, ([http://www.resound.ca](http://www.resound.ca/)), via email at info@resound.ca or telephone at 416-968-8870.

# POWERPOINT:

## How do I indicate on my presentation slides that I have the copyright holder’s permission to use the material?

### Answer

One quick and easy way to show that you have the copyright holders permission to use the material, is to state "Used with permission from [insert copyright holder]".

## Can I post to BlackBoard a PowerPoint presentation I used in a class that uses a PowerPoint template I bought online?

### Answer

Anything bought or licensed has permitted uses. Check the permitted uses from your receipt or the website where you bought the template. Some sites say you can post the file only as a PDF (since they don't want to lose sales if you post the template online). Some sites have no such limits.

# IMAGES:

## Can I scan and insert an image from a textbook for a class presentation?

There is an anatomical image I would like to include in my presentation deck. I would have to scan and insert image or else seek approval for a similar image. I am looking for the fastest solution.

### Answer

Likely yes, you would be allowed.

Scanning one image from a book should constitute a short excerpt, so you would be able to scan and use the image under fair dealing without seeking approval.

## Can a student scan an image from a book or magazine for a class presentation?

### Answer

If a student uses a scanned image in a presentation to their class, gives it proper attribution and does not post the file publically online (for anybody in the world to see), the answer is yes.

# TRADEMARKS:

## Can I use a logo or a bunch of logos and assemble them on a slide in a unique way, adding pictures/comments, etc., is this fair use?

### Answer

Trademarks and logos aren't covered by copyright law. They are covered by trademark law which doesn't make allowances for educational use. Therefore, if you want to use trademarks and logos permission is required. To get permission, we can help you contact the company directly or check a company website under "Terms of Use" to see if conditions for using the logo are posted on the company website.

## I was wondering if I could use of the name "Dragons' Den" for one of my class activities. Or the name of another television show?

### Answer

You cannot use Dragon’s Den logos or label the activity "Dragon’s Den", largely due to trademark rules.

You would be OK to say you’ll be asking students to pitch their ideas to venture capitalists/judges in “Dragon’s Den style” or “like you see on the TV show Dragon’s Den".

# INTELLECTUAL PROPERTY:

## Can Michener freely use student course work/projects to promote its programs to potential students (say at a trade show)?

### Answer

Students maintain copyright over all of their work completed while at Michener; therefore, you would require a signed consent form from them to use their work for any purpose.

# GOVERNMENT:

## Are we allowed to reproduce Canadian federal government publications?

### Answer

"Permission to reproduce Government of Canada works, in part or in whole, and by any means, for personal or public non-commercial purposes, or for cost-recovery purposes, is not required, unless otherwise specified in the material you wish to reproduce"

**"Permission is always required**when the work is being**revised, adapted, or translated**regardless if the purpose of the reproduction is for personal or public non-commercial distribution, or for cost-recovery purposes."

([Government of Canada](http://publications.gc.ca/site/eng/ccl/aboutCrownCopyright.html))

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# COPYRIGHT QUESTIONS?

Do not hesitate to contact the Learning Resource Centre

LRC@Michener.ca

416-596-3123