Preparing your Course Materials: Copyright and Fair Dealing Fundamentals

University of Toronto Libraries
Scholarly Communications & Copyright Office
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What we are going to talk about:

- Copyright Resources for UofT Faculty
- Copyright Roadmap in Depth
- Library Services to Support Instructors
- Q & A
University of Toronto Copyright Resources

**University of Toronto Fair Dealing Guidelines**
Produced by the Office of the Provost in 2012 and lay out the University's fair dealing policy.

**Copyright Basics and FAQ**
Produced by the University of Toronto legal counsel, this FAQ provides in depth information on copyright issues. Updated September 2014.

**Copyright Roadmap**
The Copyright Roadmap is designed to assist in decision making when selecting resources and potentially copying material for use in teaching and research activities. Updated April 2018.

**Use of Audiovisual Material on Campus**
This policy outlines the use of audiovisual material, including FAQs. Created in consultation with the Office of the Provost, the University of Toronto legal counsel, outside counsel, and the Scholarly Communications and Copyright Office.

**List of Copyshops Licensed by Access Copyright**
This is a list of copyshops in the Toronto area with a current Access Copyright License. It is important to note that the University continues to work closely with the University of Toronto Bookstore to provide course materials to students.

**University of Toronto School of Graduate Studies (SGS) Thesis Copyright Guide**
Find resources to help with managing copyright and permissions issues during your Electronic Thesis and Dissertation (ETD) submission process.
Copyright Roadmap

Consult at
https://onesearch.library.utoronto.ca/sites/default/files/copyright/utl_copyright_roadmap.pdf
Is the material “in copyright”?

Copyright 101

How long does copyright protection last?

- Typically, Life of creator + 50 years
- Works for hire: 50 years
- Crown copyright: 50 years

After this period, the work enters the public domain
Is the material in copyright?

Copyright 101

What exclusive rights does copyright enshrine and protect?

- Perform
- Produce, reproduce, perform or publish any translation of the work
- Reproduce, adapt and publicly present the work
- Communicate the work to the public by telecommunication
- Authorize others to do any of these things
Does permission exist in the form of a license?

A license can come in many forms, such as:

- Library-licensed material, used according to its permitted uses
- Openly-licensed material (such as Creative Commons)
- A direct permission from copyright owner and/or author
- Permission from a collective rights society (e.g., Access Copyright)
Does permission exist in the form of a license?

Use the UTL licensed collection.
Is the proposed use “substantial”? 

Copyright only applies to the reproduction of a work or “the substantial part thereof.”

- Substantiality is not defined in the act; it is a matter of degree and context
- The analysis is not purely quantitative: even a relatively short passage may be viewed as substantial in some circumstances, especially if it is of particular importance to the original work.

For more guidance on how to ascertain if the proposed reproduction is substantial, please refer to the University of Toronto Fair Dealing Guidelines.
Is the copying permitted via an exception?

“...The proper balance among these and other public policy objectives lies not only in recognizing the creator's rights but in giving due weight to their limited nature.”


Resources:
- Copyright Act (Section 29, 29.1, 29.2)
- University of Toronto Fair Dealing Guidelines
- Copyright Basics and FAQ
Two broad tests must be passed:

• The "dealing" must be for an allowable purpose
  • Research, private study, education, parody, satire, criticism, review, or news reporting

• The “dealing” must be “fair” – consider these six factors:
  1. The purpose of the dealing
  2. The character of the dealing
  3. The amount of the dealing
  4. The nature of the work
  5. Available alternatives to the dealing
  6. The effect of the dealing on the work
What **can** a “short excerpt” mean?

“It is **not limited to and may vary depending on the exact nature of the work being used, and of the use itself, all in the context of consideration and application of the fair dealing factors**”

(University of Toronto Fair Dealing Guidelines)

1. up to 10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work)
2. one chapter from a book
3. a single article from a periodical
4. an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works
5. an entire newspaper article or page
6. an entire single poem or musical score from a copyright-protected work containing other poems or musical scores
7. an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work, provided that in each case you copy no more of the work than you need to in order to achieve the allowable purpose
Work Available Through the Internet

• This exception allows the University, for educational or training purposes, to do any of the following things through the internet:
  • reproduce it;
  • transmit it electronically
  • perform it in public for an audience consisting primarily of University students or other persons
  • acting under the University’s authority; and do any other act necessary for the purpose of these acts

References:
• Copyright Act (Section 30.04)
• Copyright Basics and FAQ (Page 11)
Work Available Through the Internet

This exception is not available if:

• the material, or the website where it is posted, is protected by a technological protection measure (ie: a paywall)

• the material is protected by a technological protection measure that restricts the doing of the act itself
  • Example: a digital lock that is intended to prevent the work from being copied

• a clearly visible notice prohibiting the act

• the person who does the act knows or should have known that the material was made available through the Internet without the consent of the copyright owner
  • Example: a streamed video from an unauthorized website

References:

• Copyright Act (Section 30.04)
• Copyright Basics and FAQ (Page 11)
Look for sections labeled ‘copyright’ or ‘terms of use’ – these pages will usually outline limits on how you can use the work, if any.
None of the materials provided on this web site may be used, reproduced or transmitted, in whole or in part, in any form or by any means, electronic or mechanical, including photocopying, recording or the use of any information storage and retrieval system, except as provided for in the Terms and Conditions of Use of United Nations Web Sites, without permission in writing from the publisher.

News-related material can be used as long as the appropriate credit is given and the United Nations is advised.

To request such permission or for further enquires, please visit: United Nations Publications: Rights and Permissions
What about linking?

• Generally, hyperlinking to websites is permitted. There is no copying in linking.
• BUT it is possible that linking to infringing content may itself infringe copyright (be aware of what you are linking to)
• Some websites contain terms and conditions that prohibit third parties from linking to them. Before linking to any website, check its terms and conditions

References:

• Copyright Basics and FAQ (Page 15)
Do you need to ask permission?

If you are unable to utilize any of the options we’ve discussed, permission from the copyright holder must be sought and received before reproducing the material.

The Scholarly Communications and Copyright Office can help you with this!

https://onesearch.library.utoronto.ca/copyright/permissions

Processing can take anywhere between 5 minutes and 10 weeks. Get in touch asap!
Library Services to Support Instructors

Links, Scans, Copyright & Licensing

We have updated some of our webpages to make services clearer to students and instructors:

Sharing Course Readings @ UofT

https://onesearch.library.utoronto.ca/copyright/course-readings-information-instructors

UTL’s Syllabus Service:

https://onesearch.library.utoronto.ca/copyright/course-reserves-and-syllabus-service
Thank you!

Questions?

Contact Us!

Course Reserves & Copyright Compliance:

syllabus.service@library.utoronto.ca

Contact Me!

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