Copyright and Student Publishing

2019 Student Journal Forum
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goo.gl/5qDxGQ
What I’m going to talk about

- Copyright in 5 Minutes
- Fair Dealing and Permissions: things to think about
- Copyright Ownership & Student Journals
Copyright Basics (Short Version)

Created by EliRatus
from Noun Project
Copyright: Exclusive Rights to Creators

Typically, Life +50 years in Canada (for now), +70 in other places

- 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**
What is infringement?

• Doing anything without permission that only the owner is entitled to do when using a “substantial part” of the work

• Permission can be in the form of a license. Examples:
  • Directly from the copyright owner
  • From a publisher or agency representing the copyright owner
  • Via a public license such as a Creative Commons license
  • From a collective society that represents various copyright owners (Access Copyright in Canada, Copyright Clearance Center in USA)

…but there are exceptions to copyright infringement (i.e., users’ rights) that can be used without getting permission from the copyright owner
“...The proper balance among [the] public policy objectives [of copyright law] lies not only in recognizing the creator's rights but in giving due weight to their limited nature.”


Fair Dealing

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
Fair Dealing (or Fair Use) in Scholarly Publishing: Highly Disciplinary and Work Specific

Society for Cinema & Media Studies Fair Use Policies

The Phantom Thread
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CAA: Code of Best Practices in Fair Use for the Visual Arts
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STM Association Permissions Guidelines
Copyright Ownership & Student Journals

2 approaches

- Author transfers ownership to journal
  - Must be in writing (i.e. via a contract)
  - Benefits: Journal can republish, central management of permissions
  - Drawbacks: Author may not republish, unless given a license by journal; management overhead

- Author retains ownership; licenses use of article to journal
  - Can be included in policy statement, email to author, etc.
  - Benefits: authors can republish/adapt works elsewhere without permission
  - Drawbacks: journal will need to seek permission to republish or translate

See: JPS Guide: Copyright and Licensing: Copyright Ownership
Helpful Copyright Links and Resources

- UofT Fair Dealing Guidelines and Copyright Basics & FAQ
- UofT JPS: Journal Publishing Guide - Copyright and Licensing
- University of Chicago Press: Copyright and Permissions Guidelines
- Center for Media & Social Impact: Fair Use Resources
- Authors Alliance: Guide to Fair Use for Nonfiction Authors
- Creative Commons FAQ
Thank you! More Questions? Contact Us

For questions about copyright contact:
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