

## Copyright at the University of Guelph: a guide for instructors

### What are the recent copyright changes?

- As of January 1, 2011, the University no longer has a licence agreement with Access Copyright, the collective that has been licensing photocopying and print course packs for Canadian universities.
- The University must now rely on what is permitted under the Copyright Act of Canada when photocopying and scanning from copyrighted works without the permission of the copyright owner.
- The University has adopted the [Fair Dealing Policy](#) recommended by the Association of Universities and Colleges of Canada (AUCC) as a guide to determining what may be legally copied under the Copyright Act. This Fair Dealing Policy reflects recent legal rulings on copyright issues in the educational sector, including the ruling that copies made for the purpose of instruction cannot be considered fair dealing.

### What kinds of copying are permitted under the Copyright Act?

In general, it is permissible to make a copy if:

- the work being copied is in the public domain, i.e. it is no longer protected by copyright (in Canada, copyright protection generally expires 50 years after the death of the creator)
- the copyright owner has given permission for the copying
- the work to be copied is covered by a license that permits such copying, e.g a Creative Commons (CC) license; some licences the university has with publishers of electronic journals and books.
- the copying is covered by one of the exceptions in the Copyright Act, such as:
  - the exception permitting copies to be made to display to students during a class, using an overhead projector or similar device
  - the exception permitting copies to be made for use by students as part of a test or examination
  - the fair dealing exception, which permits limited copying for the purposes of research, private study, criticism, review, or news reporting (but **not** for the purpose of education or instruction).

Making copies for the purpose of instruction which are not covered by one of the above categories may be an infringement of the Copyright Act.

## A guide to copying for instructional purposes

The summary below outlines the options for making copies for instructional purposes, based on the [Fair Dealing Policy](#). It also suggests some alternatives for making content available to students.

### Options for Providing Print Copies:

- **Print course packs/course readers:** any course packs made prior to January 1, 2011 may continue to be used. For new course packs, contact the Bookstore or the Centre for Open Learning and Educational Support (DE courses) for more information on the options available. All course pack copying now requires permission from the copyright owner, so more lead time may be required.
- **Classroom handouts:** some of the library's e-journal content may be distributed to students in print form, depending on the terms of the university's license with the publisher. Otherwise, permission must be obtained in order to make photocopies of published works to distribute to students. E-mail [fairdealing@uoguelph.ca](mailto:fairdealing@uoguelph.ca) for information about specific journal titles and license terms, or to obtain copyright permission to make photocopies for classroom use.
- **Placing Photocopies at the Reserve Desk:** permission must be obtained from the copyright owner. Reserve staff will take care of clearing permission for any materials submitted.

### Alternatives:

- ✓ provide students with the content electronically, using electronic reserve. All e-reserve content is copyright cleared, and can be linked to via CourseLink (D2L); submit requests via the [Ares system](#).

- ✓ Link directly to licensed e-journal and e-book content via CourseLink (D2L); e-mail [fairdealing@uoguelph.ca](mailto:fairdealing@uoguelph.ca) to obtain durable links to specific content.
- ✓ Place the original book/resource at the Reserve Desk for students to borrow.
- ✓ Make copies from public domain, Open Access, or Creative Commons (CC) licensed materials.

### Options for Providing Electronic Copies:

- **Posting scanned copies of books and other published works on CourseLink:** permission is required to scan and post content from copyrighted works. To obtain permission, send your request to [fairdealing@uoguelph.ca](mailto:fairdealing@uoguelph.ca), or place the content on electronic reserve by submitting your requests via the [Ares system](#). All e-reserve content is copyright cleared, and can be linked to via CourseLink (D2L).
- **Posting PDFs of e-journal articles on CourseLink:** some of the library's e-journal content may be posted in PDF form to CourseLink (D2L), depending on the terms of the university's license with the publisher; otherwise, link directly to e-journal content rather than downloading and posting the PDF. E-mail [fairdealing@uoguelph.ca](mailto:fairdealing@uoguelph.ca) for information about specific journal titles and license terms, or to obtain durable links to specific content.
- **Including figures and illustrations in online course notes:** figures, illustrations, photographs and excerpts taken from textbooks, web sites, journals, or other published works, can be included in lecture notes displayed to students in a classroom setting. However, when posting lecture notes online, permission is required in order to include such content.

If the figures are taken from the required text for the course, the publisher may allow the content to be posted in CourseLink. Check the copyright page included in the text or accompanying materials, or contact the publisher directly to find out.

Some of the library's e-journal licenses may also permit the posting of content in systems such as CourseLink.

E-mail [fairdealing@uoguelph.ca](mailto:fairdealing@uoguelph.ca) for information about specific journal titles and license terms, or if you need to obtain permission. Note that you will need to provide specific details of the content you are using, such as figure titles and the page numbers they appear on.

- **E-mailing e-journal articles to students or colleagues:** send a link or citation to an e-journal article rather than sending a pdf copy.  
Some of the library's e-journal licenses permit the e-mailing of pdf copies of articles to students and colleagues at your own institution. Most e-journal licences, however, do not permit the e-mailing of articles to colleagues at other institutions. E-mail [fairdealing@uoguelph.ca](mailto:fairdealing@uoguelph.ca) for information about specific journal titles and license terms. For colleagues at other institutions, suggest that they obtain the article via Interlibrary Loan.
- **Using content from the Web:** content on the web is copyrighted in the same way as print and other formats, even if there is no copyright symbol or notice. Linking directly to the web page containing the content you wish to use is almost always permissible, although you need to make sure the content you are linking to is not in itself infringing. If there are clues that the web site contains content posted without the permission of the copyright owner, you should avoid linking to it.

### Alternatives:

- ✓ whenever possible, utilize e-journal and e-book content that the university has already licensed. These resources can be linked to directly; e-mail [fairdealing@uoguelph.ca](mailto:fairdealing@uoguelph.ca) to obtain durable links to specific content.
- ✓ link directly to Open Access content, or to content freely available on the web.
- ✓ Use photographs from web sites that offer royalty-free or public domain images.
- ✓ To obtain permission, send your request to [fairdealing@uoguelph.ca](mailto:fairdealing@uoguelph.ca), or place the content on electronic reserve by submitting your requests via the [Ares system](#). All e-reserve content is copyright cleared, and can be linked to via CourseLink (D2L).

## Useful Contacts and Links

### Questions regarding copying, the new copyright requirements, or fair dealing:

Heather Martin ([fairdealing@uoguelph.ca](mailto:fairdealing@uoguelph.ca); x54701)

Fair Dealing Policy:

[http://www.lib.uoguelph.ca/about/policies/components/documents/fair\\_dealing\\_policy.pdf](http://www.lib.uoguelph.ca/about/policies/components/documents/fair_dealing_policy.pdf)

### Print and Electronic Reserves, Library:

Heather Martin, Manager, E-Learning and Reserve Services, ([martin@uoguelph.ca](mailto:martin@uoguelph.ca); x54701)

E-Learning and Reserve Services ([libres2@uoguelph.ca](mailto:libres2@uoguelph.ca); x.53621)

Ares Course Reserves System: <https://ares.lib.uoguelph.ca/ares/>

### University Bookstore (Custom Courseware):

Ken Morrison, Bookstore Manager (Textbooks), ([kmorrison@hrs.uoguelph.ca](mailto:kmorrison@hrs.uoguelph.ca); x.58468)

Nicole Asselin, Custom Courseware Coordinator ([nasselin@uoguelph.ca](mailto:nasselin@uoguelph.ca); x.53584)

### Centre for Open Learning and Educational Support (DE Courses):

Linda Tartt, DE Copyright Coordinator ([ltartt@open.uoguelph.ca](mailto:ltartt@open.uoguelph.ca); x52943)

Linda Carey, DE Production Manager ([lcarey@open.uoguelph.ca](mailto:lcarey@open.uoguelph.ca); x52803)