GUIDE TO COPYRIGHT

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Purpose

To inform and assist faculty, staff, and students at Cégep Heritage College on the use of copyrighted materials in Canada, and their rights and responsibilities within the context of research and education.

Scope

The Copyright Act is a federal law which everyone must follow whenever reproducing, performing, translating, or distributing someone else’s copyrighted work. The information outlined in this Guide to Copyright must be followed by all faculty, staff, and students at Cégep Heritage College.

What is Copyright?

Copyright is a law that protect the moral and economic rights of content creators. This includes, but is not limited to, authors, videographers, composers, artists, musicians, journalists, choreographers, playwrights, and animators. Copyright also applies to anything you find on the internet, including photographs, videos, articles, and books.

Copibec: Rights & Obligations

Copibec, whose official name is Société québécoise de gestion collective des droits de reproduction, "is a non-profit social enterprise that belongs to the author and publisher community. We offer convenient, customized solutions that meet the needs of users of copyright-protected content, giving them access to a repertoire (catalogue) containing millions of works published here in Quebec and all around the world."¹

While copyright in Canada is governed by the Copyright Act, Copibec licenses educational institutions in Quebec. Under the college reproduction rights license, Cégep Heritage College faculty and staff can conveniently and legally use content protected by the Copyright Act.

Authorized Use

There are four requirements that must be met before faculty, staff, or students can reproduce materials that are copyrighted:

1. Check that the content is NOT on the Exclusions List
2. Stay within the license’s usage limits
3. Indicate the bibliographic references for the reproduced content
4. Report what you have reproduced

By reporting the content you reproduce, you’re ensuring that authors and publishers receive royalties for the content they’ve created.

Exclusions

There are a number of materials that are not covered under our license agreement with Copibec, which include:

1. Internet content, unless
   a. consent is obtained from the author, or
   b. content is also published in paper format and is not on the Exclusion List.
2. Unbound photographs and illustrations (eg. posters, maps, postcards)
3. Non-published works
4. Booklets
5. All works published by the government or any Canadian province or territory with the exception of the Quebec government.

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2 The Exclusions List is available for viewing on the Copibec website. You can also visit or contact the library to determine if your materials are on the Exclusions List.
3 A complete bibliographic reference includes the author's name, title of the work, publisher's name, publication place and year, and page numbers reproduced.
4 You can report what you have reproduced by completing the preformatted Excel copy log worksheet, which is available from the library or through Copibec’s website. You can also submit report your information online by visiting https://www.copibec.ca/en/reporting-cegep-college

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Types of Use Allowed

You can use excerpts from print or digital publications for teaching and research purpose, for the following types of use:

1. Coursepacks  
   a. Create coursepacks that include short stories, poems, essays, news articles, anthology chapters, etc.

2. Learning management system and email  
   a. Share excerpts from publications with your students and colleagues via email or your college’s secure network.

3. In-class display  
   a. Display text excerpts or images on a smartboard during classes or integrate them into a slideshow.

4. Photocopies  
   a. Give your students photocopies of excerpts from publications as references for your courses.
Usage Limits

Usage limits apply per semester for the same course group and the limits depend on the type of content you want to reproduce.

Publications developed in Québec specifically for college education purposes:

- 10% of the publication, up to a maximum of 25 pages

Any other publication NOT on the Exclusions List

- 15% of the publication

The following can also be copied under the license:

- An article
- Newspaper or periodical page
- Song lyrics
- Short text from a collective work
- Entry from a reference book
- Image from a book, magazine, or newspaper
- Chapter that is not more than 15% of the total number of pages in the book; if the publication was developed for college education purposes (e.g. textbook), the limit is 10% or 25 pages.

Remember to keep a record of what you reproduce in the Copy Log Worksheet or through Copibec’s SAVIA system.

Exceeding Authorized Limits

For any use that exceeds the authorized limits, you need to get permission. You can request permission through Copibec’s Rights Management System, Savia, or make a request online here: https://www.copibec.ca/en/get-permission

Students are allowed to print out a paper copy of a digital format excerpt provided by a professor or instructor. They can also make a personal-use digital copy.

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Creating Coursepacks

To create a coursepack, faculty can select materials in either print or digital format. There is no limitation to the number of items that can be included in a coursepack. However, each individual item must abide by the information outlined above. The same distribution rules apply to coursepacks as they do to other Types of Use. For example, coursepacks may be made accessible via Moodle, the College’s email network, in-class, or printed and made available through the bookstore.

As with any materials you reproduce, you must keep a record of each item used in your coursepack and the number of students in the course for which the coursepack was created.

SAMUEL

SAMUEL (Simplified Access for Multidisciplinary Education and Learning) is a Copibec tool that gives faculty and staff access to over 30,000 documents in digital format for educational use. There are many different types of content available, including:

1. Children’s literature
2. Arts and culture magazines
3. Scientific works
4. Plays
5. Novels and essays
6. Song lyrics
7. Sheet music
8. Press photos
9. Illustrations
10. Artistic works

Create an account online, browse the catalogue, and download content. [https://www.copibec.ca/en/samuel](https://www.copibec.ca/en/samuel)

There is no charge for using the content in SAMUEL and you do not need to report what materials you reproduce or download.
Fair Dealing: Copyrighted Material Not Covered by Copibec

According to the Fair Dealing Clause of the Copyright Act, you are exempt from needing to obtain permission if your usage falls under one of the categories below AND is considered “fair” use. First of all, does your reproduction or use fall under one of the categories below?

1. Research
2. Private Study
3. Education
4. Parody
5. Satire
6. Criticism or Review
7. News Reporting

While materials used in the classroom may pass the first test – they fall under “Education” – you have to determine if the use is “fair.” To determine whether or not the work is being used fairly, you need to consider the following:

1. The purpose of the dealing (Is it commercial or research / educational?)
2. The character of the dealing (What was done with the work? Was it an isolated use or an ongoing, repetitive use? How widely was it distributed?)
3. The amount of the dealing (How much was copied?)
4. Alternatives to the dealing (Was the work necessary for the end result? Could a different work have been used instead?)
5. The nature of the work (Is there a public interest in its dissemination? Was it previously unpublished?)
6. The effect of the dealing on the original work (Does the use compete with the market of the original work?)

Essentially, you can’t use a substantial part of the work (follow Copibec’s usage limits), you should make sure there isn’t an alternative that could work just as well, and you must use it within the institution for your students. If the work is commercially available, this exemption to Copyright provided through the Fair Dealing Clause does not apply.

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5 Information retrieved from Simon Fraser University. Used with permission under the Creative Commons License - Attribution.
6 See the FAQ for a definition of “commercially available.”
Copyright and the Internet

Authorized Use

Internet content is not covered under the Copibec License Agreement and therefore it is the responsibility of faculty, staff, and students to ensure Copyright law is being followed.

According to Section 30.47 of the Copyright Act, faculty, staff, and students may reproduce Internet content for the purposes of education. However, you are required to provide the following information with any reproduction unless it is available through the public domain. Nonetheless, it is a good habit to always include the following:

- the source; and
- if given in the source, the name of
  - the author, in the case of a work,
  - the performer, in the case of a performer’s performance,
  - the maker, in the case of a sound recording, and
  - the broadcaster, in the case of a communication signal.

With this in mind, if you’re having difficulty locating the source and/or creator, it might be best to locate a similar work that does provide the source information.

Exceptions

With that said, there are some exceptions to reproducing internet content, which include the following:

- if the work or content is protected to restrict access to work,
- if a clearly visible notice from the creator prohibits the work from being reproduced without permission,
- if the work was made available on the Internet without the consent of the copyright owner.

If in doubt, it is always best to reach out to the copyright owner and ask for permission before you use content you find on the internet.

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7 “Work available through Internet”, p. 57 of the Copyright Act.

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FAQ

1. **What are the terms and conditions of our Copibec agreement?**
   a. College institutions agree to pay annual license fees (royalties) calculated according to the number of full-time equivalent (FTE) students. The annual license fees are $10.50 per FTE student.

2. **What if I want to exceed the agreement’s reproduction limits? For example, I want to copy two chapters from a book, which will exceed 15% of the publication.**
   a. You must first request a pay-per-use license from Copibec. A fee of $0.12 per page applies to any pages above the limit, up to a maximum of 20% of the total number of pages in a work. Requests to reproduce more than 20% of a work are analyzed by Copibec. Please review *Exceeding Authorized Limits* on how to submit a request.

3. **Why do I have to report what I reproduce?**
   a. To ensure that the royalties collected for reproduced content can be redistributed fairly to creators and publishers. By respecting the college licensing agreement and reporting what you reproduce, you’re supporting fair compensation for creators. College institutions are required to report to Copibec twice a year.

“If copyright empowers our cultural vitality. Content creators deserve fair compensation for their work that enriches our education system.” - Copibec

4. **How long does copyright last?**
   a. Copyright in Canada exists for the life of the author, plus an additional fifty years following his or her death. However, there are many exceptions to this general rule. Copyright can be, and often is, renewed by a third party (eg. a family member, agent, or publisher).\(^8\)

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\(^8\) According to the new USMCA agreement, copyright will last for 70 years following the author’s death. This change will not come into effect until the USMCA agreement has been ratified.

*Created:* June 2009  
*Modified:* November 2018
5. Are personal copies of books, used for educational purposes at the College, covered by the Copibec Agreement?
   a. The agreement covers all books and textbooks, regardless to the ownership of the works. For example, they can be owned by the College, teacher, borrowed from any library or from a co-worker or friend.

6. Does Copibec cover artistic works?
   a. The Copibec Agreement only covers pictures of artistic works that are published in a printed book or periodical. For the copyright of an artistic work itself, you may contact the RAAV (https://www.raav.org/), which manages usage permissions for artistic works such as sculptures, paintings, illustrations, etc.

7. What does it mean when a work is “commercially available” for the purposes of Fair Dealing?
   a. According to the Copyright Act, “commercially available” refers to the following:
      i. “available on the Canadian market within a reasonable time and for a reasonable price and may be located with reasonable effort, or
      ii. “for which a license to reproduce, perform in public or communicate to the public by telecommunication is available from a collective society within a reasonable time and for a reasonable price and may be located with reasonable effort.”

8. What is the Public Domain?
   a. Works that are part of the Public Domain are no longer protected by copyright and can be used freely and without attributing the author. However, it is an important part of Academic Integrity to always attribute the author or creator when you use or reproduce a work that isn’t your own.

9. Can a teacher copy materials from a workbook?
   a. No. Copying, scanning, or printing materials intended for one-time use is strictly prohibited. “Materials intended for one-time use” are workbooks and exercise books into which a student records answers. These are materials created and intended for each student to have his or her own copy.

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Resources

The Copyright Act – Government of Canada
https://laws-lois.justice.gc.ca/eng/acts/C-42/Index.html

A Guide to Copyright – Government of Canada

Fair Dealing Decision Tool – Council of Ministers of Education, Canada
http://www.fairdealingdecisiontool.ca/DecisionTool/

Do you have questions about copyright or the information in this Guide to Copyright? Visit or contact the library for help or more information.