

## Course Materials Copyright Information Document

**Introductory Note:** A large number of copyright-protected works are available online to University of Alberta faculty, staff and students under licenses through the University of Alberta Libraries ("UAL"). Where practical, rather than distributing copies of such works in print or electronic format to other faculty, staff or students, links should be provided that will route users to these licensed resources via the UAL website. Providing such a link to a licensed version of a work does not involve the reproduction or distribution of copyright-protected material. Please note that while the UAL is committed to providing access to licensed resources to all faculty, staff and students, license terms do vary and some licenses may include limitations on access. More information about linking to UAL resources can be found at <https://guides.library.ualberta.ca/accessing-library-online-resources/home>.

### Note on Fair Dealing:

- a. The **Copyright Act** outlines a number of user rights that count as exceptions to the rights of copyright holders in copyright-protected works. One specific set of these user rights are referred to as the **Fair Dealing** exceptions.
- b. Eligibility for a Fair Dealing exception is based on the purpose of the use falling within one or more of an exhaustive list of categories, and on weighing the fairness of the use by assessing a number of specific factors. Neither the categories nor the factors are strictly defined in the legislation, so the applicability of Fair Dealing is a matter of interpretation case-by-case.
- c. While the applicability of Fair Dealing is, strictly speaking, a matter of interpretation case-by-case, a set of guidelines has been developed that are expected to indicate the applicability of Fair Dealing in a broad range of cases and provide reasonable safeguards for copyright holders of copyright-protected works. The UNIVERSITY OF ALBERTA FAIR DEALING GUIDELINES are available at the Copyright Office website ([copyright.ualberta.ca](http://copyright.ualberta.ca)).

### A. DISTRIBUTION OF COURSE MATERIALS

1. Course Materials Copyright Review Process
  - a. All **Course Instructors** who will be distributing **Course Materials** to students or other participants in their **Course** should review the submission requirements on the *Course Materials Copyright Review Form* ("Review Form") and, where applicable, complete and submit the Review Form to the **Copyright Office**.
  - b. The Review Form will be available through the Copyright Office website ([copyright.ualberta.ca](http://copyright.ualberta.ca)).
  - c. As part of the completion of the Review Form, a **Preliminary Assessment** will be made by the Course Instructor of each of the proposed **Selections** from the Course Materials. Detailed information and guidance regarding how to approach such Preliminary Assessments will be made available by the Copyright Office. The Preliminary Assessment will involve making an initial determination regarding:
    - i. Whether the **Published Work/Selection** is entirely in the **Public Domain**;
    - ii. Whether the Course Instructor is the author or rights-holder for the Selection;
    - iii. Whether the use of the Selection, in the context of the Course Materials for that Course, is covered by the *University of Alberta Fair Dealing Guidelines* for copying ("UAFD Guidelines"); and

- iv. Whether the use of the Selection is covered by an existing UAL or **Open Access** license.
  - d. On the basis of the Preliminary Assessment by the Course Instructor, there will be cases where Course Materials require no further review by the Copyright Office.
  - e. Where a Course Instructor is unsure of how or otherwise unable to make such a Preliminary Assessment, the member should contact the Copyright Office for assistance.
  - f. The UAFD Guidelines are available through the Copyright Office website ([copyright.ualberta.ca](http://copyright.ualberta.ca)).
  - g. Where a Selection is identified as being copyright material for which the requested use is not covered by the UAFD Guidelines or an existing UAL or Open Access license, the Copyright Office will review and further assess that specific request and, where applicable, take steps to obtain the required permission to use the Selection.
  - h. The Copyright Office may use the data contained in the Review Form to inform the further development of approved practices designed to help ensure compliance with the *Use of Copyright Materials Policy*.
2. Distribution in Print Format
- a. Where Course Materials are to be distributed via printed course packages, the following conditions apply:
    - i. Copies of Selections to be included in printed course packages must be made by the University or by a contractor engaged by the University for this purpose;
    - ii. Printed course packages must be sold directly by the University to students; and
    - iii. The amount charged by the University in the sale of a printed course package should not exceed the costs to the University for the production and sale of that course package.
  - b. Where **Class Handouts** (including exams) are to be distributed in printed form in class, the following conditions apply:
    - i. Where practical, Course Materials that are to be distributed as Class Handouts should be included on the Review Form;.
    - ii. Class Handouts must be made available to all registered students in the relevant section of a Course without additional cost to those students; and
    - iii. Course Instructors must apply a Preliminary Assessment to all Selections to be included in Class Handouts. Where a Course Instructor is unsure of how to or is otherwise unable to make such a Preliminary Assessment, the member should contact the Copyright Office for assistance. Where the Preliminary Assessment for a proposed Selection indicates that copyright permission may need to be sought for that Selection, Course Instructors must either not distribute that Selection in the Class Handouts or contact the Copyright Office for a further review of the permitted use of that Selection. Please note that such a review will require reasonable lead time.
3. Distribution in Electronic Format via a Learning Management System (“LMS”)
- a. Where Course Materials are to be distributed via an LMS, the following conditions apply:
    - i. The LMS should be operated by or under the control of the University of Alberta;
    - ii. The LMS should be secure and password protected; and
    - iii. Access to Course Materials posted to an LMS should be limited to the registered students of that section of the Course.

If one or more of these conditions are not met by an LMS used for the distribution of Course Materials, the Course Instructor should consult with the Copyright Office before utilizing the LMS.

- b. On a regular basis and no less often than annually, the Copyright Office, in collaboration with the Office of the Vice Provost Academic will review a sample of Course Materials that are distributed via LMS. The purpose of this review will be to determine the extent to which the objectives of the *Use of Copyright Materials Procedure* are being met and to refine and improve the approved practices accordingly.

## B. PRESENTATION OF MATERIALS IN CLASS (INCLUDING EXAMS)

1. Text displayed in class but not otherwise reproduced and distributed is generally permitted.
2. Images displayed in class but not otherwise reproduced and distributed is generally permitted, provided the image displayed is a lawful copy.
3. Films, videos and audio recordings played in class but not otherwise reproduced and distributed are generally permitted, provided that the audiovisual work “performed” is not an infringing copy.
4. Works read aloud or otherwise performed live in class but not otherwise reproduced and distributed are generally permitted.
5. The Copyright Office can provide assistance with questions about the presentation of copyright materials in class.

## C. ONLINE COURSES

1. **Standard Online Courses** are delivered by the University only to registered students of the University. Where a Standard Online Course incorporates copyright material from other sources, written permission must be obtained from copyright holders for all such material to be incorporated into the Standard Online Course, or the use of that material must have been determined to be covered by Fair Dealing or another exception under the *Copyright Act*. For all such copyright material which is to be incorporated into a Standard Online Course without written permission from the copyright holder, a detailed list of those materials should be submitted to the Copyright Office for review.
2. **MOOCs** (Massive Open Online Courses) are online courses that have been developed to reach a larger audience than registered students of the University, and may be delivered by a third-party provider. The general procedure regarding use of copyrighted material in a MOOC, particularly where that MOOC is to be delivered outside the University via a for-profit provider, is that permission must be obtained from copyright holders for all such material to be incorporated into the MOOC, and that, in general, Fair Dealing assessments will not be applied to copyrighted material to be used in MOOCs.

In exceptional circumstances, a limited exception to the general requirement that permission be obtained for all copyrighted material to be incorporated into a MOOC may be granted in cases where it has been demonstrated that:

- a. the use of the material is important to the educational mission of the MOOC;
- b. there is a compelling reason not to pursue permission from the copyright holder for the use of material; and
- c. there is reasonable confidence that the use of the material falls within the Fair Dealing exception.

In such cases, at the request of the leader of the development team for the MOOC, each selection of material to be used without specific permission from the copyright holder will be separately reviewed by the Copyright Office to confirm that it falls within a Fair Dealing exception. In particular, any such selection must be specifically discussed in the MOOC, and the selection used must be as minimal in form and/or duration as is practical to serve the purpose. While the Copyright Office performs the Fair Dealing analysis and recommends a course of action, the final decision regarding whether Fair Dealing exceptions will be applied for selections in a MOOC will rest with the Provost & Vice-President (Academic). Where the Provost & Vice-President (Academic) determines that a Fair Dealing exception should not apply to the selection, then, unless copyright permission is otherwise obtained, that selection will not be included in the MOOC.

## **DEFINITIONS**

Definitions should be listed in the sequence they occur in the document (i.e. not alphabetical).

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. [▲ Top](#)

<b>Copyright Act</b>	The federal <i>Copyright Act</i> , RSC 1985 c C-42, including the regulations thereunder and any amendments made thereto, including case law which interprets the <i>Copyright Act</i> .
<b>Fair Dealing</b>	Under Canadian copyright law, an exception to the exclusivity of copyright allowing for the use of reasonable excerpts of copyrighted material for a specified range of purposes. Eight categories are defined in addition to specific factors related to the nature of the use. Neither the categories nor the factors are strictly defined in the legislation, so the applicability of Fair Dealing is a matter of interpretation case-by-case.
<b>Course Instructors</b>	The instructor of a section of a Course at the University of Alberta.
<b>Course Materials</b>	Readings or other instructional materials for use in a section of a Course that will be distributed or made available, in print or electronic format, by the Course Instructor to all students in that section of the Course.
<b>Course</b>	A course offering at the University of Alberta.
<b>Copyright Office</b>	A division of Learning Services, the Copyright Office centralizes the oversight and management of copyright issues for the University community, providing information and guidance related to copyright laws, policy and procedures. The role of the Copyright Office is the review, development and implementation of best practices related to the use of copyright materials at the University, as well as the review, development and implementation of a communication and education plan to enhance awareness and “copyright literacy” across the University community.
<b>Preliminary Assessment</b>	The preliminary copyright review of Course Materials to be conducted by Course Instructors as outlined in Section A. 1. c). of this Information Document.

<b>Selection</b>	A continuous excerpt or portion of a Published Work.
<b>Published Work</b>	A work of which copies have been made available to the public by sale or otherwise.
<b>Public Domain</b>	A work that is no longer subject to copyright protection and thus available to the public as a whole.
<b>Open Access</b>	Unrestricted online access to published material.
<b>Class Handout</b>	Readings or other instructional materials, including exams, that are distributed in print format to students in class.
<b>Online Course</b>	A Course where all instruction takes place over the internet.
<b>Standard Online Course</b>	An Online Course that is presented by the University of Alberta and all students of the Course are registered students at the University of Alberta.
<b>MOOC</b>	A “massive open online course” is a course that is made available over the internet, with or without charge, to a large number of people, often via a third-party provider.

## **FORMS**

Should a link fail, please contact [uappol@ualberta.ca](mailto:uappol@ualberta.ca). [[▲Top](#)]

[Course Materials Copyright Review Form](#)

## **RELATED LINKS**

Should a link fail, please contact [uappol@ualberta.ca](mailto:uappol@ualberta.ca). [[▲Top](#)]

[Copyright Act of Canada, R.S.C., 1985, c. C-42](#) – Government of Canada

[Copyright Office](#) - University of Alberta

[University of Alberta Libraries](#)

[University of Alberta Fair Dealing Guidelines](#)

[Interlibrary Loan and Document Delivery Department](#) – University of Alberta Libraries

[Use of Copyright Materials Policy](#) – University of Alberta

[Use of Copyright Materials Procedure](#) – University of Alberta