

Print Materials in the Classroom

Print materials, such as monographs, journals, reference handbooks, and conference proceedings, to name a few, are important tools in classroom instruction. The following screencast will assist you in using print materials in the classroom within the limits of copyright legislation. We will cover

1. Copyright and Education
 - a) Fair Dealing and Short Excerpts
 - b) Educational Exceptions
2. Your own Print Materials in the Classroom
3. D2L and Print Materials
4. UNB Libraries' Course Reserves

Fair Dealing and Educational Exceptions are a set of rules in the *Copyright Act* that, under specific circumstances, permit limited usage of copyright-protected works without copyright permission.

Though UNB provides general rules to help instructors navigate some of the most common examples of copying for the classroom that fall within the accepted interpretation of fair dealing, all instructors are still individually responsible for following the provisions of the *Copyright Act* <http://laws-lois.justice.gc.ca/eng/acts/C-42/index.html>.

1a) The Fair Dealing exception in the *Copyright Act*, lately interpreted as a users' right, allows you to copy short excerpts of copyright-protected works for the purpose of research, private study, education, parody or satire, criticism or review, and news reporting.

In the context of Fair Dealing, a short excerpt means up to 10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work).

Under fair dealing, you can copy either up to 10% of a work or no more than

- one chapter from a book,
- a single article from a periodical,
- an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works,
- an entire newspaper article or page,
- an entire single poem or musical score from a copyright-protected work containing other poems or musical scores, and
- an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work,

whichever is greater.

Fair Dealing also enables instructors to make short excerpts of copyrighted material available digitally for further distribution to the class, for example, as part of an online course, using the D2L platform, restricted by a password.

Depending on the outcome of fair dealing analysis, in some instances, it may be fair to copy more than 10% of a work, such as an entire image, an entire poem, or an entire musical score.

As instructors, you can apply fair dealing analysis to gauge the fairness of your copying by considering the following factors established by the Canadian courts:

Purpose

Is the copying done for research, private study, education, parody, satire, criticism, review, or news reporting? Is the use of the copy for profit or is it charitable? Research for commercial purposes may be less fair but it may still qualify for fair dealing.

Character

What is your intended use of the copy? If the use of the copy is clearly defined and is restricted in scope, it favours fair dealing. For example, single copies are considered more fair than multiple copies, and copies placed on eReserve or D2L are considered more fair than unrestricted means of distribution.

Amount

What is the amount and importance of the portion copied in relation to the work as a whole? Limited and reasonable portions are considered more fair. It is important to note that in many circumstances, it is necessary to copy entire works, such as photos (if they meet the remainder of the tests). If the entire work is to be reproduced, it has to be clear that no less than the entire work is needed to achieve the stated purpose of use.

Alternatives

Are there other non-copyrighted works available, or works licenced for use by the UNB community, that would have served the same purpose? If there are no alternative works, the reproduction is more fair. Was the copy necessary to achieve the purpose of the copy?

Nature

Is the work published and widely available? If the work was created for and/or is being marketed for your stated purpose, the copying is less fair. If the work is not published, but its reproduction with acknowledgment could lead to a wider dissemination of the work, then it is more likely to be considered fair. Alternatively, if the document was not published and was originally not intended for distribution, such as a private letter or a personal journal, it is likely to be less fair.

Effect

Will the copy unduly affect the market value of the copyrighted work? If the work is out of print and/or there is no licence available, the copying is more fair. If your use of the work minimizes the potential for unauthorized use that could negatively affect its value, your use is more fair. If you take steps to ensure that your use of the work is limited to the stated purpose and to a limited audience, your use is more fair.

We encourage you to contact the UNB Libraries' Copyright Office for assistance with any aspect of fair dealing analysis. E-mail us at copyright@unb.ca.

1b) Educational Exceptions in the Copyright Act cover a range of practices useful in the classroom. In the context of print materials, instructors can project a complete copyrighted item on a screen for in-class teaching without copyright permission.

2. When you make available in the classroom your personally owned print materials, you can rely on Fair Dealing to provide short excerpts to your students (under 10% of a printed work) or request copyright clearance for the print materials.

When you make your personally owned print materials available in the classroom via Fair Dealing, these materials have to be legitimate copies that you have purchased. Sample or desk copies from publishers do not quality as legitimate copies!

3. Our next item to cover is Desire2Learn and print materials.

As this diagram from our copyright webpage demonstrates www.lib.unb.ca/copyright/TeachingandD2L.php, Desire2Learn is best suited for uploading material to which you, as an instructor, own the copyright, material freely available on the web, material from UNB Libraries' licenced electronic resources, and material that exists in the public domain.

In accordance with the UNB Copyright Policy <http://media.lib.unb.ca/copyright/unbCopyrightPolicy2014.pdf>, you are responsible for ensuring that any copyrighted content you post on D2L meets the limits of fair dealing, respects the terms of digital licences, and is removed at the end of term.

4. Note that UNB Libraries provide a hassle-free Course Reserves system <http://www.lib.unb.ca/faculty/reserves.php> that delivers copyright-protected content to your students via the reserves tab on the library's home page and D2L.

The Advantages of Using the UNB Libraries' Course Reserves system are that:

- Students can easily retrieve information from one place;
- Course Reserves are embedded in D2L;
- Library staff maintain the electronic reserves system and take care of any access issues; and
- Library staff look after all licensing and copyright aspects of your Course Reserves.

Feel free to contact the Copyright Office with any questions at copyright@unb.ca and be sure to check out our website at www.lib.unb.ca/copyright/.