

Publishing Your Work: Copyright Considerations

Before you decide to publish your academic work, you need to evaluate whether the materials you include in your publication

- qualify as **substantial** reproductions;
- fall within **fair dealing** guidelines;
- are in the **public domain**;
- are covered by **licences**; or
- require **copyright permission and/or copyright clearance** that can be obtained in a timely manner.

For more details on the above, including FAQs, visit
www.lib.unb.ca/copyright/GradCopyrightGuide.php

Library Archives Canada (LAC)

If you decide to have your work included in the Theses Canada program, and make your work available electronically to a wide audience, you will be required to sign the Library and Archives Canada Non-exclusive licence to Reproduce Theses. You can still pursue any other publishing opportunities because the licence is non-exclusive. Since LAC will disseminate your thesis/dissertation electronically, you have to obtain permission and/or copyright clearance to include copyrighted materials in your work. LAC provides a detailed discussion of your rights and obligations regarding copyright:
www.bac-lac.gc.ca/eng/services/theses/Pages/copyright.aspx

Digital Locks

Digital locks, otherwise known as **Technological Protection Measures (TPMs)**, are technologies that deny users access to materials that copyright owners have chosen to protect. Importantly, digital locks take priority over user rights or user exceptions. Examples of digital locks include passwords, encryption software, and access codes. If you want to copy any part of material protected by digital locks you need to obtain copyright clearance.

If you have any copyright questions, contact the Copyright Office at
copyright@unb.ca or call us at **447-3378**.

BEST PRACTICES IN COPYRIGHT

A Guide for Graduate Students

Best Practices in Copyright: A Guide for Graduate Students

You can think of copyright regulations as making concrete the rights and obligations of users, creators, and owners of expressive works. The *Canadian Copyright Act* balances the rights of creators and users of copyright-protected content. Specific examples of works protected by copyright range from books, articles, posters, manuals and graphs, to CDs, DVDs, software, databases and websites. Keep in mind that ideas are not protected by copyright; it is their fixed expression that is protected. An example of fixed expression can be as formal as a published document or as simple as a recording of an interview. More specifically, copyright belongs to the individual who fixed the material in its physical format.

Users' Rights

In the context of education, there are multiple copyright exceptions in the *Canadian Copyright Act* that facilitate the copying, sharing, and performing of copyrighted works across different media.

Fair Dealing

As a user-focused exception, fair dealing facilitates the sharing of short excerpts of copyrighted works for the purposes of research, private study, education, parody or satire, criticism or review, and news reporting.

Under fair dealing, you can provide **short excerpts** of copyrighted content to students and faculty via handout, e-mail communication, D2L, lecture presentation, and classroom display. Specific examples of short excerpts include:

- a copy of an article from a scientific, technical, or scholarly periodical;
- a newspaper article;
- an entry from an encyclopedia, annotated bibliography, or similar reference material;
- a short story, play, poem, or essay from a publication containing other works.

In some cases, it is possible to copy entire works, such as images, if the copy meets the requirements of fair dealing analysis. For more details, visit go.lib.unb.ca/fair or contact copyright@unb.ca

Educational Exceptions to Copyright

Educational exceptions grant educational institutions certain privileges that are not provided for in the Fair Dealing provisions. For instance, the **performance exception for audiovisual works** enables instructors to display or perform entire copyrighted works, such as sound and video recordings, for educational purposes to an audience consisting primarily of students (provided a legal copy of the recording is used that does not contravene digital locks or any notices prohibiting the use of the work).

The **educational internet use exception** permits the copying or communicating of an entire work from the web (provided the original source is identified and is a legal copy not contravening digital locks or any notices prohibiting the use of the work).

The **mash-up exception** to copyright allows instructors and students to create, for non-commercial uses, new works using copyrighted content (provided the original author is identified, a legal copy of the original is utilized, and the new work does not have a significant adverse effect on the original).

Things to consider before and during the writing of your thesis/dissertation

Keep a record of copyright-protected materials you are using in your writing and pay special attention to the following materials as they may require copyright clearance prior to publication:

- Long quotations (more than 10% of a work)
- Reproduced publications
- Unpublished materials
- Poetry
- Dialogue from a play, screenplay, broadcast, or novel
- Music and sheet music
- Graphic or pictorial works
- Computer software
- Sources located on the internet