

COPYRIGHT GUIDELINES FOR INSTRUCTORS

In accordance with the *Policy on Copyright Compliance* ([SG-2](#))

Last Updated – April 2013 – Office of the General Counsel

INTRODUCTION

Respecting copyright is a direct concern for everyone at Concordia University as outlined in the *Policy on Copyright Compliance* ([SG-2](#)). These Guidelines aim to provide some basic assistance to instructors. As well, the University Libraries has published a [Copyright Guide](#), which is referred to in these Guidelines.

When in doubt or for additional information, please do not hesitate to contact the [Office of the General Counsel](#).

The legal concept of Copyright is complex in its application but its underlying assumptions are rather straightforward. It means that “all rights are reserved” to the author of the original work. As such, it is prohibited to use [protected works](#) without permission, unless you qualify for the general [fair dealing](#) exceptions and [other specific exceptions](#) as defined in the [Copyright Act](#). For example, a “fair dealing” exception will depend on the exact details of each use (such as: purpose, character, amount, nature of the work, available alternatives, effect of the dealing on the work). In that sense, it is almost impossible to propose concrete guidelines for every academic use for every type of copyrightable work.

CLASSROOM SHOWING/VIEWING

Electronic Presentations (i.e., PPT)

Instructors may reproduce a work, or do any other necessary act, in order to display the work using a projector or a similar device. The projection must be on the University's premises and be for the purposes of education or training.

Sound Recording, Music, Films, Movies and Live TV

In general, it is permissible to play sound recordings or music, show films or movies or air live TV, for classroom use, if this is done on the premises of the University for educational or training purposes and not for profit, before an audience consisting primarily of students or instructors of the University.

COPYRIGHT GUIDELINES FOR INSTRUCTORS

Page 2 of 4

It should be noted that digital locks (technological protection measures and rights management information) must not be circumvented in order to use the work. Furthermore, the sound recording or the cinematographic work being performed must not be an infringing copy.

It is also permissible to make, at the time of its communication to the public by telecommunication, a single copy of a television broadcast for the purposes of performing the copy for the students of the University, on the University's premises, for educational or training purposes. In the case of a news program or a news commentary program, **excluding documentaries**, the copy may be retained infinitely. Otherwise, a copy of any other broadcast, **including documentaries**, may be kept for up to thirty (30) days.

PROVIDING DOCUMENTATION TO STUDENTS

There are many ways to provide reading materials to your students - some are permitted by law, others are not. This section provides an overview on what is permitted and what should be avoided.

Licensed Databases and Course Reserves

The Libraries offer a myriad of digital collections and associated services to the University community. In some cases, this entails licenses negotiated directly with rights holders. In other cases, these services are based on fair dealing rights, established in the [Copyright Act](#).

[Licensed databases](#) allow you and your students to access digital documents for classroom use. Please contact your [Subject Librarian](#) for assistance in locating the right resource.

[Course Reserves](#) constitute a service whereby the Libraries will hold paper copies or host digital files for your students. This allows for easy access by your students to digital files. As well, the University Libraries will scan and host a digital copy of a copyrighted work if it qualifies under fair dealing, ensuring legal access to students to digital content.

COPYRIGHT GUIDELINES FOR INSTRUCTORS

Page 3 of 4

Course packs or Custom courseware

The [University Bookstore](#) will prepare a course pack of your classroom reading materials, available for sale to students.

The University, like all Quebec universities, is a signatory to an Agreement with [COPIBEC](#), a not-for-profit collective representing authors and publishers. As part of this Agreement, the University pays an annual fee to COPIBEC, collected from students, in return for which we are authorized to prepare course packs for our students.

Course packs must be processed through the [Bookstore](#) which deals directly with COPIBEC in terms of reporting and obtaining copyright clearance where required. Any copying that falls outside the scope of this [COPIBEC License Agreement](#) exposes both the instructor and the University to liability for violation of the [Copyright Act](#). **As such, it is imperative that instructor neither utilize outside services for the preparation of course materials nor direct students to outside services.**

Compliance with the [Copyright Act](#) and the [COPIBEC License Agreement](#) is the personal responsibility of every member of the University community. Failure to do so can result in personal liability and exposure to the severe penalties provided for in the [Copyright Act](#). All instructors are urged to review the University's *Policy on Copyright Compliance (SG-2)*.

Making photocopies yourself

You are allowed to make limited photocopies for classroom use at no cost to the student.

You are permitted to make multiple copies of the following:

- up to 15% of a work
- an entire article from a periodical
- an entire chapter from a book provided it constitutes no more than 20% of the book

Photocopying beyond the limits listed above requires special authorization from the rightful copyright owner. Please communicate with either the Bookstore or your Subject Librarian for further assistance.

COPYRIGHT GUIDELINES FOR INSTRUCTORS

Page 4 of 4

Scanning and posting yourself (Moodle, First Class, email or other means)

Digitized material is part of the current [COPIBEC License Agreement](#) or may be covered by [licensed databases](#) of the Libraries. It is essential that instructors communicate with the Bookstore or the Libraries prior to creating or making available digital scans of any copyrighted material(s).

Scanning documents yourself in order to forward them to your students may be an infringement of copyright. Contact your [Subject Librarian](#) to investigate your options, including use of [Licensed Databases](#) through the University Libraries [see above], digital or paper [Course Reserves](#) [see above] and [Course packs](#) prepared by the Bookstore [see above].

Preparing Exams

For the purposes of an exam or test, instructors can reproduce, translate or perform a work when it is not [commercially available in an appropriate medium](#).