

I want to upload a document to a password protected course website. Can I?



Is it:

- ✓ Your own material?
- ✓ Material that is out of copyright (e.g. 50 years after the death of the copyright holder)?
- ✓ An insubstantial portion of a work (e.g. 1-2 paragraphs)?
- ✓ Material produced by the Canadian, Ontario or U.S. governments?

YES

Upload Away!

NO

Is it:

- ✓ An article from an e-journal or an excerpt from an e-book licensed by the Library?

YES

For journal articles and ebooks, we recommend making permanent links:

- ✓ Learn how to create permanent links. <http://library.queensu.ca/help/links-permanent>
- ✓ **We can help.** Email the Copyright Advisory Office with citations and we can create links for your class and find out if you can upload pdf copies of articles to your course website.

NO

Is it:

- ✓ Material on a publicly accessible website?

YES

If material is publicly available on the Internet, you have options. Either **link to the material** or copy and distribute the material to your students as long as you meet the following conditions:

- ✓ The material appears to be legitimately posted (by or with the consent of the copyright owner).
- ✓ There is no clearly visible notice prohibiting what you want to do.
- ✓ There is no digital lock preventing you from accessing or copying the material.
- ✓ You give credit to the author and the website.

NO

Is it:

- ✓ A scanned book chapter, article from a journal not licenced by the Library or other published material?

YES

If you are scanning and uploading print material, you can copy material under the Queen's Fair Dealing Policy.

This policy provides guidelines for posting materials for your students without seeking permission from copyright holders. For example, this policy will allow you to scan and post up to 10% or one chapter (whichever is greater) of a book to your Learning Management System site. **Move on to page 2 to see the policy.**

NO

Anything Else?

Contact the CAO if:

- ✓ You are using material that is in excess of the limits of the fair dealing policy.
- ✓ You are using materials not covered by this flowchart.
- ✓ You have any questions, comments or concerns.

<http://library.queensu.ca/copyright>

Queen's University Fair Dealing Policy

The fair dealing provision in the *Copyright Act* permits use of a copyright-protected work without permission from the copyright owner or the payment of copyright royalties. To qualify for fair dealing, two tests must be passed.

First, the "dealing" must be for a purpose stated in the *Copyright Act*: research, private study, criticism, review, news reporting, education, satire or parody. Educational use of a copyright-protected work passes the first test.

The second test is that the dealing must be "fair." In landmark decisions in 2004 and in 2012, the Supreme Court of Canada provided guidance as to what this test means in educational institutions.

Appendices addressing specific types of copying will form part of the Policy.

It is the University's expectation that staff and faculty will exercise due diligence to act in accordance with this Policy and the Appendices. The University is committed to provide professional advice through the Copyright Advisory Office about access to and use of copyrighted materials.

1. Teachers, instructors, professors and staff members may communicate and reproduce, in paper or electronic form, short excerpts from a copyright-protected work for the purposes of research, private study, criticism, review, news reporting, education, satire or parody.
2. Copying or communicating short excerpts from a copyright-protected work under this Fair Dealing Policy for the purpose of news reporting, criticism or review must mention the source and, if given in the source, the name of the author or creator of the work.
3. A copy of a short excerpt from a copyright-protected work may be provided or communicated to each student enrolled in a class or course:
 - (a) as a class handout
 - (b) as a posting to a learning or course management system that is password protected or otherwise restricted to students of the university
4. A short excerpt means:
 - (a) up to 10% of a copyright-protected work (including a literary work, musical score, sound recording, and an audiovisual work)

- (b) one chapter from a book
 - (c) a single article from a periodical
 - (d) an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works
 - (e) an entire newspaper article or page
 - (f) an entire single poem or musical score from a copyright-protected work containing other poems or musical scores
 - (g) an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work provided that in each case, no more of the work is copied than is required in order to achieve the allowable purpose.
5. Copying or communicating multiple short excerpts from the same copyright-protected work, with the intention of copying or communicating substantially the entire work, is prohibited.
 6. Copying or communicating that exceeds the limits in this Fair Dealing Policy may be referred to the Copyright Advisory Office for evaluation. An evaluation of whether the proposed copying or communication is permitted under fair dealing will be made based on all relevant circumstances.
 7. Any fee charged by the university for communicating or copying a short excerpt from a copyright-protected work must be intended to cover only the costs of the university, including overhead costs.

Copyright assistance is available through the Copyright Advisory Office at library.queensu.ca/copyright