

Frequently Asked Questions

The following questions on copyright are commonly received by library staff. This guide provides informed answers to these questions, copyright tips, and source references to relevant sections of the Copyright Act (C-42).

Librarians can be expected to assist clients seeking information and advice about copyright. It should be stressed, however, that librarians are not lawyers, nor are they the copyright police.

May you make multiple print copies of an article or book chapter and hand them out?

No, it is an infringement to copy substantial parts of a work and to distribute to such an extent as to affect prejudicially the owner of the copyright.

Source: C-42, section 27.

Making multiple copies and distributing them are not exceptions allowed under the Act. To do this, you would need to obtain permission from the copyright owner. You as an individual can copy an entire article – that would be fair dealing – but you cannot then distribute copies to others.

Copyright Tip: Just copy and distribute the first page containing the citation and abstract.

As the author of a journal article, may you distribute copies of your article to others?

No, this is not an exception to infringement granted under the Copyright Act. In general, it is unlikely that an author will still own the copyright to the article. Most publishers require authors to assign their copyright to the journal publisher, giving the publisher the right to distribute the work. Even as the author you would still be required to obtain permission from the publisher.

May you download an article or book chapter from a subscription-based site and distribute it electronically?

You may not, unless our institutional site license subscription permits it. Downloading it is an exception to infringement granted under Fair Dealing, but distributing it is not. Some subscription service vendors do, however, permit this use as part of their license agreement.

May you distribute a copy of an electronic work that is freely available, i.e. “open access,” on the Internet?

Probably not. Even though it is open access, the terms of access probably do not allow you to distribute it to others.

Copyright Tip: Just distribute the hyperlink to the work.

May the librarian send you a digital copy of an article obtained from another library through interlibrary loan?

Yes, this is an exception to infringement within the most recent version of the Copyright Act granted specifically to Libraries, Archives and Museums. It does have limits, however: you must PRINT it and CEASE using the digital copy within 5 business days from the day on which you first used it. The digital copy must not be stored, forwarded or distributed.

Source: C-42, section 30.2, subsection 5.02

May you use a copyrighted image, table or graph that you didn't create in a new work you are creating?

Yes, within specific limitations: the new work itself must be an original work, it cannot be produced for commercial purposes, the source must be cited, and the use of the image, etc. cannot adversely affect the copyright owner.

Source: C-42, section 29.21.

May you use an image, table, graph or cartoon that you didn't create in a presentation you are giving?

Yes, within specific limitations: the overall presentation itself must be an original work, it cannot be presented for commercial purposes, the source must be cited, and the use of the image, etc. cannot adversely affect the copyright owner.

Copyright tip: For educational purposes, it is not an infringement of copyright to “display” the work, but this exception does not extend to “publishing” the image, etc. by making copies of it available in your handouts or the online proceedings; to do this it is probably best to obtain permission.

Source: C-42, section 29.21; see also section 29.4(1)

May you post on a bulletin board, an article or a cartoon clipped from a newspaper?

No. Posting in this manner could be considered a form of publication and is not an exception to infringement given in the Copyright Act.

May you use an image, table or graph in a new work you are creating that was available to you through clipart that you have legally obtained?

Yes. It is one of the intended purposes of clipart products that they may be used in creating original works without obtaining permission.

May the library migrate a copyright work that is part of their collections to a new format so that clients may use it?

Yes, this is an exception to infringement in the Copyright Act granted specifically to Libraries, Archives and Museums. Libraries also no longer need to wait for technology to be obsolete before converting collections. There are limitations, however, e.g. if the desired format is available commercially, you may not convert it. For example, if you have a videocassette version of a copyright work and wish to convert it to a DVD format, you may only convert it if a DVD version of the work is not available for purchase.

Source: C-42, section 30.1.

May the library make entire copies of copyrighted works for preservation purposes?

Yes, this is an exception to infringement in the Copyright Act granted specifically to Libraries, Archives and Museums. There are limitations, however, e.g. if the desired format is available commercially, you may not convert it.

Source: C-42, section 30.1.

May you deliberately circumvent a digital lock?

Generally it is an infringement of the Copyright Act to circumvent works with a digital lock. There are exceptions, however, such as alternate format copies for disabled clients, creating systems inter-operability, law enforcement, and encryption research.

Source: C-42, section 41.1.

May you publically show a DVD that you bought or rented?

No, unless you have purchased performance rights for the work, in the same way as movie theatres have purchased performance rights for the movies they play. Individuals may play DVD recordings and make copies of them for their own private use, and educational institutions may play DVD's in a classroom setting for teaching purposes.

Source: C-42, section 80. (2d).

May you store electronic articles/books in shared drives on your workplace computer?

No, this would not be a good practice. Although it would not be an infringement to store copies of works for personal use on the hard drive of your computer, by storing them on a "shared drive" you may be enabling others to infringe copyright.

Source: C-42, section 27.(1) and (2.3)

May you provide a digital copy of a chapter of a book or periodical to your own patron?

Section 30.2(2) of the Copyright Act, outlines that a library may make a photocopy, for a person requesting to use that copy for the purpose of research or private study, of a work that is, or is contained in, an article published in a scholarly, scientific or technical periodical (other newspapers, and periodicals are included so long as they are published more than one year before the copy is made). The Copyright Act does not mention making a digital copy for this purpose. The Copyright Act does not provide a clear rule for providing a digital copy of a copyrighted material to a library's own patron. However, it is arguable that a digital copy of a chapter of a book or journal may be given to a library's own patron under a fair dealing exception for the purpose of research, private study, or education.

Best Practices

Cite the Source

Cite the source of materials you have used. Cite the author/creator, the title and the source and date of the work. Citing a source does not excuse you from copyright infringement if you have made use of the work in a way that is not an exception to infringement granted in the Copyright Act, but many of the exceptions granted under the Fair Dealing parts of the Act require you to cite the source of the work.

Seek Permissions for Use

You should obtain permission if you want to use/reproduce materials that you did not write or create and when your use of the material is not covered by any of the fair dealing exceptions in the Copyright Act. Permissions, if granted, are usually for a limited time period and for a specified user group. They can also take time to obtain; give yourself sufficient lead time. Works in the public domain do not require permission.

Sharing digital materials

Freely available electronic documents or ones which you are licensed to use are best shared by distributing the hyperlink to the material. Do not share/post the full text.

Interlibrary Loan Disclaimer

As per the Canadian Copyright Modernization Act (S.C. 2012, c. 30): The attached digital copy is to be used solely for the purposes of research, private study or education. Any other use may require the authorization of the copyright owner of the work in question. Canadian copyright law permits the printing of a single copy of this digital copy and requires that you cease using the digital copy within five business days from the day on which you first used it. The digital copy must not be stored, forwarded or distributed. It is recommended that you destroy the digital copy five days after its first use. [Name of Library goes here] is not responsible for the failure to abide by this policy, and you may be subject to liability for copyright infringement. It is a federal offence to infringe copyright.

For More Information

Copyright Act

<http://laws.justice.gc.ca/en/C-42/index.html>

Copyright Board of Canada

<http://www.cb-cda.gc.ca/>

Canadian Copyrights Database

<http://www.ic.gc.ca/app/opic-cipo/cpyrghts/dsplySrch.do?lang=eng>

Canadian Intellectual Property Office

<http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/Home>