

Copyright Decision Map

Instructions

Decisions on the use of copyrighted material can be difficult. This Copyright Decision Map is designed to provide a simple framework to assist you in determining the key factors when you want to use a particular work.

Best Practice Tip - You should always provide a citation for the material you copy. It is a best academic practice and is often required to comply with licenses.

Instructions to use map:

1. The map is organized from simpler answers to more complex as you progress through the decisions. There is a digital interactive tool available at . . . which allows you to move through the decisions without the additional commentary. This .pdf version is provided as a comprehensive resource.
2. Once you have found an appropriate decision "destination" you can use to justify your copyright usage, you do not need to complete the rest of the map. The map is designed to provide easier decisions at the beginning and more complex activities as you proceed through each decision "destination".
3. If you do not find an answer that works for you, you are always welcome to contact the [Copyright Office](#) or your [liaison librarian](#) for assistance.

Decision 1. Is your copied material excluded from copyright protection?

Much of the material that you will use in your research and teaching will fall under protection from the [Canadian Copyright Act](#). There are a few items that are not provided copyright protection:

- using an **idea or concept** without copying.
- quoting a **simple fact** ("Saskatchewan is a province") or provide a simple drawing such as a math fact (ex. Pythagorean theorem is $a^2 + b^2 = c^2$).
- finding material in the **public domain** (where copyright has expired or been waived). - Public Domain is the term used to refer to work in which the copyright has expired or because the creator of the work wished to make it completely accessible. Protection lasts, in most cases, for the life of the author or creator and extends another 70 years, after which the material is said to be in the "public

domain” (since 2022. Prior to this the term was 50 years.). Read more at [copyright friendly resources](#)

Pro Tip - Always assume your resource is protected by copyright. You should be able to provide evidence that there is no copyright protection.

INSIGHT - Copyright also exists in certain “non-traditional” subject matter, such as performer’s performances, sound recordings, and broadcast signals. The terms of copyright are important (and there is some variation) if you wish to identify material in the public domain.

See the [Term of Copyright \(Copyright Act s.6\)](#) and [Term of Rights – \(Copyright Act s.23\)](#) (sound recordings and performances) for more information.

Decision 2. Is there a quick fix practice that does not require copyright permission?

Are you able to:

- **use a small amount of the work (1 - 2 sentences)?** Copyright applies to the reproduction, performance, or publication of a work “or a substantial part” of a work (Copyright Act, s. 3(1)). The use of less than a substantial part does not require permission or further payment. This is complicated because what is deemed “substantial” is not defined in the Copyright Act; rather, it is a matter of degree and context. However, the analysis is not purely quantitative: even a relatively short passage may be viewed as substantial in some circumstances, especially if it is of particular importance to the original work.
- **provide a link to the original digital content but not embed that content?** Linking provides an easy way to access digital copyrighted material and is not considered to be copying. Consider that the content in the link may change without notice or may disappear and the link may be broken.
- **paraphrase or summarize the original content?** Deciding to create a summary or paraphrase will be based on the amount of time required to develop an alternative, the importance of the original material, the technical complexity of the material and other factors.

Pro Tip - Linking to a work is not copying. Also, a good paraphrase is not considered to be a copy.

Decision 3. Is your material a Sask Polytechnic licensed resource? ▼

There are some types of resources that provide a permission or license to use the work. Sask Polytechnic licenses materials for you to use. Is your material:

- **Provided by a Library License** - Determine if the use(s) you require is included in the provided library license covering the material in question. If (i) the material is licensed, and (ii) the use that you propose to make of it is permitted by the license (two separate questions), then you will be able to use the material without further permission or payment of fees or royalties.
- **Already licensed by Sask Polytechnic** - In some courses, a custom license will be provided for a term. The license should specify the particulars of the contract including the term of validity, and any restrictions on the use of the material; if the term has not expired, you are able to use the material as outlined in the license.
- **Owned by Sask Polytechnic** - Sask Polytechnic owns most material produced for its use; if material is used for a Sask Polytechnic work purpose, no additional permission is needed.

Pro Tip - Always read the license to determine your use. (For library resources, look at the information tab beside the digital resources).



Pro Tip - Some licenses will expire (not library licensed resources); ensure your license is still valid.

Decision 4. Is your material an Openly Licensed Resource (OER)?

An OER is still copyrighted but has been licensed to allow for particular uses; it can always be copied, and the license cannot be revoked.

Is your material openly licensed using a Creative Commons license or other open license?

Pro Tip - Openly licensed material may use the open lock symbol to indicate they are licensed for use, or they may have a coded license. Creative commons licenses will start with CC-BY . . . (Check out Appendix A for detailed information on Creative Commons licenses).

Best Practice Tip - Check the license terms at Creative Commons; other open licenses should have a digital link to the terms of use. Ensure that your use falls within the parameters allowed by the license.

Best Practice Tip - You must always provide an attribution for open licensed material.

Read the license and you may be restricted from changing the resource, changing the license or making the material commercially available depending on the license.

Decision 5. Are there Digital Licenses/Terms of Use that match your needs?

If you are accessing other digital information that is not from Sask Polytechnic, nor is it open licensed, are there terms of use provided that match your need?

Example 1: The image-sharing sites [Pixabay](#), and [Unsplash](#) have their own licenses and restrictions.

Example 2: [Youtube](#) has specific terms of use for the site.

Best Practice Tip - Provide a link to the specific terms of use for the site to indicate you have reviewed them, and your use is allowed (or at least not excluded).

Check the terms, copyright policy, EULA or user agreement for the site which has the material you wish to use. Many sites will include this information in the bottom information bar. You may also find the user/usage/terms of use by conducting a search on the site.

Check the usage allowances and restrictions included in any license terms or terms of use that cover the material. If the license does not include any

information or details about the type of use you require, proceed to the next option. If the type of use you require is explicitly prohibited by the license, proceed to the next option. Please contact the [Copyright Office](#) if you require assistance.

Decision 6. Are you able to access the Educational User's Copyright exceptions?

There are many copyright exceptions. This decision requires a technical analysis based on the specified criteria. If you are comfortable conducting the analysis, you might want to document your analysis so others have a record of your work. The following two exceptions are the most applicable for most of our needs.

Section 30.04 Work available through the Internet. To use this exception for material you found on the internet, it must meet the following criteria:

- seems to be acquired from a legitimate source - either permission is provided by the copyright holder or it is licensed for use.
- is not protected by a Technological Protection Measure such as a paywall.
- is not expressly prohibited from educational use.
- must be referenced.

Fair Dealing - Follow the [Sask Polytechnic guidelines](#): pay particular attention to the quantities and do not use multiple sections of a resource (do not cumulative copy). Consider using the [Canadian Ministers of Education \(CMEC\)](#) fair dealing analysis tool for assistance with this exception. **Fair Dealing** is an exception provided by the Copyright Act that is continually developed based on Canadian law decisions. It allows for several purposes; most of our use will be considered educational. Follow the [Sask Polytechnic guidelines](#) and pay particular attention to the quantities and do not use multiple sections of a resource. The [Canadian Ministers of Education \(CMEC\)](#) have a tool to assist in the analysis for this exception.

There are other exceptions which are outlined on this [webpage](#).

Decision 7. Do you need a *custom license* to use the material?

A custom license is provided by the copyright holder or their agent (perhaps the publisher) and usually requires a fee for the use of the material.

Creators of the resources may be willing to provide you with access to their material for use in the classroom. They may be aware of other means to access the material or will provide you with a custom license to use the material.

PRO TIP- You should think about all the uses you have for the material and negotiate to include all of the uses. Add-ons may cost more if they are requested after the license has been agreed. Answer the who, what, where, when and why questions for each use.

An alternative is to look for other resources that are more easily accessible and less costly to use. Please contact the [Copyright Office](#) to discuss your circumstances. There are some special copyright concerns which require specific considerations.

Sometimes access to a license is easily provided by a website and a credit card. Sometimes it will involve research to find who has permission to license the material. Creators of the resources may be willing to provide you with access to their material for use in the classroom. They may be aware of other means to access the material or will provide you with a custom license to use the material. Often there will be financial compensation required for the use of the material.

Do consider:

- who will access the work
- what material do you wish to license
- where will it be used (and stored)
- how long will the work need to be used
- will you be creating supplemental material based on the original material
- any other condition that you need.

The [Copyright Office](#) has a template and work sheet to assist in this process.

Note: The information obtained from this website does not constitute legal advice. This webpage is based on the University of Toronto's [Copyright Roadmap](#) and Western University's [Copyright Decision Map](#), as well as the University of Saskatchewan's [Copyright Decision Roadmap](#) which are all licensed under the [Creative Commons Attribution-ShareAlike 4.0 International Licence](#).

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Appendix A – Open Licenses and Creative Commons

Can you find an openly licensed version of your resource? Some resources will have an open version (perhaps a pre-print) available. Check with your librarian for assistance.

Open licenses are usually listed on the title page or in the front matter of the book. They will often show one of the symbols listed below, along with a license link or description.

Open License Creators or copyright holders who wish to apply a Creative Commons license to their work can choose to allow their work to be copied and reused with any one or more restrictions, or certain combinations of restrictions. The four restrictions are:



Attribution

You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.



Non Commercial

You may not use the material for commercial purposes.



Share Alike

If you remix, transform, or build upon the material, you must distribute your contributions under the same license as the original.



No Derivatives








If you remix, transform, or build upon the material, you may not distribute the modified material.






Creative Commons offers six different licenses that allow copyright holders to apply different restrictions to how their work may be reused. When using a specific CC-licensed work, it is important to pay attention to the CC license and its restrictions. All Creative Commons licenses require attribution. The specific

types of Creative Commons licenses are described on the Creative Commons website.

Creative Commons also has a license chooser that walks you through the process of choosing a license based on various criteria.

The infographic and video below provide a helpful overview of the different licenses and their requirements:

CREATIVE COMMONS LICENSES		COPY & PUBLISH	ATTRIBUTION REQUIRED	COMMERCIAL USE	MODIFY & ADAPT	CHANGE LICENSE
	PUBLIC DOMAIN	✓	✗	✓	✓	✓
	CC BY	✓	✓	✓	✓	✓
	CC BY-SA	✓	✓	✓	✓	✗
	CC BY-ND	✓	✓	✓	✗	✓
	CC BY-NC	✓	✓	✗	✓	✓
	CC BY-NC-SA	✓	✓	✗	✓	✗
	CC BY-NC-ND	✓	✓	✗	✗	✓

 You can redistribute (copy, publish, display, communicate, etc.)
  You have to attribute the original work
  You can use the work commercially
  You can modify and adapt the original work
  You can choose license type for your adaptations of the work.

ref: <https://library.ucalgary.ca/c.php?g=690048&p=5181355>