



Frequently Asked Questions About Your Institution's Access Copyright Licence

Copying Guidelines

Your school's licence with Access Copyright gives educators permission to copy from a vast repertoire of commercially published books, magazines and newspapers – in advance. As long as you adhere to the copying guidelines, you can copy what you need worry-free. Please note: the licence extends to copying done in support of educational purposes only.

Permission is not required for copying that is fair dealing. For more information, please consult with your school's administration.

If you have any questions about your licence, please contact Access Copyright at 416-868-1620 (toll-free 1-800-893-5777) or email us at permissions@accesscopyright.ca

Under your school's licence, you can photocopy up to 10% of a published work or the following, whichever is greater:

- an entire short story, play, essay or poem from a book or periodical containing other works
- an entire article from a newspaper, magazine or journal
- an entire entry from a reference work (encyclopedia, dictionary)
- an entire reproduction of an artistic work from a publication containing other works
- a whole chapter from a book, as long as that chapter does not comprise more than 20% of the book

Works NOT covered by the licence:

- items on the Exclusions List
- unpublished works
- consumable items such as published workbooks, assignment sheets, and tests
- Crown or provincial publications (excluding Québec)
- instruction manuals, including teachers' guides
- musical works in print form and original artistic works including photographs or prints
- works published in countries with which Access Copyright does not have a bilateral agreement
- works with notices excluding them from copying under a collective licence.

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General FAQs

A book that I would like to assign to my class this semester is out of print. How can I obtain permission to include it on my course list?

You or your campus copyright coordinator may contact Access Copyright to obtain written confirmation that the book is out-of-print. If the book is confirmed as out-of-print (out-of-print textbooks must be out-of-print in all editions), you can obtain a clearance code (which permits you to print the out-of-print book in its entirety at a maximum rate of \$10 per copy) from Access Copyright.

What is the public domain?

The public domain includes all works that are not protected by copyright. Generally, works enter the public domain when copyright expires. The term of copyright in Canada is usually life of the author plus 50 years for textual works. Works can also enter the public domain when the creator surrenders all rights in the work to the public domain. When something is in the public domain it can be photocopied or used in any way without asking for permission.

Do I need to obtain permission to photocopy from a work by a deceased author?

That depends on when the author died. The general rule in Canada is that copyright lasts for life of the author plus 50 years. There may be more than one author for a work, and if the last living author has not been dead for 50 years, permission to photocopy may be required.

What if there is a problem concerning copyright infringement?

In the event that the institution becomes involved in a claim of copyright infringement and was compliant with the licence terms and conditions, an indemnity is provided by Access Copyright. See your licence for specific terms and conditions regarding the indemnity provision.

Does my institution's licence with Access Copyright allow me to adapt a cartoon?

The licence does not permit changes to copyright protected works (except for changes to formatting in limited circumstances).

Are government publications protected by copyright?

Yes, and the government requires you to request permission to photocopy Crown publications. These publications are not covered by your Access Copyright licence (with the exception of those documents produced by the government of the Province of Québec). To obtain permission to photocopy from publications from the federal or any provincial government, please contact the branch of the government that publishes the item you would like to photocopy.

Why can I print material and hand it out to my students, but when I offer it through the bookstore in a coursepack, royalty fees are charged?

Your Access Copyright licence has two components. One component, the incidental copying component, allows you to make multiple photocopies of single publications to hand out to students to support your instruction. The photocopies must be within the limits of the licence. Your institution pays a specific royalty for this and other incidental copying based on the number of Full-Time Equivalent (FTE) students at your institution. If these articles are compiled in any way, you are creating a coursepack and the coursepack provisions of your licence apply.

The second component, the coursepack component, allows for the creation and sale or distribution of coursepacks, which are bound, packaged or assembled photocopies made from more than one publication. Coursepacks are considered republished material that may replace purchased resources. Therefore, the material is logged separately and royalties are paid.

If I cannot locate a magazine, book, or journal to print the pages I require for my coursepack, may I obtain these photocopies from an electronic source?

Your Access Copyright licence covers the print-to-print use of material only. If you obtain a copyright protected article from an electronic source that does not give specific permission to copy, you will need to obtain a pay-per-use digital-to-print licence from Access Copyright, or by contacting the copyright owner directly to obtain permission to include the material in your coursepack.

Another option would be to have your library check with another institution's library to see if they have the work you're looking for. The article could then be sent via interlibrary loan and you would have a print version from which to photocopy.

General FAQs continued

When my institution submits an eLog, how is the amount of money that goes to each copyright owner determined?

Access Copyright does everything possible to identify the copyright owner(s) of the work(s) you submit in your eLogs. When an eLog is submitted we upload it into our Rights Management System (RMS) that contains information on millions of works. The RMS can match the information on the eLog to specific copyright owner(s) so that they can be paid.

The RMS can perform two types of matches. The first relies on the reference number (the ISBN or ISSN) to identify the work, while the second uses the title of the work if no reference number has been provided in your eLog. The first type is more precise, shortening the amount of time required to make the correct match, so it is therefore important that the ISBN or ISSN is included in your reporting whenever possible.

May I photocopy a whole map to distribute in class?

If the map is a page from a book covered by your institution's licence with Access Copyright, you are free to photocopy within the licence limits. You are not allowed to photocopy the whole of a publication under your licence, so if the map is a separate publication and commercially available, you will need to seek permission directly from the copyright owner or through an Access Copyright pay-per-use licence. Please email us at permissions@accesscopyright.ca for more information.

May I photocopy an article to distribute to my class?

Yes, within certain limits. Under the terms of the licence you are permitted to make multiple photocopies for classroom distribution (one per student and two for the instructor). You may photocopy 10% of a publication or an entire article, whichever is greater. Additionally the licence permits you to copy two or more articles from the same publication if they make up less than 10% of the publication. Systematic, cumulative copying is prohibited, which means that you may not photocopy 10% of a publication one day, and then another 10% the next day. The 10% is measured per class per academic term or year.

May I photocopy an out-of-print work for circulation in my institution's library?

Your institution's Access Copyright licence allows you to place a whole photocopied book on reserve in your institution's library or in its collection only if Access Copyright has first confirmed in writing that the work is out-of-print. To find out if a work is out-of-print, please contact us. Under the terms of the licence, the maximum amount the institution shall pay to Access Copyright for each photocopy of an out-of-print work is \$10.00. Photocopies made in this manner must be logged and may be bound, but may not be photocopied further. This must be clearly indicated on the photocopied book by including a statement such as "This photocopy of a copyright protected work is made under licence from Access Copyright. Further copying is prohibited."

I teach/study at an institution that has a licence with Access Copyright. Does this mean that I do not need to pay royalties to photocopy material published by my institution's own press?

Your institution's licence does not include works in which the institution has ownership. However, university and college presses publish works on behalf of many copyright owners and in the vast majority of these cases the institution does not own the copyright in those works. Therefore, these works must be treated as any other work would be under the licence. If the material is covered by your institution's licence with Access Copyright and is included in a coursepack, royalties apply.

How many articles/photocopies of an article may I put on reserve?

The original or a photocopy of an article may be put on reserve for students to photocopy (one photocopy per student). This is covered under the incidental photocopying component of your institution's licence.

You may also place on reserve a sufficient number of photocopies of an article necessary for the administration of your course.

May I photocopy a book's cover?

Yes, a book's cover is considered part of the overall work and may be photocopied, as long as the book is not on Access Copyright's Exclusions List.

Is an introduction considered a chapter in a book?

An introduction of a book is considered to be a chapter when it is an introductory chapter (as opposed to being a preamble or prologue which is a few paragraphs in length).

General FAQs continued

Where can I find Access Copyright's most current Exclusions List?

The Exclusions List is produced and distributed twice a year, in February and September, via Access Copyright's Post Sec Communiqué. This is sent to your institution's notice recipient and can be sent to others on request. If you would like to receive the Post Sec Communiqué, please send an email to postsec@accesscopyright.ca.

Can we post the Exclusions List on our institution's website?

You may post the Exclusions List to your institution's password protected Intranet site, but not on a website accessible to the public.

Can I send a Document Delivery by fax?

Yes, a facsimile transmission, which creates an incidental digital copy, is covered under your licence's definition of "photocopy."

May I send course material containing photocopies from more than one publication at one time to distance education students?

Yes. This would be considered a coursepack under your institution's licence and all materials must be logged and royalties paid.

Are alumni students covered under our licence?

Alumni are not covered. Only those students that are included in the Full-Time Equivalent (FTE) count are covered by your institution's licence with Access Copyright.

May students make photocopies of articles on reserve in the library?

Under the terms and conditions of your institution's licence with Access Copyright, an instructor is allowed to make one photocopy of an article for each student. An instructor may also place photocopies of individual articles to put on reserve in the library and students have the option of reading it there or making one photocopy for themselves. Both of these scenarios are covered by the incidental copying set of the licence.

If an instructor puts a coursepack on reserve in the library, no further copying of the coursepack materials is permitted and the coursepack must be clearly marked to indicate this. Coursepacks are defined in the licence as bound, packaged or assembled photocopies made from more than one publication. Coursepacks may not be broken up and put on reserve as separate articles, thereby allowing students to copy them. The licence does not allow you to do indirectly what you may not do directly.

I am a professor making a presentation to individuals who are not necessarily students from my institution. Am I covered under the licence and can I distribute photocopies of my PowerPoint presentation, if it contains copyright protected material?

Your institution's licence with Access Copyright covers only educational uses of copyright protected material that are in furtherance of your institution's educational mandate. If the presentation is being made for the purpose of teaching, the licence would apply and photocopies could be made. If the presentation is made for purposes outside of your institution's educational mandate (e.g. is a meeting of a professional organization), the licence does not apply and you would need to seek permission.

How does fair dealing work with my licence?

Your institution's licence with Access Copyright is designed to step in where fair dealing, exceptions under the *Copyright Act* and the public domain stop. While fair dealing, educational exceptions and the public domain cover certain uses or certain works made in the institution setting (e.g. research and private study, when certain conditions are met), all uses are not covered. Your licence gives you the added comfort knowing you have advance permission to photocopy copyright protected material in the instances where permission would be required.

Coursepack FAQs

What is the public domain? May I include material from the public domain in my coursepack?

The public domain includes all creative works that are not protected by copyright. Generally, works enter the public domain when copyright expires. The term of copyright in Canada is usually life of the author plus 50 years for textual works. Works can also enter the public domain when the creator surrenders all rights in the work to the public domain. When something is in the public domain it can be photocopied or used in any way without asking for permission, including in coursepacks.

I have a variety of information to include in my coursepack. How do I determine if a work should be classified as a book or textbook, under my institution's licence with Access Copyright?

Generally, textbooks are books produced primarily for the educational market, and may include one or more of the following:

- any of the following words in its title: Introduction to, Fundamentals of, Essentials of
- reference to an edition, such as 3rd Edition
- pedagogical features, such as exercises, question sets, cases, boxed items, or chapter learning objectives
- an accompanying learning aid such as a study guide, lab manual, teacher guide or solution set

If any of these features appear, the work is generally considered a textbook. However, these are general guidelines only. If you are still unsure, you or your campus copyright coordinator may contact Access Copyright and we can assist you in making the determination.

I want to include an article in my coursepack, but I don't know its source. What should I do?

Please provide Access Copyright with as much information about the article as you can (e.g. title, author, page numbers). We will use this information to make every possible effort to identify the work and the copyright owner and ensure that the royalties are distributed as accurately as possible.

May I include material obtained from a government site in my coursepack?

Crown publications are not covered by your Access Copyright licence, with the exception of those documents produced by the Province of Québec. Additionally, your licence applies to print-to-print reproduction only, so all web-based material is excluded. To obtain permission to photocopy from a publication from the federal or any provincial government, other than Québec, please contact the branch of the government that published the item. If you wish to make a copy from any digital source, you may get permission by contacting the copyright owner directly or by requesting a pay-per-use licence from Access Copyright by sending an email to permissions@accesscopyright.ca.

If I cannot locate a magazine, book, or journal to print the pages I require for my coursepack can I obtain these photocopies from an electronic source?

Your Access Copyright licence covers the print-to-print use of material only. If you obtain a copyright protected article from an electronic source that does not give specific permission, you will need to obtain a pay-per-use digital to print licence from Access Copyright, or contact the copyright owner directly in order to obtain permission to include the material in your coursepack.

Another option would be to have your library check with another institution's library to see if they have the magazine, book, or journal on hand. The article could then be sent via interlibrary loan and you would have a print version from which to photocopy.

My colleague has given me verbal permission to use her work in my coursepack. Do I still require written permission?

Verbal permission counts as permission, but it is always advisable to get it in writing and keep it on file. You will also need to be sure that your colleague is the sole copyright owner – where there are co-authors who have retained their copyright in the book you will also need to get their permission. Whenever you contact a copyright owner directly, the Access Copyright licence does not apply.

Some of the material I would like to include in my coursepack is listed on the Exclusions List. Is there any way I can include this material in my coursepack?

You will need to contact the copyright owner directly to obtain permission to include this material in your coursepack.

Coursepack FAQs continued

I have written a book which I would like to use in a course I'm teaching this semester. However, my publisher will not have the book ready on time. May I print this material in a coursepack?

This material would not be covered by your Access Copyright licence since it is not published yet and your institution's licence with Access Copyright excludes unpublished works. Even though you are the author of the book, through your contract with the publisher you may have made them a copyright owner of your work, or you may have granted your publisher an exclusive licence. You should consult your publisher to determine who owns the rights and then seek permission from your publisher, if necessary, to include the material you want in your coursepack.

Where can I find the information required to complete the eLog?

Most of the information may be found on a publication's copyright page.

I would like to include a chapter from a textbook in my coursepack, but the total number of pages amounts to more than 5% of the book. May I still include the chapter?

Under your licence, you may photocopy the greater of 5% or an entire chapter from a textbook for use in your coursepack. If you copy one entire chapter that is more than 5% of a book, it is covered by your licence.

Why can I only include 5% of a textbook but 15% of a book or magazine in my coursepack?

Generally, textbooks are the core resources used in institutions. The purpose of the licence is to allow for photocopying that supplements but doesn't replace the purchase of a core resource. You may request by emailing Access Copyright a print pay-per-use licence to include additional textbook material beyond the 5% limit. This special permission can allow you to include up to 20% of the textbook in a coursepack. This permission must be obtained before the reproductions are made. A pay-per-use licence is in addition to your institution's comprehensive print licence and is subject to separate rates determined by copyright owners. You are still not permitted to exceed the 50% textbook limit for inclusion in coursepacks.

Why are coursepacks restricted to 50% textbook material?

Generally, textbooks are the core resources used in institutions. The purpose of the licence is to allow for photocopying that supplements but doesn't replace the purchase of a core resource.

What if there is a problem concerning copyright infringement?

In the event that the institution becomes involved in a claim of copyright infringement and was compliant with the licence terms and conditions, an indemnity is provided by Access Copyright. See your licence for specific terms and conditions regarding the indemnity provision.

Who is responsible for paying coursepack royalty fees?

The organization that has the licence with Access Copyright is responsible for paying royalty fees. How an organization chooses to collect fees internally is based on its own policy.

My textbook instructor material contains assignment sheets and tests that would be useful to my students. May I include these in a coursepack?

Instructor material is not covered by the Access Copyright licence. You will need to contact the copyright owner to obtain permission to include this material in your coursepack.

May I include excerpts from a dissertation in my coursepack?

Unpublished works, such as theses and dissertations, are not covered by your Access Copyright licence. You will need to obtain permission from the author of the dissertation to include the material in your coursepack.

The equipment we are using in our lab comes with numerous information sheets and instructions for use. May I include some of this material in my coursepack?

Computer manuals and other instructions are considered proprietary information and are not covered by your institution's Access Copyright licence. You will need to contact the manufacturer directly to obtain permission to use this material in your coursepack.

May I put a coursepack on reserve in the library?

Yes, you may. However, no further copying of coursepacks is permitted. A statement indicating this should be clearly marked on all reserve coursepacks. Coursepacks may not be broken up and put on reserve as separate articles, thereby allowing students to copy them. The licence does not allow you to do indirectly what you cannot do directly.

Coursepack FAQs continued

The textbook material I would like to include in my coursepack exceeds the licence limits of 5% or a single chapter. How can I include this material in my coursepack?

You may request a print pay-per-use licence to include additional textbook material beyond the 5% and up to 20% of the textbook in a coursepack by sending us an email. This special permission must be obtained before the reproductions are made. A pay-per-use licence is in addition to your institution's comprehensive print licence and is subject to separate rates determined by copyright owners. You are still not permitted to exceed the 50% total textbook limit for inclusion in coursepacks.

I am creating a curriculum for my institution. My institution will be selling the curriculum to various institutions overseas. May I include material and photocopy this under the licence?

No, your institution's licence with Access Copyright does not cover photocopying for commercial purposes such as the sale of materials to another institution. To obtain permission to do this, you would need to go directly to the publishers of the materials.

Your print licence does, however, cover photocopying that is intended for a institution's students or instructors who are overseas, as long as the photocopying is done in Canada. This would include copying done for international campuses. This copying would need to be reported and paid for according to the terms of your licence.

May my institution sub-contract its photocopying to a print shop during our coursepack rush?

Yes, a print shop may make photocopies for you under your licence as long as the photocopies are brought back to the college or university, sold through college or university channels and the photocopying is reported in the eLogs by the institution.

Only print shops that have a coursepack licence with Access Copyright are permitted to log the coursepack information for you and sell coursepacks to students. For a list of these shops in your area, contact us.

May we photocopy excerpts from a number of anthologies in order to make up a coursepack, or are these items subject to the textbook guidelines?

Generally the issue with anthologies is whether the individual excerpts you wish to photocopy from the anthology are commercially available in a separate form. For example, if an anthology of modern drama contained "Waiting for Godot" you could not photocopy the whole of the play for a coursepack because the play is readily available as an independent work.

If you are unsure about an excerpt you wish to photocopy, send a detailed email to us and we will provide you with clarification regarding the title.

When we share resources created for our students with another of our institution's campuses, may we send a coursepack to them to make photocopies for their students? Who is responsible for reporting the copying?

Your institution's licence allows you to send coursepacks to other campuses within your institution, but coursepacks may not be given or sold to other institutions – this would be considered making copies for commercial purposes and that use is not covered by the licence. As long as all of the copies made are reported in your eLog, your institution can choose to centralize the reporting at one location or have the copying logged at the individual campuses where the copies were made.

Do we pay a per page rate for reference/index/bibliographic pages?

Yes, when this material is included in a coursepack. Licensees pay a per page rate for use of all material taken from printed published works, which includes reference pages, bibliographic pages and indices.

May we supply instructors with the PDF files of their coursepacks for their own use?

Under your institution's licence, you may create an electronic file from a coursepack, but only for the purpose of making the print photocopies, which are then sold or distributed. You are not permitted to create an electronic file from a coursepack for anyone to read or print photocopies from.

How does fair dealing work with my licence?

Your institution's licence with Access Copyright is designed to step in where fair dealing, educational exceptions in the *Copyright Act*, and the public domain stop. While fair dealing and the educational exceptions cover certain uses made in the institution setting (e.g. research and private study, when certain conditions are met), all uses are not covered. Your licence gives you the added comfort of knowing you have advance permission to photocopy copyright protected material in the instances where permission would be required.

Alternate Format FAQs

A number of students at our institution are classified as having perceptual disabilities. Some of the students have requested that we provide large print versions of textbooks for them and other students have requested textbooks converted into a machine readable format that can be used with Jaws or Kurzweil readers. Under the licence, alternate format is defined as “audio, Braille, large print and machine readable format.” What exactly are we able to provide to our perceptually disabled students?

Provided the work is not commercially available in the appropriate form, the exceptions in the *Copyright Act* combined with your institution's licence with Access Copyright allow you to address all of the needs of your students with perceptual disabilities, including reproduction in Braille, as an audio book, as a large print book, or machine readable text.

Some publishers and creators may provide you with the electronic files to facilitate these uses. You may wish to contact them directly.

What if there is a problem concerning copyright infringement?

In the event that the institution becomes involved in a claim of copyright infringement and was compliant with the licence terms and conditions, indemnity is provided by Access Copyright. See your licence for specific terms and conditions regarding the indemnity provision.

Digital FAQs

Instead of giving paper photocopies of an article to my students, may I post it electronically on my course website?

Your institution's licence with Access Copyright does not authorize any digital use of material (e.g. posting to an intranet, emailing, or scanning). You may purchase a digital pay-per-use licence from Access Copyright which will authorize this use. However, digital use of this material may be subject to additional terms and royalty payments. Alternatively, you may contact the copyright owner directly to ask for permission.

May I provide my students with paper copies of material found on digital sources (e.g. subscriptions or the Internet)?

You must check the terms of use found on the website or subscription agreement. These terms may permit or prohibit the use you want to make. If the source prohibits the use, contact the webmaster or publisher for permission. Access Copyright may be able to assist you in obtaining this permission through our pay-per-use licensing service.

If the terms of use of the digital source permit you to print one copy, your Access Copyright licence may also step in to permit you to make multiple copies for your class or include it in a coursepack. In this situation, you must determine if:

- the material you wish to use also exists in print form (e.g. an article from the *Toronto Star* or an academic journal such as *Nature*) and
- the print source would be covered by your Access Copyright licence.

If the answer to both questions is yes, then the paper copy you are permitted to make from the digital source is considered a legally obtained paper copy under your institution's licence with Access Copyright. It may therefore be copied in accordance with the terms and conditions of your licence.

May I use the scanning element of the photocopier to make a paper photocopy of a paper source?

Under your institution's licence, you are permitted to scan only if it is with the intent of making a paper photocopy. If the copier temporarily holds a digital copy in cache in order to copy, this is allowed. However, the licence does not allow you to store the digital copy, email the scanned copy to a print operator or to a Docutech account, or store the copy on a digital system.

May we supply instructors with the PDF files of their coursepacks for their own use?

Under your institution's licence, you are not permitted to transmit an electronic file from a coursepack for viewing or posting. The licence does permit you to create an electronic file from a coursepack, but only for the purpose of making paper photocopies.

Is there a comprehensive digital licence for the education sector?

Currently Access Copyright can only provide comprehensive print-to-print licences to the education sector. We do have a pay-per-use digital license available for educational digital uses of material. If you need to copy from digital to print, print to digital, or digital to digital, you may request a digital pay-per-use licence by sending us an email. Digital royalties are set by individual publishers and copyright owners and vary according to the works used.