



# Copyright and Moodle

NVIT uses the Moodle Learning Management System (LMS) and access to course materials is available via secure access to currently enrolled students and the faculty assigned to teach courses. Course sites are available while a course is being taught and are deactivated after the course has ended. This authenticated access allows NVIT to comply with Canadian Copyright laws (Bill C-11 received Royal Assent on June 29, 2012, and most of its provisions were brought into force on November 7, 2012).

## Short Excerpts and Fair Dealing Requirements

Posting short excerpts of material on Moodle may be permitted in accordance with the Copyright Fair Dealing Requirements (which allows copying/posting for the purposes of research, private study, criticism, review or news reporting) as long as they are:

- 10% or less of a Work, *or*
- no more than:
  - a) one chapter from a book;
  - b) a single article from a periodical;
  - c) an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart and plan) from a Work containing other artistic works;
  - d) an entire newspaper article or page;
  - e) an entire single poem or musical score from a Work containing other poems or musical scores; *or*
  - f) an entire entry from an encyclopedia, annotated bibliography, dictionary or similar reference work,

whichever is greater.

The Short Excerpt must contain no more of the Work than is required in order to achieve the Fair Dealing purpose and must include a credit to the author and the source. The following statement should be added to all short excerpts:

*“This copy is made solely for your personal use for research, private study, criticism or review only. Further reproduction, distribution, transmission, dissemination, or any other uses, may be an infringement of copyright if done without securing the permission of the copyright owner.”*

## Material Excluded from Copyright Fair Dealing

Following are examples of materials excluded from the Short Excerpt definition:

- the instructor owns\* the copyright;  
*\*Note that authors of academic papers are often required to transfer copyright to publishers, and therefore retain no rights in the work. In this case, permission to post a digital copy must be obtained from the publisher.*
- the material is available under license that permits posting to Moodle. Use the Access Copyright Repertoire Look-Up-Tool at <http://www.accesscopyright.ca/look-up--tool> to determine if the material is available under license;
- A publisher (check the publisher website) has provided digital supplements (ePacks, course packs, course cartridges) with a textbook and the license permits posting to an LMS like Moodle, or specific permission has been obtained from the publisher;
- If material is obtained under a Creative Commons license or from Open Access sources;
- The material is in the public domain (note that material enters the public domain 50 years from the death of the author or translator).

## **Moodle Best Practices**

### **Link Rather than Post**

Copyright regulations must be observed in all cases where copyright protected material is being used. Since linking invokes no copying issues, instructors should provide links to electronic journal articles in Moodle rather than uploading PDFs (copies). Many of the Library's journal databases allow for such direct linking. Please contact the NVIT Librarian for assistance.

### **Audio/Video Recordings**

Access to audio/video recordings that are in the public domain, licensed accordingly, or which represent fair dealing, should be provided using a streaming service (rather than as a file uploaded to Moodle).

Providing a link is always preferable to uploading an item into Moodle, especially in cases where doubts exist regarding the item's copyright status. Published material that is not covered by a suitable license, not public domain, and not available through a Creative Commons or Open Source provider, should not be uploaded.

Copies of published worksheets or other materials intended as "consumables" by students (e.g. workbooks), or any copyrighted book or video in its entirety, should not be included in Moodle without obtaining appropriate permissions.

### **eBooks**

NVIT has licensed eBooks for use. Check with the NVIT Librarian for support in using eBooks and Moodle.

### **Emailing Copyrighted Material to Students**

Distributing copyrighted material by email is not permitted. If the materials have been posted to Moodle, you can also e-mail a link to those posted materials to your students (who would then login to Moodle to access the materials).

### **Material from the Internet**

Material posted on the internet is subject to Copyright law. If the website does not provide any guidance or information regarding copyright licenses or consents, you may still be able to use portions of the website materials for classroom presentations, or to post into Moodle if such materials fall under the definition of "Short Excerpts" and otherwise satisfy the Fair Dealing Requirements, as long as:

- a) the website is not questionable or clearly using third party materials without the copyright owner's consent;
- b) there is no clear and visible posting on the website that prohibits the use of such image; or
- c) you do not need to break or circumvent a digital lock (such as a password or other technical barrier which restricts access or copying) to obtain a copy of the materials.

Since the "10% rule" is practically difficult to apply for materials that are displayed on a website, you need to determine if the material(s) on the website otherwise qualify as a Short Excerpt (e.g. a single image), as long as the website contains other images, would be permissible to post into Moodle.

Note that once Bill C-11 comes into force the internet materials requirements will be relaxed.

### **Remember:**

All materials included in Moodle must meet Copyright requirements, must include a citation to the original source and must include a copyright notice.

### **Questions?**

Contact the NVIT Librarian with questions about Copyright.

Contact IT with questions about Moodle.