

Use of Images – COTR Copyright Guidelines

Canadian Copyright law considers images just as any other copyrighted materials. If you plan to incorporate them into your curriculum handouts, power-point presentations, overhead/smartboard displays or post them to LMS sites, they must meet the conditions of one of the Act's educational exceptions (**Fair Dealing** [Sections 29, 29.1, 29.2](#) or [ACCC Fair Dealing Policy](#)); the **Educational use of the Internet** exception ([Section 30.04](#)); or be licensed for use by COTR, available on open access sites (e.g. Creative Commons), or in the public domain.

For any images that fall outside of the above guidelines, you must obtain permission directly, in writing, from the copyright holder.

The **Fair Dealing** exception states:

1. Teachers, instructors, professors and staff members in non-profit educational institutions 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. 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 a school or post-secondary educational institution
 - (c) as part of a course pack
3. A short excerpt for images means:
 - an entire artistic work (including a painting, print, photograph, diagram, drawing, map, chart, and plan) from a copyright-protected work containing other artistic works
4. Under fair dealing you may also include another person's work, including images, in the PowerPoint presentations you display to students enrolled in your course provided you adhere to the amount (10%) that may be copied under fair dealing.

The **Educational use of the Internet** exception allows educational institutions, instructors and students to reproduce, save, download, transmit and distribute any publicly available material from the Internet provided:

1. The source and author/creator is cited.
2. The content is not protected by a technological protection measure (password, encryption, digital lock).
3. There is no visible notice explicitly prohibiting the *educational use* of the material.
4. It is clear the content has been posted by the copyright holder.

Image Source	Guidelines for use
Print resource	- As per the Fair Dealing guidelines, you may copy images from copyright protected works. Copying multiple images from a single work must not exceed the 10% limitation. - Cite sources clearly.

	<ul style="list-style-type: none"> - May be communicated and reproduced in paper or electronic format.
Internet resource	<ul style="list-style-type: none"> - Must comply with the Fair Dealing or Educational use of the Internet guidelines, or taken from COTR licensed resources, open access sites (Creative Commons) or be in the public domain. - Ensure image is posted by the copyright holder or person with permission to post. Note that Google Images is a search engine that merely indexes images and they have not been posted there by the copyright owners. If you click on an image, you will generally be taken to the web page it was found on and be able to access more information on the image's copyright restrictions. - Always check the site's "Terms of Use" or "Legal Notices" to check for special conditions that apply to the use of the website's material (including explicit restriction of educational use). - Cite sources clearly. - Linking to a webpage is generally permissible. If the page doesn't identify the website, author and copyright holder, then include that information by the link.
Library database resource	<ul style="list-style-type: none"> - Database must be licensed by COTR. - Check for special licensing conditions that may restrict copying. - Cite sources clearly. - Consider using a persistent link to works in a database to avoid copyright infringement.
Clip Art	<ul style="list-style-type: none"> - Media elements from Microsoft Office Clip Art and Media Gallery (media images, clip art, animations, sounds, music, video clips, templates) may be copied and used in projects and documents provided you include the citation "Used with permission from Microsoft." - Openclipart.org is a collection of original royalty free clipart. Unless otherwise noted, copyright is waived for the content on this site. See usage chart at http://openclipart.org/may-clipart-be-used-comparison - ClipArtETC is a collection of royalty free educational clipart and offering a free license http://etc.usf.edu/clipart/info/license for educational use. - WPClipart is a collection of high quality, public domain, royalty free clip art and photos.
Mashups	<p>Bill C-11 Section 29.21 of the Copyright Act allows students and faculty to create and distribute mashups (non-commercial user generated content) using existing works which have been made publicly available provided:</p> <ul style="list-style-type: none"> - There is no visible notice explicitly prohibiting the <i>educational use</i> of the material. - Sources are cited clearly. - There must be no substantial adverse effect on the existing work(s) or their potential market.