

Notes on Copyright in Course Materials by Laura Murray and Mark Swartz, October 2012

Some questions and concerns have arisen about the Faculty's advisory on copyright notices on syllabi and course websites.

Context

The Faculty's initiative arises out of an incident in which a student sold course materials to a commercial study prep service. The professor discovered this and requested that the service remove his material and refund money to students who had used it. He was successful, but sought language that would make such an event less likely.

While commercial appropriation of instructional material is problematic, protective gestures have to be balanced against longstanding traditions of sharing teaching materials more widely, not to mention more recent "Access to Knowledge" and "Open Access" philosophies. Many instructors do not wish to discourage students from sharing course materials widely and even perhaps in ways not anticipated.

The Faculty is not mandating a single approach to this issue. We articulate here options that instructors may wish to consider.

1. Do nothing.

Any written or visual material an instructor produces is automatically copyrighted, and an instructor may pursue any violator of that copyright whether or not a notice is placed on the course material. Copyright does not dampen any ordinary use colleagues or students would make of the material.

2. Put a copyright notice on your materials: © Your Name 2012

A bit more forceful than the former and may discourage some uses but not legally different.

3. Put a Creative Commons licence on your materials:



<Course name> syllabus 2012 by <instructor name> is licensed under a [Creative Commons Attribution-NonCommercial 3.0 Unported License](https://creativecommons.org/licenses/by-nc/3.0/).

Instructors may include a gloss for those not familiar with Creative Commons, something like: "Materials generated by instructors of this course may not be posted to commercial course material sites without permission. However, they may be used and adapted, with attribution, for noncommercial purposes."

To procure a CC license, go to creativecommons.org. Creative commons licenses are in widespread use in government and educational institutions. They affirm an open approach to knowledge sharing. Instructors should not use a CC license on materials that might be licensed for commercial purposes in the future — for example in the case of lecture posted for a course that might be used

in future as part of a textbook. (As copyright only applies to *particular expressions* of ideas, however, materials may be licensed with CC and reworked to get around this issue if need be — different wordings or presentation make it a different work for copyright purposes.) Avoid the variant licenses: “attribution noncommercial” is the standard one. This approach could be combined with the following option to clarify the status of third-party materials

4. For Moodle or other online platforms where the instructor is incorporating material for which he or she does not own the copyright, consider explaining the status of those materials:

“This material is designed for use as part of <Course Name> at Queen’s University and is the property of the instructor unless otherwise stated. Third party copyrighted materials (such as book chapters and articles) have either been licensed for use in this course or fall under an exception or limitation in Canadian Copyright law.

Copying this material for distribution (e.g. uploading material to a commercial third-party website) can lead to a violation of Copyright law. Find out more about copyright here:

<http://library.queensu.ca/copyright.>”

Questions? Contact Mark Swartz, copy.right@queensu.ca.