

# Licensed Use Guidelines

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Determining if consent is already present in one form or another, including specific terms of a licence, will help to clarify whether copying is permitted.

These Guidelines expand the concept of licensed use and give additional background to the 3<sup>rd</sup> question in [Western's Copyright Decision Map](#). Remember that other statutory exceptions or conditions outlined in the Map may apply to your situation.

There are many ways use can be licensed.

## 1. Digital Licences

### *Background*

Western Libraries has negotiated digital licences for the Western Community, for a large volume of online articles and e-books. Often these are bundles of resources that are licensed through consortia agreements with our colleague institutions. Typically, acceptable use is indicated in the terms of each licence, and what is permitted may not be uniform across all subscription licence packages. Specific titles may also be included in more than one package.

### *Digital Licences Guidelines*

Use Western Libraries' [Licensed Use Search tool](#).

Select the appropriate search tab, either Journal or e-book, and enter the title of the journal (not the article) or the title of the e-book containing what you wish to copy. Next, you may have to select your title once more from an interim index in order to display the library catalogue record for the journal or e-book. The resulting displayed record provides both the electronic and the print holdings for your title.

It is often the case that electronic holdings for specific journals or e-books are included in more than one subscription package, each with different licensed use terms. If the title is available from multiple resource packages you will see a list of the various sources for your title. Note too that holdings and coverage dates of your specific title may also vary between particular journal packages.

Click the **Licensed Use** link beside the package that contains your e-book title or the specific volume of your digital journal. The resulting table outlines uses permitted by this particular licence.

If you discover that your dealing is not included in the terms of this licence, check any other resource package that contains the work since licensed use is likely not the same in them all. If none of the licences sanction your dealing remember that linking is always an option. See section 4: Web Content and Linking below for additional details.

The absence of a digital package or a Licensed Use link typically signifies that no licence is held at Western that covers your particular title. Statutory exceptions like fair dealing may apply in this case.

## 2. Creative Commons Licence

### *Background*

Another simple check is to see if the creator of the work has attached a Creative Commons Licence to it. For digital works, Creative Commons is becoming an easy, intuitive and popular option available for authors to clearly indicate the use(s) they permit for their work.

### *Creative Commons Guidelines*

Check for the Creative Commons symbol  in the work and abide by the requirements of the specific CC licence.

There are several versions of the Creative Commons license in addition to CC-BY illustrated above. They vary contingent on additional conditions such as whether commercial use or adapting the work are placed on it by the author. It is important to check the specifics of the licence for user's rights specific to the work.

For example Western's Copyright Website carries a CC-BY-SA licence (see the licence at the bottom of this page). It signifies that our content may be reused provided Western is attributed and any content derived from ours is also openly shared.

Visit <http://creativecommons.org/> for more information about Creative Commons Canada and to initiate the process of securing a licence for your own work.

## 3. Open Access

### *Background*

Increasingly creators are either choosing or required to publish works in open access journals, or to post works on open access platforms such as institutional repositories (IR). [Scholarship@Western](#) is our IR and is an example of an open access platform which also houses many of Western's open access journals. Both typically are sources of works that are free to use without seeking clearance.

In 2015 The Tri-Agencies in Canada instituted a harmonized open access policy. It requires that within 12 months of issue, all publications resulting from any CIHR, NSERC or SSHRC funding are made available on an open access platform.

### *Open Access Guidelines*

Check the [Directory of Open Access Journals](#) or another similar directory and select resources from one of many open access journals.

Check [Scholarship@Western](#), and select material published in our institutional repository.

## 4. Web Content and Linking

### *Background*

Some web sites offer or require an alternative to copying and uploading content housed on it. Link generators and services that create embeddable players are examples of methods for sharing web content typically offered as part of the web site's tools and resources.

For example, [YouTube](#)'s *Share* feature and Western Libraries' [Films on Demand](#) service offer an embedding tool that creates a simple string of code that inserts a video along with the required player into a website or PowerPoint presentation.

Most online journals and e-books, including those in Western's many subscription databases, will generate a durable link or persistent url. Rather than reproducing the material to upload a copy into a website or attach to an e-mail, these clickable urls can be distributed or inserted into an OWL course or other website. Clicking the durable url will advance users directly to the work including any required authentication. In virtually all cases, linking to a copyright-protected work can be done without risk of infringement.

### *Web Content Guidelines*

Find alternatives to reproducing and uploading a work, such as embedding a video or including a link to online material.

Consent for use contained in the terms of a licence in one form or another is one of several conditions affecting use of a work. In addition, the Canadian *Copyright Act* provides several statutory exceptions outlining specific circumstances and conditions when works may be reproduced without seeking clearance. Remember that other exceptions or conditions outlined in [Western's Copyright Decision Map](#) may apply to your situation.