
Copyright Basics



Alison McCullough

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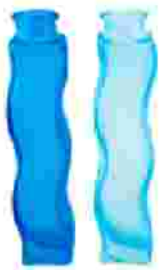
Church Library Association of Ontario

Agenda

- n What is copyright?
- n The Copyright Act
- n Who is the copyright owner?
- n How long does copyright last?
- n Copyright owner rights
- n Responsibilities
- n Owner authorization
- n Agencies list and more information



What is copyright?

- n In the simplest terms, "copyright" means "the right to copy";
- n It is part of intellectual property law (which also includes patents, trade-marks, industrial design, and integrated circuit topographies);

- n Copyright law controls photocopying, digitizing, downloading, printing from the Internet, forwarding email, and the performance of music, sound and video recordings.



Copyright 'Common Law'

- n Copyright in a work exists automatically when an original work or work in other subject matter is created;
- n You do not have to register your copyright to be protected;
- n Registrations does give evidence of ownership.
- n To register, file an application at the Copyright Office and pay the fee.



What is protected?

n Works:

1. Literary works
2. Artistic works
3. Dramatic works
4. Musical works

n Other subject matter

1. Sound recordings
2. Performers' performances
3. Communication signals



What is not protected?

- n Themes
- n Ideas
- n Most titles
- n Names
- n Catch-phrases and other short-word combinations



Who is the copyright owner?

- n Everyone who creates an original work is considered an “author” for the purposes of copyright law, not just famous authors or musicians, but even me and you!
 - q Diaries
 - q Letters
 - q Photographs
 - q Videos
 - q Articles
- n You cannot obtain a copyright for someone else's creation.



The owner of copyright could also be:

- n the employer, if the work was created in the course of employment unless there is an agreement to the contrary;
- n the person who commissions a photograph, portrait, engraving or print for valuable consideration (which has been paid) unless there is an agreement to the contrary;
- n some other party, if the original owner has transferred the rights.



How long does it last?

- n In Canada, copyright generally lasts for the life of the author, plus 50 years.
- n In the U.S. and Europe, copyright generally lasts for the life of the author plus 70 years, though it can differ depending on factors such as the type of work, the manner of publication and the date of creation.
- n Use of a work in Canada is governed by the Canadian rules for the duration of copyright.



Public Domain

- n Refers to works in which copyright has expired or where the copyright owner has made a clear declaration that they will not assert copyright in the work.

e.g. Christian Classics Ethereal Library

<http://www.ccel.org/>



Canadian Intellectual Property Office

At CIPO, you can register your copyright application. For information on all other matters related to copyright (policy, royalties, licences), refer to the following sites:

- n [Copyright and International Intellectual Property Policy Directorate](#) (Industry Canada)
- n [Copyright Policy Branch](#) (Canadian Heritage)
- n [Copyright Board](#)
- n [Access Copyright](#)
- n [COPIBEC](#)
- n [SOCAN](#)



The Copyright Act

- n Copyright in Canada is determined by the Copyright Act, the regulations associated with it, and the decisions of the courts that have interpreted the Copyright Act;
- n Each country has its own legislation; protection is based on the law of the country where the work is being used, not the nationality or residence of the creator of the work.



The Copyright Act

- n September 2008, Bill C-61, *An Act to Amend the Copyright Act*, “died on the order paper”.
- n Canada has just completed a copyright consultation process; however, with the prorogation of parliament (‘Olympic vacation’) no further announcements have been made:
<http://copyright.econsultation.ca/>
- n A private members bill was recently tabled: Bill C-499: *An Act to amend the Copyright Act (audio recording devices)*, as well as a Motion 506 to expand Fair Dealings.



Copyright owner rights

Legal rights exists:

- the right to copy
- the right to translate a work.

These rights are qualified by certain exceptions which balance the copyright owner's interests with the public interest in allowing use of works for purposes such as education and research.



Fair Dealing

- n Fair dealing is an exception in the *Copyright Act* which allows you to use other people's copyright material for the purpose of:
 1. Research
 2. Private study
 3. Criticism
 4. Review or
 5. News reporting
- n The source and author's name must be cited.



Fair Dealing (2)

Courts will normally consider factors such as:

- q the purpose of the dealing (Is it commercial or research / educational?)
 - q the amount of the dealing (How much was copied?)
 - q the character of the dealing (What was done with the work? Was it an isolated use or an ongoing, repetitive use? How widely was it distributed?)
 - q alternatives to the dealing (Was the work necessary for the end result? Could the purpose have been achieved without using the work?)
 - q the nature of the work (Is there a public interest in its dissemination? Was it previously unpublished?)
 - q the effect of the dealing on the original work (Does the use compete with the market of the original work?)
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How to determine copyright status:

1. What category of work is it?
2. Who owns the copyright?
3. How long does the copyright last? Is the work in the public domain?
4. What do I want to do with it? Does my proposed use require the authorization of the copyright owner?
5. Is there an exception that permits me to use the item without the permission of the copyright owner?



Copyright Permission

To obtain copyright it is rare to contact the creator directly. Most works are administered by a collective society.



Copyright Collective Societies (>37)

Christian Video Licensing International (CVLI)

www.cvli.com

Criterion Pictures

www.criterionpic.com

Educational Rights Collective of Canada (ERCC)

www.ercc.ca

**Access Copyright, The Canadian Copyright
Licensing Agency**

www.accesscopyright.ca

Christian Copyright Licensing Inc. (CCLI)

www.ccli.com



Links

Canadian Intellectual Property Office

<http://www.cipo.gc.ca>

Copyright Collective Societies

<http://www.cb-cda.gc.ca/societies-societes/index-e.html>

World Intellectual Property Organization

<http://www.wipo.int>



Bibliography

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McGraw-Hill Ryerson, 2000.

*The Complete Canadian Copyright Act 1921-2006: Present, Past
& Proposed Provisions* by Harry Hillman-Chartrand. Compiler
Press, 2006. ISBN 0-9689523-4-8

*Demystifying Copyright: A Researcher's Guide to Copyright in
Canadian Libraries and Archives* by Jean Dryden. CLA
Publications, 2002.

