



**Canadian
Intellectual Property
Office**

An Agency of
Industry Canada

**Office de la propriété
intellectuelle
du Canada**

Un organisme
d'Industrie Canada

A GUIDE TO COPYRIGHTS



The background of the page features faint, light-colored calligraphic strokes in a traditional style, possibly Chinese or Japanese, scattered across a light gray gradient. A solid brown horizontal bar with a rounded right edge is positioned in the upper left quadrant.

A GUIDE TO COPYRIGHTS

This publication is available upon request in accessible formats.
Contact the Client Service Centre at the numbers listed below.

For further information or to obtain additional copies of this publication,
please contact:

Client Service Centre

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This publication is also available electronically online (www.cipo.ic.gc.ca).

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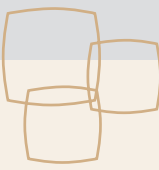
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Purpose of this guide

A *Guide to Copyrights* is available in electronic form on the Canadian Intellectual Property Office (CIPO) website (www.cipo.ic.gc.ca/copyrights). The electronic form of the Guide is the official version.

This booklet explores what copyright is, the benefits of registration and the registration process.

Although not a complete text on copyright laws or a substitute for professional advice you may need from a lawyer specializing in the area of copyright, this guide is designed to be your introduction to copyright registration and procedures.

For more detailed information on copyright procedures, consult the *Copyright Act* and *Copyright Regulations*, available online at (www.cipo.ic.gc.ca/copyrights). The CIPO Client Service Centre can also provide further information (see page 2).

The glossary on pages 17 to 19 gives definitions of terms used in this guide.

Note: In the event of any inconsistency between this document and the applicable legislation, the legislation must be followed.

Who we are

The Copyright Office is responsible for registering copyrights in Canada, and is part of the Copyright and Industrial Design Branch of CIPO, an agency of Industry Canada. In addition to copyrights, CIPO is responsible for most other intellectual property (IP) rights including patents, trade-marks, industrial designs and integrated circuit topographies.

The main functions of the Copyright Office are to:

- *receive and process applications for copyright registration and to register them for qualifying applicants;*
- *maintain the Register of Copyrights; and*
- *receive and register grants of interest.*

Visit CIPO's website

CIPO's website (www.cipo.ic.gc.ca) includes useful information about its product lines, services and legislative changes, and is also the best way to communicate with CIPO.

There are five intellectual property (IP) guides, and all are available on the website, along with interactive tools that explain IP. An application for copyright registration is also available.

Visit the "Copyrights" section of the website for the following:

- *instructions on getting started;*
- *access to the Canadian Copyrights Database to search, retrieve, and study;*
- *legislation, including the Copyright Act and Copyright Regulations; and*
- *online and printable forms, including the application for registration.*



General enquiries

CIPO's **Client Service Centre (CSC)** is the central point of contact for clients wishing to communicate with CIPO. The CSC supplies information on a variety of subjects such as procedures for filing patent applications and for registering trade-marks, copyrights, industrial designs, and integrated circuit topographies.

IP Search Information Officers provide numerous services, including providing IP information, answering general enquiries, and guiding clients with IP searches through various IP databases.

CIPO's **Client Service Centre** is located at:

Canadian Intellectual Property Office
Industry Canada
Place du Portage 1
Room C-229, 2nd Floor
50 Victoria Street
Gatineau QC K1A 0C9

General enquiries:

Tel.: 1-866-997-1936 (toll-free)

TTY: 1-866-442-2476

Email: cipo.contact@ic.gc.ca

Protecting valuable creations

A poem, painting, musical score, performer's performance, computer program — all are valuable creations, although perhaps no one can measure their worth. Some may earn a lot of money in the marketplace and others, none at all. Regardless of their merit or commercial value, Canadian law regards all original creative works to be copyright material. This means that if you own the copyright to a poem, song, or other work, you have rights that are protected under the *Copyright Act*.

Simply put, the Act prohibits others from copying your work without your permission. Its purpose, like that of other pieces of IP legislation, is to protect copyright owners while promoting creativity and the orderly exchange of ideas.

What is a copyright?

In the simplest terms, “copyright” means “the right to copy.” In general, copyright means the sole right to produce or reproduce a work (or a substantial part of it) in any form. It includes the right to perform the work or any substantial part of it, or in the case of a lecture, to deliver it. If the work is unpublished, it includes the right to publish it or any substantial part of it.

Copyright means the sole right to produce or reproduce a work (or a substantial part of it) in any form.

People occasionally confuse copyrights with patents, trade-marks, industrial designs and integrated circuit topographies. Like copyrights, these are rights granted for intellectual creativity and are forms of IP:

However:

- **Copyrights** provide protection for literary, artistic, dramatic or musical works (including computer programs) and three other subject matter known as: performances, sound recordings and communication signals.
- **Patents** cover new inventions (process, machine, manufacture, composition of matter) or any new and useful improvement to an existing invention.
- **Trade-marks** are words, symbols or designs (or any combination of these) used to distinguish the wares or services of one person or organization from those of others in the marketplace.
- **Industrial designs** are the visual features of shape, configuration, pattern or ornament (or any combination of these) applied to a manufactured article.
- **Integrated circuit topographies** refer to the three-dimensional configuration of electronic circuits embodied in integrated circuit products or layout designs.

What can you copyright?

Copyright applies to all original literary, dramatic, musical and artistic works. Each of these general categories covers a wide range of creations, including:

- **literary works:** books, pamphlets, poems, other works consisting of text and computer programs;
- **dramatic works:** films, videos/DVDs, plays, screenplays and scripts;
- **musical works:** compositions that consist of both words and music, or music only (note that lyrics without music fall into the literary works category); and
- **artistic works:** paintings, drawings, maps, photographs, sculptures and architectural works.

As of September 1, 1997, the *Copyright Act* contained provisions for neighbouring rights, consisting of copyright protection for three categories of works that fall under “other subject matter”:

- **performer’s performances:** performers such as actors, musicians, dancers and singers have copyrights in their performances;
- **sound recordings:** makers of recordings, such as records, cassettes, and compact discs (referred to as “sound recordings” in the *Copyright Act*), are also protected by copyright; and
- **communication signals:** broadcasters have copyrights in the communication signals that are broadcast.

Separate copyrights may exist within one work. For example, a musical work may consist of the song and the device that contains the song (e.g., a compact disc, etc.); in this instance, the song and the device are considered two different works and may be protected by copyright as a musical work and sound recording respectively. In addition, the live performance of this song by an artist may also be captured and registered separately as a performer’s performance.

What
can you
copyright?

Yes

- a song
- a novel
- a play
- a magazine article
- a computer program

No

- a title for a song
- the idea for a plot
- a method of staging a play
- Hamlet (a work in the public domain)
- the facts in an article
- the name of a computer program

What can't you copyright?

The following cannot be copyrighted:

- **titles and short word combinations;**
- **ideas:** copyright is restricted to the expression in a fixed manner (e.g., text, recording, drawing, etc.) of an idea, not the idea itself;
- **names or slogans;**
- **methods** (e.g., a method of teaching or sculpting, etc.);
- **plots or characters;** and

- **factual information:** facts, ideas and news are all considered part of the public domain. That is, they are everyone's property, and one cannot hold copyright in them; although layout, adaptations and translations of factual information are considered protected by copyright. In the case of a magazine article containing factual information, for example, it is the expression of the information that is protected and not the facts.

Who can apply for registration?

Automatic protection for Canadian and foreign works

When you create a work or other subject matter protected by copyright, you will automatically have copyright protection provided that, at the time of creation, you were:

- a Canadian citizen or a person ordinarily resident in Canada;
- a citizen or subject of, or a person ordinarily residing in, a Berne Convention country, a Universal Copyright Convention country, a Rome Convention country (for sound recordings, performer's performances and communication signals only), or a country that is a member of the World Trade Organization (WTO); or
- a citizen or subject of, or a person ordinarily resident in any country to which the Minister has extended protection by notice in the *Canada Gazette*.

In some cases, you would also obtain automatic copyright if your work was first published in one of the countries included among the above-mentioned conventions or a country that is a member of the WTO, even if you were not a citizen or subject of Canada, or of one of those countries.

Sound recordings themselves are protected internationally under the Rome Convention and under other copyright treaties, but there is quite a variation internationally as to the nature of the protection given to sound recordings. In Canada, sound recordings have a broad range of protection under the *Copyright Act*.

Benefits of registration

Although you don't have to register your copyright to have protection in Canada, a **certificate of registration** is evidence that your work is protected by copyright and that you, the person registered, are the owner.

Registration, however, is no guarantee against infringement. The Copyright Office is not responsible for policing, or checking on registered works and their use, and will not guarantee that the legitimacy of ownership or originality in a work will never be questioned.

How long do copyrights last?

General rule

The general rule is that copyright lasts for the life of the author, the remainder of the calendar year in which the author dies, and for 50 years following the end of that calendar year. Therefore, protection will expire on December 31 of the 50th year after the author dies. After that, the work becomes part of the public domain and anyone can use it.

Some exceptions to the general rule are discussed below. Note that these exceptions are not all encompassing, and any issues where clarification of ownership is required should be resolved with the help of legal professionals.

Works listed under “Other Subject Matter”

- **Performer’s performances:** copyright lasts for 50 years after the end of the calendar year in which the performance is first fixed or, if it is not fixed, 50 years after it is performed.
- **Sound recordings:** copyright lasts for 50 years after the end of the calendar year of the first fixation of the sound recording.
- **Communication signals:** copyright lasts for 50 years after the end of the calendar year in which the signal was broadcast.

Works of Crown copyright

These government publications are created for (or published by) the Crown. Copyright in these works lasts for the remainder of the calendar year in which the work was first published, and for 50 years after that. Copyright is perpetual until the work is published.

Joint authorship

In the case of a work that has more than one author, the term will be the date the last author dies plus 50 years following the end of that calendar year.

Unknown author

In the case of a work where the identity of the author is unknown, copyright consists of whichever is the earlier of:

- a) the remainder of the calendar year of the first publication of the work plus 50 years; or
- b) the remainder of the calendar year of the making of the work plus 75 years.

Posthumous works

These are works that have not been published, performed or delivered in public during the lifetime of the author.

If the work was created **after July 25, 1997**, the term of copyright protection is the life of the author, the remainder of the calendar year in which the author died, and for 50 years following.

If the work was created **before July 25, 1997**, three different scenarios can exist:

1. The work of a deceased author that is published, performed or delivered prior to July 25, 1997, will retain copyright from the date of publication, plus 50 years, to the end of that calendar year.
2. The unpublished work of an author who was deceased during the 50 years prior to July 25, 1997, retains copyright until December 31, 1997 (the remainder of the calendar year in which Bill C-32 came into force), plus 50 years following the end of that calendar year.
3. The unpublished work of an author who was deceased more than 50 years prior to July 25, 1997, retains copyright until December 31, 1997 (the remainder of the calendar year in which Bill C-32 came into force), plus five years following the end of that calendar year.

What to consider before filing an application

The **Copyright Office** will give you the basic information you need to file your own application for copyright registration; however, the Office cannot prepare your application, interpret the *Copyright Act* for you or counsel you in any matters other than registration or the use of Office records. For legal advice, you should consult a legal professional with knowledge in the field.

Searching

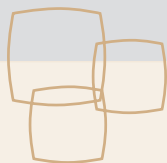
The records of the Copyright Office may be searched for information such as copyright owners' names and changes to ownership. The Canadian Copyrights Database on the CIPO website (www.cipo.ic.gc.ca) will allow you to search all of the Canadian copyrights registered as of October 1991, free of charge.

Searches can be conducted using author name, category, country of publication, owner/assignee name, registration number, title, type, and year of publication.

Searching at the Copyright Office

If necessary, after searching online, you may wish to visit the Client Service Centre in person, where copyright registrations dating back to 1841 are stored, including copyrights registered prior to 1991 that are not accessible online.

As a first-time visitor, you may feel overwhelmed by the idea of searching through so many registrations. IP Search Information Officers are available to help you with your search; however, they cannot do the search for you.



Preparing a copyright registration application

Note: Application forms are available on the CIPO website (www.cipo.ic.gc.ca/copyrights), at CIPO's Client Service Centre or from a regional Industry Canada office.

Application form

Do not send a copy of your work along with the application. The Copyright Office does not review or assess works in any way, nor does the Office check to see whether the title of your work has already been used. Many works may appear with the same title, but if each work has been created independently, each will have its own copyright protection.

The Copyright Office processes your application to ensure that all requirements for registration have been met, and will contact you to discuss the particulars of certain information only when it is unclear, or if the copyright cannot be registered due to missing information or fees. An application, accompanied by the appropriate fee, must be filed with the Copyright Office to proceed to registration. Details about fees are available on the CIPO website (www.cipo.ic.gc.ca/copyrights).

Owner

For registration purposes, you are required to indicate the name of the owner(s) and their mailing address(es). The owner of a copyright may be an individual or company. The owner is often the creator of the work; however, copyright in works may be assigned to a successor-in-title (i.e., a person who holds the right or an obligation derived from another, such as the author), in which case, they are the owner.

Works created during the course of employment are typically owned by the employer, except where otherwise stipulated in a contractual agreement between the employer and the employee.

Works listed under “Other Subject Matter”:

- Sound recordings made prior to January 1, 1994, are typically owned by the person who owned the master tape or original recording at the time it was made. The maker of a sound recording made on or after January 1, 1994, is the person who made the necessary arrangements for the making of the sound recording.
- For a performer's performance made on or after January 1, 1994, the owner is the person who created the work.
- For communication signals made on or after September 1, 1997, the owner is the broadcaster who broadcasts the work.

Author

Since duration of a copyright is usually based on an author's lifetime, it is important to specify the author's full legal name.

Photographs: The author is typically the person who owned the negative or original photograph at the time it was made.

Cinematographic works: The author of cinematographic works made prior to January 1, 1994, is considered to be the person who owned the original recorded work at the time it was made. For works created after January 1, 1994, the author is the person who created the work.

When the owner is a company: The company is typically responsible for specifying the names of all employees responsible for creating the work. In the case of works created under the direction of an editor-in-chief, that one person's name may be given as author.

Deceased authors: The name of the deceased author must be specified, along with the date of death, to ensure that the duration of copyright is known and respected. When deciding whom the author of a work is, you must use the rule which applied at the time the work was created, regardless of when the work is registered.

Titles of works

Your work should be identified by a title. Should you have a compilation or collection of works to register, that collection may be registered under one title. If the work is published in a series of parts, such as an encyclopedia, one registration covers all the parts in the series.

Category of work

This includes: literary, dramatic, musical, or artistic works, or any combination of these. For example, songs may be registered as both literary for the lyrics and musical for the musical score. Children's books may be identified as literary for the story, and artistic for the illustrations.

Applications for registration in "other subject matter" must identify one of the following categories of works: performer's performance, sound recordings or communication signals.

For additional information on identifying the categories of work, please consult the instructions that accompany the application form.

Date of publication

In the case of published works, provide the date and place the work was first made available to the public, the date of first fixation for sound recordings, the date of performance or first fixation for performer's performances, or the date of broadcast in the case of communication signals.

Declaration

Also required for registration is a declaration indicating that the applicant is one of the following:

- the author of the work;
- the owner of the copyright in the work;
- an assignee of the copyright; or
- a person to whom an interest in the copyright has been granted by licence.

Fees

Registration fees must be paid at the time of filing; fees include the processing of your application and any amendments, as well as the registration certificate if the application is found acceptable.

Payment may be made by credit card (VISA, MasterCard or American Express), deposit account, postal money order or cheque payable in Canadian dollars to the Receiver General for Canada. Do not add federal and provincial taxes.

Details about fees are available on the CIPO website (www.cipo.ic.gc.ca) or you may communicate with the Client Services Centre (see page 2).

Note: Once you register your copyright, you do not have to pay any additional fees to maintain or renew it. If you register the copyright of an unpublished work, you do not have to register again after publication.

Submit your application

You are encouraged to send your completed application electronically (at a reduced fee) through the CIPO website (www.cipo.ic.gc.ca/copyrights).

Or you may send your completed application by mail to the address below.

Corresponding with the Copyright Office

Business with the Copyright Office is normally done in writing. Address all correspondence to:

Copyright Office
Canadian Intellectual Property Office
Industry Canada
Place du Portage I
50 Victoria Street,
Room C-114
Gatineau QC K1A 0C9
Fax: (819) 953-CIPO (2476)

More information about CIPO's office correspondence procedures is available on the CIPO website (www.cipo.ic.gc.ca/copyrights).

If you are enquiring about the status of your pending application, provide the name of the owner(s) and the title of the work. If you have the application number, you should always make reference to it when communicating with the Copyright Office. If you hire an agent you should conduct all correspondence through that agent.

The Copyright Office will respond to all general enquiries, but cannot:

- advise you whether to file an application;
- tell you whether your copyright meets registration criteria prior to your filing an application;
- advise you about possible infringement of a copyright; or
- act in any way as an interpreter of copyright law, or as a counselor, other than in matters directly related to processing your application.

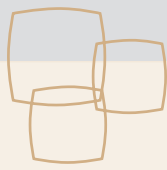
Electronic services

Services available

Our electronic service delivery allows you to:

- file a copyright application at a reduced fee;
- file a grant of interest;
- request a certificate of correction; and
- order copies.

In order to request these services online, simply visit the CIPO website (www.cipo.ic.gc.ca/copyrights), then fill out and send the appropriate form. The CIPO website also has copyright forms available for download that can be completed and sent by regular mail.



Indicating copyright

There is no requirement to mark your work under the *Copyright Act*; however, the Universal Copyright Convention provides for marking with the symbol ©, the name of the copyright owner and the year of first publication (for example: © Jane Doe, 1986).

Some countries that are members of the Universal Copyright Convention, but not of the Berne Convention, require such marking. Since registration with the Copyright Office does not preclude copyright ownership, you may use the symbol © even if you have not registered your work.

The Copyright Office processes your application to ensure that all requirements for registration have been met, and will contact you to discuss the particulars of certain information only when it is unclear, or if the copyright cannot be registered due to missing information or fees. An application, accompanied by the appropriate fee, must be filed with the Copyright Office to proceed to registration. Details about fees are available on the CIPO website (www.cipo.ic.gc.ca/copyrights).

Corrections to the Copyright Register

Rectification of the Copyright Register

The Federal Court of Canada may, on request by the Registrar of Copyrights or any interested person, order a rectification of the Register.

Changes of address

Changes of address are not entered in the Copyright Register. If brought to the attention of the Copyright Office, it will be noted in the Office records for the convenience of persons searching the register.

Clerical errors

Under the *Copyright Act*, a **certificate of correction** may be issued in cases where a clerical error has been made in preparing an application or registration document.

If the error occurred on the part of the Copyright Office, a certificate of correction bearing the same registration number will be issued at no charge. If the error occurred on the part of the party making the application, the Office will only issue a certificate bearing the same registration number if a request is filed along with the prescribed fee. Details about fees are available on the CIPO website (www.cipo.ic.gc.ca/copyrights).

Grants of interest in copyright

Assignments and **licences** that are considered “**grants of interest**” in a copyright may be registered with the Copyright Office. As the owner of a copyright, you may confer your rights to produce or reproduce a creative work to other people through a legal agreement.

An **assignment** occurs when you transfer part, or all, of your rights to another party. The assignment may be for the whole term of the copyright or for a certain part of it.

A **licence** gives someone else permission to use your work for certain purposes and under certain conditions. You still retain ownership.

To be valid, an assignment or licence must be in writing and signed by you, the owner.

To register, a copy of the original agreement along with the prescribed fee per work affected by the transfer of interest must be filed with the Copyright Office. The Office will retain a copy of the documentation and return your original documentation along with a certificate of registration.

Additional contacts and information

Copyright Board of Canada

56 Sparks Street, Suite 800
Ottawa ON K1A 0C9

Tel.: 613-952-8621

Fax: 613-952-8630

Website: www.cb-cda.gc.ca

- The Copyright Board of Canada is a public tribunal and regulatory body set up by the Government of Canada to manage issues related to royalties and tariffs related to the use of copyright works. The Copyright Board’s mandate and responsibilities are governed by the *Copyright Act*. The Copyright Board can provide information related to:
 - o royalties, tariffs and licensing;
 - o collective and performing rights societies; and
 - o unlocatable copyright owners and permission to use their works.

Court orders

Federal Court Intellectual Property Officers

Federal Court
Ottawa ON K1A 0H9

Website: www.fct-cf.gc.ca

- Federal Court Intellectual Property Officers are able to provide information and assistance related to obtaining court orders. The procedure for obtaining court orders is also outlined in the *Federal Courts Rules*, available through any local public library or bookstore selling government publications, and also online (www.justice.gc.ca).

Government publications

Government publications are usually protected by Crown Copyright. Permission to use or reproduce government works may be obtained by writing to:

Crown Copyright Officer

Canadian Government Publishing
Public Works and Government Services Canada
Ottawa ON K1A 0S9

Tel.: 613-996-6886

Fax: 613-998-1450

Email: copyright.droitdauteur@pwgsc.gc.ca

Justice Canada

Laws enacted by the Government of Canada, decisions and reasons for decisions of federally constituted courts and administrative tribunals are subject to special copyright rules. Anyone may, without charge and without asking permission, reproduce federal laws, decisions and reasons for decisions of federal courts and administrative tribunals. The only condition is that due diligence be exercised in ensuring the accuracy of the material reproduced and that the reproduction not be represented as an official version. Electronic copies of federal government acts and regulations (including the *Copyright Act* and *Copyright Regulations*) are available on Justice Canada's website (www.justice.gc.ca).

Library and Archives Canada

You may need to send copies of your work to the Library and Archives Canada. Under the *Library and Archives of Canada Act*, two copies of every book published in Canada, and one copy of every sound recording manufactured in Canada that has some Canadian content must be sent to the Library within one week of publication.

Legal Deposit staff can provide more detailed information or answer any further questions. Please contact:

Legal Deposit
Library and Archives Canada
395 Wellington Street
Ottawa ON K1A 0N4

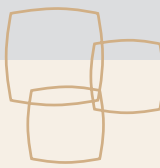
Tel: 819-997-9565

Toll free number for Canada: 1-866-578-7777 (Select 1+7+1)

Toll free number for the hearing impaired (TDD): 1-866-299-1699

Fax: 819-953-8508

Email: legal.deposit@lac-bac.gc.ca



Q1. What is a copyright?

A. Copyright is the exclusive right to copy a creative work or allow someone else to do so.

Q2. To what does copyright apply?

A. Copyright applies to all original literary, dramatic, musical and artistic works. These include books, other writings, music, sculptures, paintings, photographs, films, plays, television and radio programs, and computer programs. Copyright also applies to other subject matter, which includes sound recordings (such as records, cassettes or compact discs), performer's performances and communication signals.

Q3. What is not protected by copyright?

A. Themes, ideas, most titles, names, catch-phrases and other short-word combinations.

Q4. Who owns the copyright?

A. Generally, the owner of the copyright is:

- the creator of the work;
- the employer, if the work was created in the course of employment unless there is an agreement to the contrary;
- 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; or
- some other party, if the original owner has transferred the rights.

Q5. How do I obtain copyright?

A. Copyright in a work exists automatically when an original work or work in other subject matter is created.

Q6. Do I have to do anything to be protected?

A. No. Since copyright exists automatically, the owner is protected under copyright common law. Registration in the Copyright Office does not preclude or enhance protection. However, it is still a good idea to register your copyright and to indicate notice of copyright on your works.

Q7. What are the benefits of copyright registration?

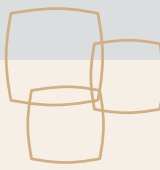
A. Registration gives you a certificate that states you are the copyright owner. You can use this certificate in court as evidence of ownership. Being on the Copyright Register also helps with finding an owner when permission to use a work is sought.

Q8. How do I register a copyright?

A. You file an application with the Copyright Office along with a prescribed fee. An application form and instructions for filling it out are available from the Copyright Office or by visiting CIPO's website (www.cipo.ic.gc.ca/copyrights). Electronic filing is possible via our website, is much faster than filing through regular mail, and is available at a reduced fee. The registration process when the application is filed by regular mail normally takes one to three weeks. The fee covers review of your application, registration and your official certificate. Details about fees are available on the CIPO website (www.cipo.ic.gc.ca/copyrights).

- Q9. Once I have registered, do I have to pay further fees to maintain my copyright?**
A. No. The registration fee is a one-time expense.
- Q10. How long does copyright last?**
A. Generally, copyright in Canada exists for the life of the author plus 50 years following death; however, there are some exceptions (see pages 6 and 7). Copyright protection always expires on December 31 of the last calendar year of protection.
- Q11. Does the Copyright Office check to ensure that my claim of copyright is legitimate?**
A. No, the Office does not verify ownership or examine the work; however, the application deposited at the Office is reviewed for compliance with the registration sections of the *Copyright Act* and *Copyright Regulations*.
- Q12. Do I need to mark my work with a notice of copyright?**
A. This isn't necessary to be protected in Canada; however, you may mark your work with the symbol ©, the name of the copyright owner and the year of first publication. Some other countries require this marking to be protected. Even though it is not always required, marking is useful since it serves as a general reminder to everyone that the work is protected by copyright.
- Q13. Is the copyright of a Canadian author valid in foreign countries?**
A. Yes, if the country in question belongs to one or more of the international copyright treaties, conventions or organizations. These include the Berne Convention, the Universal Copyright Convention, the Rome Convention, and the World Trade Organization (WTO). These international conventions, treaties and organizations include many countries in the world. For more information, please consult the World Intellectual Property Organization website (www.wipo.int/copyright/en/).
- Q14. Should I send copies of my work with my application?**
A. No, the Copyright Office does not accept copies of a work; however, Canadian works sometimes need to be deposited at Library and Archives Canada. Contact Library and Archives Canada or a legal advisor for more information.
- Q15. Will the Copyright Office prevent others from infringing my rights?**
A. No. The responsibility for policing your copyright rests with you.

APPENDIX II – GLOSSARY



Artistic work

A visual representation such as a painting, drawing, map, photograph, sculpture, engraving, or architectural plan.

Assignment

Transfer of copyright from the original owner to another party.

Author

The creator of an artistic, literary, musical, or dramatic work.

Berne Convention

The Convention for the Protection of Literary and Artistic Works concluded at Berne on September 9, 1886.

Canadian Intellectual Property Office

An agency of Industry Canada that administers Canada's intellectual property legislation and regulations regarding patents, trade-marks, copyrights, industrial designs and integrated circuit topographies.

Certificate of registration

Official confirmation that your copyright has been registered, which constitutes evidence that copyright subsists and that the person registered is the owner of the copyright.

Collective

An organization that administers rights granted by the copyright system on behalf of copyright owners who have joined that collective.

Copyright Act

Federal legislation governing copyright in Canada.

Copyright Board of Canada

A tribunal that reviews and must approve all tariffs and fees proposed by collectives. The Board can also set royalties when asked to do so by either a collective or a user of a collective's repertoire. The Board also grants licences for use of works when the copyright owner cannot be located.

Copyright Office

The federal government office responsible for registering copyrights and grant of interest agreements affecting a copyright in Canada.

Copyrights

The exclusive rights in literary, artistic, dramatic or musical works (including computer programs) and three other subject matter known as: performances, sound recordings and communication signals.

Crown copyright

Copyright in works prepared for or published by the government, i.e., government publications.

Dramatic work

Includes plays, screenplays, scripts, films, videos and choreographic works, as well as translations of such works.

Industrial designs

Visual features of shape, configuration, pattern or ornament (or any combination of these) applied to a manufactured article.

Infringement

Violation of copyright rights through the unauthorized use of a copyright.

Integrated circuit topographies

Three-dimensional configurations of electronic circuits embodied in integrated circuit products or layout designs.

Intellectual property

The right to ownership and control over a form of creative endeavour that can be protected through a copyright, patent, trade-mark, industrial design or integrated circuit topography.

Licence

Legal agreement granting someone permission to use a work for certain purposes or under certain conditions. A licence does not constitute a change in ownership of the copyright.

Literary work

Work consisting of text that includes novels, poems, song lyrics without music, catalogues, reports, tables and translations of such works. It may also include computer programs.

Marking

Indicating copyright with the symbol ©, the name of the copyright owner and the year of first publication.

Musical work

Work consisting of music plus lyrics, or music only.

Patents

New inventions (process, machine, manufacture, composition of matter) or any new and useful improvement to an existing invention.

Posthumous work

A work that is published for the first time (or for certain types of works, published, performed or delivered in public for the first time) after the author's death.

Publication

Making copies of a work available to the public.

Registration

The granting of exclusive rights to a copyright by the Commissioner of Patents. This provides protection against imitation and unauthorized use of the copyright.

Rome Convention

The International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations adopted on October 26, 1961, in Rome.

Royalty

A sum paid to copyright owners for the sale or use of their works or other subject matter.

Sound recording

The record of a work on a device which reproduces sounds, such as a cassette, record or compact disc.

Tariff

A standard charge for use of copyrighted works. For example, fees paid by users of musical works and cable companies for the rebroadcast of programs.

Trade-marks

Words, symbols or designs (or any combination of these) used to distinguish the wares or services of one person or organization from those of others in the marketplace.

Universal Copyright Convention

An international convention protecting copyright, adopted on September 6, 1952, in Geneva, Switzerland and revised in Paris, France on July 24, 1971.

