

HANDOUT

WHAT IS COPYRIGHT

Copyright law touches people's lives in many ways, be it through downloading music, movies you rent, or writing you create. Copyright law makes it illegal to copy someone else's work without their permission. Copyright law protects all original works regardless of whether these works are published or have commercial value.

Copyright applies to:

- Songs
- Novels
- Plays
- Magazine articles
- Computer programs



Copyright does not apply to:

- Song titles
- Ideas for plots
- Methods of staging a play
- Works such as Shakespearean plays because they are in the public domain
- Facts in an article
- The name of a program (although it may be protected through trademark registration)

[Source: Canadian Intellectual Property Office. (2002). *A Guide to Copyrights*.]

When a work is protected under copyright laws it can generally only be used with the owner's permission and the user will be required to pay a fee, called a royalty. Canadian copyright law does create certain exceptions...

Public Domain

If a work is in the public domain it can be used by anyone. In this case the owners' permission is not required and no fees have to be paid. There are a number of reasons why a work can be considered in the public domain. Copyright generally only exists for the life of the creator plus 50 years. After this period, the work is in the public domain, meaning that people are free to use and reproduce the work. As well, sometimes the owner of a copyright will give permission to the public to use the work for certain purposes.

Fair Dealing

When doing research for a school assignment, you learn about the topic by reading what other people have written. When writing the report you may decide that you want to quote something word for word. When a critic is reviewing a book he or she may want to reproduce a few passages from the book. Sometimes part of an original work may be included in a news broadcast. The law allows people to use copyrighted works in this way. This is called fair dealing. There is no rule about how much of a work can be copied without permission. This is something that could be decided by a court if a creator thinks someone has unlawfully copied his or her work.

Educational Institutions

Educational institutions can use copyrighted material in ways that would be considered infringement if they were done by the general public. All publicly funded elementary and high schools in Canada, except in Quebec, are covered by a general licence with CANCOPY.

CANCOPY is a non-profit organization established by artists, writers, and publishers to simplify the process of getting permission and paying royalties. A CANCOPY licence gives teachers and students limited rights to copy published print works without getting permission directly from authors. In most cases, teachers and students can only copy up to 10% of the work. Schools are also allowed to perform plays and music as well as play sound recordings, televisions, and radios in schools for educational purposes. They are also allowed to copy news programs and show them for up to one year.

What if I Want to Use Copyrighted Material and None of The Exceptions Apply?

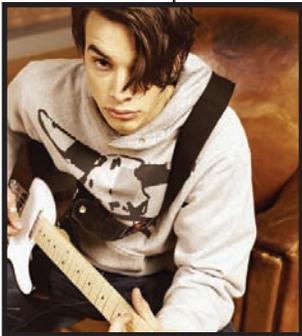
The Copyright Office is a federal agency responsible for registering copyrights in Canada. Copyright owners do not have to register with the office but many choose to do so. The records of the Copyright Office are open to the public. A person who wants to use copyrighted material can search the records to find out how to contact the copyright holder for permission and payment. As well, information about how to contact the author or publisher is often included in the work itself.

Using copyrighted material can be expensive. For example, a video purchased for personal viewing in your home might cost you \$20. To purchase the right to show this same video in public could cost \$250 or more. The costs are usually calculated per use of the material. This means that fees must be paid for any additional uses even if fees have already been paid for one use.



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SPOT THE COPYRIGHT INFRINGEMENT



1. All the students in Mr. D's high school English have to make a presentation to the class on a book or play of their choosing. John, a student in the class, decides he wants to ace this project. He chooses a play and decides he will direct a performance of it for the class. He also goes to great lengths to have the right sound effects. As well as taping some sounds that he makes himself, he decides to play several popular songs, on his guitar, as background for some of the scenes. The presentation goes very well. In fact John plays so well that he is asked to play the songs at the next school dance.
 - a) Is it against copyright law for John to perform a play for his class?
 - b) What if the teacher wants John to put on the play in the school auditorium and sell tickets to parents and others, to raise money for new gym equipment?
 - c) Is it against copyright law for him to perform songs for the class during the play?
 - d) Is it different when he performs the songs at the school dance?
2. Mrs. E's grade five art class is learning about famous artists. They learn about the impressionist style of painting and each student tries their hand at creating a picture using techniques of impressionist painters. Some of the paintings are very good. Mrs. E sends them to the local art gallery. The gallery decides to include them in a display. Mrs. E is going to surprise the class by taking them to the gallery when their paintings are on display.
 - a) Are the students' pictures copyrighted?
 - b) What do you need to do to have copyright in a work?
 - c) Is the display a violation of copyright?
 - d) Who would Mrs. E need permission from, according to copyright law?
3. The students in Miss F's English class are doing a novel study. The book that they are reading is being featured on a radio program. The author is being interviewed and she is going to read from her book. Miss F decides to bring a radio into the classroom and tune in for the program.
 - a) Does this infringe copyright law?
 - b) What if the program is airing earlier in the day and Miss F tapes it for her class?

4. It is the last week before Christmas holidays. The students in Mr. B's class are finding it very hard to concentrate. Mr. B has taught for many years and he knows that by the last day of school it will be next to impossible to teach the students anything. He makes a deal with students. If they work hard for the first part of the week they will have a party on the last day. They will be allowed to bring treats and games from home. In the afternoon Mr. B will show a video that he has rented from the local video store.
- Is it against copyright law for Mr. B. to show a rented video to his class?
 - What if he showed it to friends in his home?
 - What if he bought the video instead of renting it, could he show it then?
 - Why should the law limit where you can show a video you own or rent?
5. Ms. A is teaching a unit on conflict resolution to the three different classes she teaches. There has been a lot of news coverage of increasing violence in schools and bullying. Ms. A shows her class a tape she has made of a news broadcast and an in-depth coverage news program on this topic. She decides to also show a tape of a popular sitcom because the characters in this episode are dealing with bullying.
- Can Ms. A show tapes of the news or news programs?
 - Is it different when she shows the class a program that is not news?

