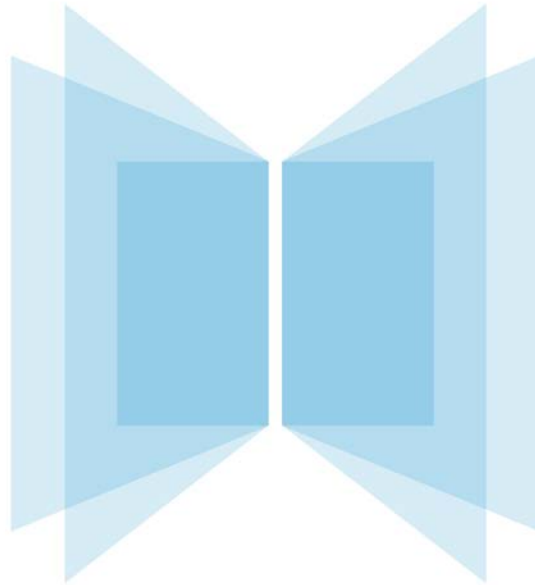


Copyright and the Family Historian



Inba Kehoe
Copyright Officer & Scholarly
Communications/Publishing Librarian
March 31, 2012



Inba's Background

- Copyright Officer at UVic
- Publishing and author rights
- Facilitating access & connections for university-community based research activities



Your Expectations?

Your Questions?



Family Historian – 2 Roles

1. **User/Researcher** - of 3rd party material

- Photographs, newspaper clippings, govt. documents, birth certificates, etc.

2. **Creator/Author:**

- Books
- Leaflets
- Post material on the web, blog, etc.



Outcomes

- What is copyright?
- Protected works
 - Criteria for protection
 - Automatic protection
- Types of rights
- Term of copyright
- Fair dealing
- Examples

What is Copyright?

Copyright Act of Canada C-42

- Federal Legislation
- Applied in Canada
 - Internet publications

What is protected?

- Literary
- Artistic
- Dramatic
- Musical

Criteria for protection

- Originality
- Fixed

IDEAS & FACTS?

Automatic protection

- Immediate
- Copyright Symbol

[Canadian Intellectual Property Office](http://www.cipo.gc.ca)
 [\(CIPO\)](http://www.cipo.gc.ca)



QUESTIONS?



Ownership of Copyright

- Author of work
- Work by employee
- Work on contract
- Work by govt. employee

Type of Rights

- Economic Rights
- Moral Rights

Economic Rights

- **Produce or reproduce a work**
- Perform a work
- **Publish an unpublished work**
- Translate, convert, or adapt a work
- **Communicate the work by telecommunication o the public**
- Exhibit work
- **Authorize someone else to do any of the above**



Moral Rights

- Right of attribution
- Right of integrity
- Right of association

Term of Copyright

- Life of author + 50 years
- Public Domain

Fair Dealing

- Exception to balance the needs of users

Exceptions

- Private study
- Research
- Criticism
- Review
- News reporting

QUESTIONS?



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Examples



Facts / Dates

- Names
- Dates and places of birth
- Family history, list of descendants, etc.

Permissions:

- Distributing copies
- Quoting extensively

Photographs

- Portrait commissioned and paid in full
- Photograph at a store
- Contract with photographer

Photographs – cont'd

- Taken before 1949 = public domain
- Taken on or after January 1, 1949 = Life + 50 years (the photographer)
- Taken on or after January 1, 1949 = 50 years (corporation)

Letters

- Author of letter
- Business Correspondence

Cemeteries

- Tombstone, markers, sculptures, carving?
- Information on the tombstone?
- Centuries old?
- Taking photographs?

Crown copyright

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http://publications.gc.ca/site/eng/ccl/aboutCrownCopyright.html#permission_not_required



Out of copyright

- Photographs taken by staff in a company before 1959
- Government material before 1959
- Unpublished work/material of author who died before 1949
- Any material created before 1899.



Open your mind.



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