



CPS ANNUAL CONFERENCE

USE OF COPYRIGHTED MATERIAL IN PRESENTATIONS

Many presenters use copyrighted material in their presentations, but not everyone understands how to use it properly. The following information is intended to help you identify when you may want to seek more advice on using a copyrighted piece of work. This is not intended to be a legal opinion and you are advised to seek your own legal opinion before you proceed.

What is Covered by Copyright

In Canada, copyright is governed by the Copyright Act (R.S.C. 1985, c. C-42) which regulates the use and reproduction of intellectual and artistic creations. This expression can be in many different formats, including cartoons, books, music, videos, photographs, movies, audiotapes, written works, drawings, artwork, speeches, and slides. Regardless of how the material is presented, whether in a physical form such as a printed book or CD or in electronic format such as a graphic file or MP3, the copyright still applies. Regardless of where the item is stored, whether in a home, office or on the Web, the copyright still applies. And even if the copyright symbol (©) is present or not, the copyright still applies.

Copyright Basics

Ideas and facts are not protected by copyright. Only works that are original and fixed are protected by copyright. A work is "fixed" when it is produced onto any media, like paper or within a digital file. A work is considered "original" when it is the product of the author's own skill, judgment, and creativity, has not been copied, and demonstrates more than a trivial, mechanical level of skill and judgment.

For instance, statistical data on the Montreal population is not protected, but a table presenting the data in a specific way may be.

Usage of Copyrighted Works

Any time you use a copyrighted work, you must have permission from the owner of the work. The author or creator of the work may not be the owner of the work, so you must be careful in determining the true owner of the work. To use their work, you must have written permission to do so. The owner may ask how you want to use their work and how many times you will use it before they decide how much they will charge you to use the work. In some cases, certain uses will be allowed, and others prohibited for the same copyrighted work. Consider all possible uses you may have for the work before you approach the copyright owner so that you can negotiate an agreement that is fair for both parties.

Getting Permission for Usage

The length of copyright is usually 50 years after the death of the creator. After copyright expires, a work becomes part of the public domain and may be freely copied and distributed.

Works that are not under copyright are part of the "public domain" and can be freely copied, distributed, adapted, and performed without permission from the author or the payment of royalties.

Depending on the type of copyrighted work, the process for getting permission to use the work is different. Here are some general guidelines for some of the most common types of copyrighted works.

1. **Written Works** – There is a concept called "fair use" that is not clearly defined, but some people have used it to try to copy large sections of copyrighted works illegally. The basic concept is that you can quote another work without obtaining permission as long as you do not quote too much. There is no clear rule as to what "too much" is, but a guideline to use is a maximum of two paragraphs. You should always attribute the quote to the source text so proper recognition is given. If you want to use a longer portion of a written work, you will need to seek permission from the owner, which may be the author or the publisher.
2. **Drawings/Cartoons/Photographs** – Many people think that a photograph, cartoon, or drawing can be freely used once it has been published in a newspaper, book, or web site – that is not the case. Some images are released under the Creative Commons license, but there are different versions of this license, with many of them requiring attribution on the slide or even requiring you to release your presentation publicly. For some cartoons you can arrange permission through syndicates or associations that cover many artists and offer a single place to pay for usage of a large number of works. Stock photography sites allow you to purchase the right to use a photo under the terms of the license you buy.

3. **Music** – The music industry has made the process of getting permission for use relatively straightforward through a few industry associations that arrange for permission to use entire libraries of music. The three main groups in North America are ASCAP (American Society of Composers, Authors and Publishers – <http://www.ascap.com>), BMI (Broadcast Music Incorporated – <http://www.bmi.com/>), and SOCAN (Society of Composers, Authors and Music Publishers of Canada – <http://www.socan.org>). You can get more information about licensing at their websites as listed above.
4. **Video/Film/TV** – Unlike music, the video industry does not have a single source for gaining permission for an entire library of works. Some organizations like Swank Motion Pictures (www.swank.com) can license collections from some production companies. In many cases you will have to approach the producer of each work to arrange permission. A production company may be willing to allow you to use any work in their library if you want to access many video segments through one agreement.
5. **Spoken Word** – In general, you need permission from the person who is speaking in order to use their words, either in audio or written format. In some cases, the speaker has assigned the rights to a producer or other entity, in which case you will need to find out who owns the copyright in order to arrange to use the work.

Creating Your Own Copyrighted Work

As you can see from the information above, arranging use of a copyrighted work may involve some work on your part. One alternative is to create your own copyrighted work that you can use as many times and in any way you want. There are now many freelance cartoonists, poets and musicians who will create a work according to your specific needs and assign you all rights after you pay them a reasonable fee. Check the Web for these sources of material.

As the presenter, you own the copyright in any materials you create for your presentation, as well as in your presentation or lecture itself. You may wish to attach a copyright statement to your slides, in order to reinforce this ownership.

International and U.S. Presenters

It is important to note that if you are invited to attend a CPS conference and you are from outside of Canada and plan to incorporate copyrighted material into your presentation, you are bound by the laws of the country you are presenting in. For instance, in Canada material enters the public domain (copyright “expires”) 50 years after the death of the author, but in other countries the term is longer (70 years or more).

****Using copyrighted material can be effective in your presentation, as long as you obtain the appropriate permissions in advance and respect the rights of the owner of the work.****