

COPYRIGHT BASICS

Copyright is the term used to indicate someone has the ownership of – or rights to – a document, image, music, or even a performance, and the terms of their distribution and use, in the same way we may own an object such as a car. Copyright holders have the legal right to decide IF you can use something, and under what circumstances, and for what cost.

What is protected?

“Every original literary, dramatic, musical and artistic work.” – Copyright and Moral Rights in Works, [Government of Canada’s Justice Laws](#)

- Literary works include books, blogs (in any format), tables, computer programs, literary compilations, legal contracts, letters (in any format), poems, and even lectures, which are fixed in some form

When does it apply?

Copyright applies as soon as something becomes fixed in a tangible format – such as notes, an email, an electronic or hard copy of something, a .jpg, song, translation, draft, drawing, map, chart, letter (in any format) – even a cartoon on a napkin

Some criteria apply:

- There must be originality – it can’t just be a copy of the original. Skill and some personal judgment have to be involved in the new work
- It has to be in a fixed format – some material form with a more or less permanent endurance (extemporaneous lectures, speeches, jam sessions & drawings in sand just don’t cut it – but graffiti does!)

Not protected:

Words, slogans, titles, facts, news (although once it is in some fixed format, it may be copyright-protected, i.e. posted on the CBC website)

Infringement

Violation of copyright is any action that only the copyright holder has the right to without that entity’s consent. It is irrelevant whether there is a copyright notice, whether copying is done in good faith, or if the copyright holder could not be found

Digital infringement occurs when:

- Something is provided on the internet (e-mail included) or other digital network that enables acts of copyright infringement. (This is why we can’t post copyright material on LEARN without processing permissions)
- Digital rights have been removed or tampered with
- Removal of, or tampering with, copyright information on copyrighted works

For course materials, this means any coursepack, material from a web site, journal or book (as well as cases published in any format) can’t be used, copied (even in an e-mail), added to a learning management system (LMS), translated, or even stored in any format without written permission and payment in full. Any other use would be as unethical and unlawful as borrowing a car without permission or taking over someone else’s web site.

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Copyright notice and registration	<ul style="list-style-type: none"> • Registration of copyright is not required in Canada (at the Canadian Copyright Office) for it to exist on a work. In the United States, this is also true, but there is no recourse through the courts for violations of copyright unless a work has been registered (in the United States). • Use of the © symbol is not required in Canada, but is helpful as a reminder that copyright exists on the work. Copyright notices should have the copyright holder's name, year of copyright, and the copyright symbol. No particular order is required.
Rights of copyright holders	Copyright holders have the exclusive right to reproduce a work or any substantial part of it in material form, as well as adapt, translate, distribute, and telecommunicate (online, internet) a work to the public, and determine the circumstances under which it can be distributed.
Collective or collaborative works and compilations	<p>"Any work written in distinct parts by different authors, or in which works or parts of works by authors are incorporated." – Canada's Copyright Act</p> <ul style="list-style-type: none"> • This includes newspapers, textbooks with contributing authors, articles with photos by someone else, the book itself, as well as individual copyrights existing in each of the parts of the book by different authors, such as cases, chapter readings, and exhibits.
Journal articles and book chapters – academic use	Since journal articles are complete works by themselves with a distinct copyright, permissions have to be specifically processed for those, but if a chapter of a book is less than 10 per cent of the entire book, we can usually use it freely using citations and meeting the academic exceptions provisions of the Canadian copyright legislation.
What kinds of penalties or fines could result from our infringement of copyright?	Copying anything without permission can – and has – resulted in seizure of materials, fines over \$100,000, and even jail time. Furthermore, materials currently used may no longer be available for use at Ivey. Copyright holders could refuse to grant permission for copying. For example, if the transgression involves Harvard documents, Harvard could withdraw their entire collection from us, drastically affecting the availability of course materials and their cost.

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