


Copyright / Droit d'auteur

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APOP Talk on ©
2011-04-27





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(FYI: © reform is on hold)

(Because of the Fereral elections)


UNIVERSITÉ
Concordia
UNIVERSITY



Plan

(1) © Theory (1) Théorie du ©
(2) © in Education (2) © en éducation


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Intellectual Property / Propriété intellectuelle

Copyright	Droit d'auteur
Patents	Brevets
Trademarks	Marques de commerce
Industrial Designs	Design Industriels
...	...


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Intellectual Property / Propriété intellectuelle

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Copyright / Droit d'auteur

Artistic, literary, dramatic, musical, <u>works</u>	<u>Œuvres</u> artistiques, littéraires, dramatiques, musicales
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Copyright / Droit d'auteur

<div style="background-color: red; color: white; padding: 2px; display: inline-block;">Everything we use in education!</div> dramatic, musical, <u>works</u>	<div style="background-color: red; color: white; padding: 2px; display: inline-block;">Tout ce que nous utilisons en éducation!</div> musicales
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© = contrôle

(1) Protect a work's economic market (right-holder) (2) Protect the creative endeavour (creator)	(1) Protéger le marché économique d'une oeuvre (titulaire) (2) Protéger la démarche artistique (créateur)
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Copyright

Droit d'auteur

Economic + artistic right [Sole] Right to exploit (produce, reproduce, execute in public, publish; + adapt, translate...) Automatic (fixation, originality) Term (public domain) Transfer in writing (contract) Moral right (Integrity, paternity)	Droit économique + artistique Droit [exclusif] d'exploitation (produire, reproduire, exécuter en public, publier; + adapter, traduire...) Automatique (fixation, originalité) Durée (domaine public) Transfert par écrit (contrat) Droit moral (Intégrité, paternité)
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Absolute Control? Contrôle absolu ?

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Absolute Control? Contrôle absolu ?

«La propriété c'est le vol!» (Proudhon)
«He who lights his taper [candle] at mine
receives light without darkening me»
(Jefferson)

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Contrôle absolu ? Not exactly / pas exactement

Fair dealings / Utilisation équitable
(Fair use)
& Exceptions

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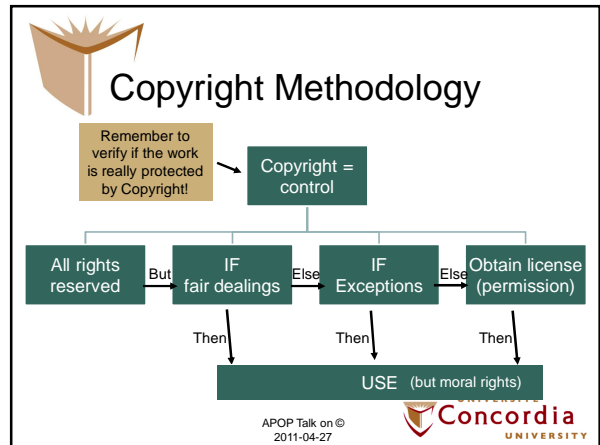


Contrôle absolu ? Not exactly / pas exactement

Fair


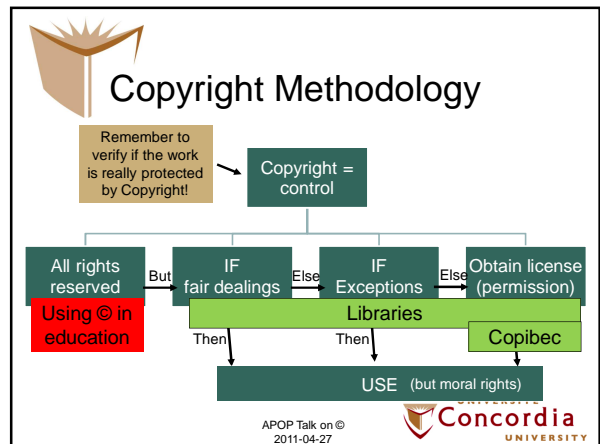
Else, get permission!
Sinon, obtenir permission!


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(2) Practice / Pratique

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Education Creators and Users

- Using © content
 - Define cases where fair dealing & exceptions apply and establish reasonable limits in an institutional policy
 - <http://vpexternalsecgen.concordia.ca/documentspolicies/VPERSG-2.pdf>
 - Obtain permission from rightholders
 - digital licenses via libraries
 - Collecting societies
 - Vendors, creators
- Creating © content
 - Creators of copyrighted content
 - Students, professors, professionals, other staff & volunteers...
 - Is there a way to leverage their endeavors for the greater good?

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A fully contractual solution
Une solution pleinement contractuelle

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Allow commercial uses of your work?

Yes ¹

No ²

Allow modifications of your work?

Yes ¹

Yes, as long as others share alike ³

No ²

Jurisdiction of your licence ¹

Canada

Autorisez-vous les utilisations commerciales de votre création ?

Oui ¹

Non ²

Autorisez-vous les modifications de votre création ?

Oui ¹


Yes, as long as others share alike ³

Non ²

Jurisdiction of your contrat ¹

Canada

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© is a tool

How can this tool work for you?

Permissions OR exceptions

Manage expectations and risk


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Further reading

- Canadian Intellectual Property Office, *A Guide to Copyrights*, Industry Canada, 2008
 - http://www.ic.gc.ca/eic/site/cjpointernet-internetopic.nsf/eng/h_wr02281.html
- CCH Canadian Ltd. v. Law Society of Upper Canada, 2004 SCC 13, [2004] 1 S.C.R. 339
 - <http://www.canlii.org/en/ca/scc/doc/2004/2004scc13/2004scc13.html>
- Concordia University Libraries, Copyright Guide
 - <http://library.concordia.ca/help/copyright/>
- Copyright Act, R.S.C. 1985, c. C-42
 - Art. 3, 5, 6, 13, 14.1-14.2, 27-28.2, 29-32.2
 - <http://www.canlii.org/en/ca/laws/stat/rsc-1985-c-c-42/>
- Murray, Laura J. and Samuel E. Trosow, *Canadian copyright : a citizen's guide*, Toronto : Between the Lines, 2007
 - [http://clues.concordia.ca/record=b2276747~\\$0](http://clues.concordia.ca/record=b2276747~$0)

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Merci !

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