

## Digital Copyright & Libraries

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AJL Talk on ©  
2011-06-20




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Article

Charbonneau, Olivier (2010) | [Link to Item](#) | Les Cahiers de propriété intellectuelle, Vol. 2 (No. 3) | ISSN 0840-7266

Charbonneau, Olivier (2010) | [Information](#) | [Perspectives in Copyright Reform](#), Fekiler, 59 (2), pp. 52-54. | ISSN 0014-9802

Charbonneau, Olivier (2009) | [Collaboration and open access to Law: How can Web 2.0 technologies help us understand the law?](#) | Potzethstroom

<http://spectrum.library.concordia.ca/view/creators/Charbonneau=3AOlivier=3A=3A.html>




## Plan

(1) © Theory	(1) Théorie du ©
(2) Discussion	(2) Discussion
(3) Comments	(3) Commentaires


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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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## Copyright / Droit d'auteur

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

**Artistic**

Everything we use  
in Libraries!

dramatic,  
musical,  
works

**Œuvres**

Tout ce que  
nous utilisons  
en bibliothèque!

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**

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

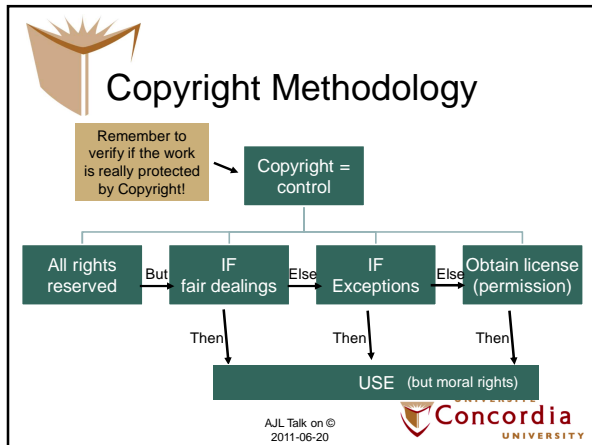
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**Contrôle absolu ?**  
**Not exactly / pas exactement**  
 Fair

Else, get permission!

Sinon, obtenir permission!

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(2) Discussion

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(2) Discussion


(not so long ago, libraries did not have to worry about copyright)


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(2) Discussion

(not so long ago, libraries did not have to worry about copyright)


Pre-digital  
Pré-numérique

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**“Code is Law” (Lessig)**

“A contract is an agreement of wills by which one or several persons obligate themselves to one or several other persons to perform a prestation”  
(Qc Civil Code, s. 1378)




**Copyright & Contracts & Technology**

**Allow or Forbid**  
**Permettent ou Interdisent**

**Copyright & Contracts & Technology**



**P**

**New reality for Libraries**  
**Nouvelle réalité des bibliothèques**




**(3) Comments**

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**Comments**


- Using our collections means understanding copyright
  - Not just loan rules based on document format/type anymore
  - Doc type as a bundle of « use rights »
- Establish what is allowed for each distinct class of « legal situation »
  - More granular approach to our digital collections
- Classification system on legal case ?




**© & Technology are tools**

**How can this tool work for you?**  
Permissions OR exceptions  
Manage expectations and risk






## Further reading

- Canadian Intellectual Property Office, *A Guide to Copyrights*, Industry Canada, 2008  
– [http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h\\_wr02281.html](http://www.ic.gc.ca/eic/site/cipointernet-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-S0>

APOP Talk on ©  
2011-04-27



## Merci !

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