

Best Practice Copyright Codes for Media Use, Re-Use & Preservation

Film & Media Studies Association of Canada
Canadian Communication Association

Congress 2024, Montreal



Background

Judicial Interpretation: The Supreme Court of Canada views the Copyright Act as balancing public interest in encouraging and disseminating works with obtaining just rewards for creators.

Fair Dealing: Similar to U.S. fair use, Canadian fair dealing balances copyright owners' rights with public use rights when the use is fair. Amendments in 2012 brought Canadian fair dealing closer to U.S. fair use.

Access Issues: Growing impermanence of access due to subscription-based licensing and technological protection measures threaten scholarly access to media works, risking the loss of unique cultural works.

Equity and Inclusion: Access issues also affect equity, as copyright law provisions often overlook the needs of traditionally marginalized groups, further complicating equitable access.

Preservation and Reuse: Current distribution practices, disinterest in archival mandates, and business shifts from physical to digital media pose challenges to media preservation and scholarly reuse.

Methods based on [Aufderheide and Jaszi \(2018\)](#)

Step 1: Socialize the idea of best practices codes

Step 2: Conduct surveys and focus groups to gather empirical data on media use issues.

Step 3: Develop codes of best practices through content analysis of focus group and survey data, reflecting participant consensus on fair dealing applications.

Our Aims

- Support informed decision-making in applying fair dealing and other statutory user rights in educational, preservation, and research-creation settings.
- Provide sound guidance to media scholars and librarians.
- Inspire other communities to adopt or customize these best practices.
- Benefit administrators by demonstrating reasonable and customary community norms, thus reducing institutional risk.

Bringing Up Baby (1938)

The setting: late March, classes resume following a 6-week faculty strike/lock-out, everyone scrambling to finish the much-shortened term

The class: a 4th year film course requiring students to view and make class presentations on selected films [all verified to be available online](#) at the start of term

The film:



Streaming source: Criterion-On-Demand

Bringing Up Baby (1938)

The crisis: the instructor learns the **link to the film no longer works**; the film isn't accessible on any other streaming platform; film is needed next week for class presentations

The solution:

What options do you have as the instructor?

or

What is your institution's copyright specialist likely to suggest?



Antebellum (2020)

a *Lionsgate* film
requested for a Film Studies course
exploring Critical Studies of Race & Gender



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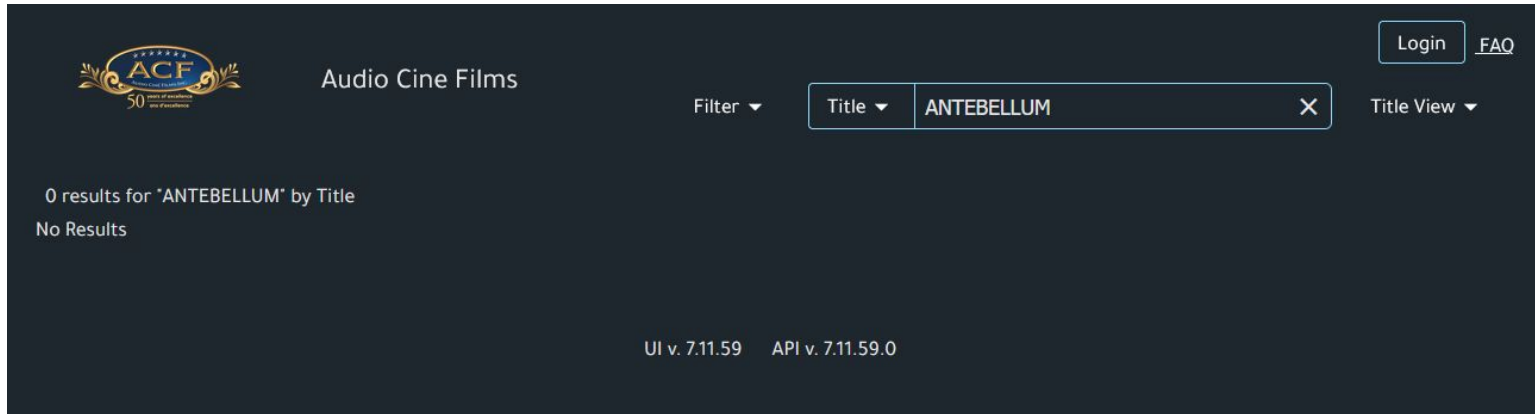
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Antebellum (2020)

a *Lionsgate* film

requested for a Film Studies course

exploring Critical Studies of Race & Gender



The screenshot shows the Audio Cine Films website interface. At the top left is the ACF logo, which includes the text "50 Years of Excellence and Foundation". To the right of the logo is the text "Audio Cine Films". In the top right corner, there are links for "Login" and "FAQ". Below the logo and text, there is a search bar with a "Filter" dropdown menu on the left and a "Title View" dropdown menu on the right. The search bar contains the text "Title ANTEBELLUM" with a clear "X" button. Below the search bar, the text "0 results for 'ANTEBELLUM' by Title" and "No Results" is displayed. At the bottom of the page, the version numbers "UI v. 7.11.59" and "API v. 7.11.59.0" are shown.

Antebellum (2020)

a *Lionsgate* film
requested for a Film Studies course
exploring Critical Studies of Race & Gender

Film is not available for Canadian academic institutional streaming
Film is available for purchase in DVD
Course is being offered remote/virtually

What options do you have as the instructor?

or

What is your institution's copyright specialist likely to suggest?

Visible: Out on Television (2020)

A docuseries released on AppleTV+
Requested episode 1
For Communication Studies course
Discussing the history of LGBTQ+
representation in the media industry



Season 1



EPISODE 1

The Dark Ages

Early TV portrayed LGBTQ+ people as homicidal maniacs and sexual deviants. A secret and the '70s that nothing portrayed began to change.

52 min - Feb 13, 2020 [TV-14] [OO] [OO] [OO]



EPISODE 2

Television as a Tool

Following the Stonewall Uprising, LGBTQ+ activists began using television as a tool for change.

55 min - Feb 13, 2020 [TV-14] [OO] [OO] [OO]



EPISODE 3

The Epidemic

Visible was initially ignored by TV and fear of the disease stalled LGBTQ+ representation. Eventually, TV moved away from the issue.

1 hr 5 min - Feb 13, 2020 [TV-14] [OO] [OO] [OO]



EPISODE 4

Breakthroughs

In 1997, Don McCarroll made history by coming out on the TV show and in his personal life. But the industry was slow to catch up.

1 hr 8 min - Feb 13, 2020 [TV-14] [OO] [OO] [OO]

Visible: Out on Television (2020)

A docuseries released on AppleTV+
Requested episode 1
For Communication Studies course
Discussing the history of LGBTQ+
representation in the media industry

Not available for Canadian academic institutional streaming
Not available for purchase in physical format
Course may be offered in person or remote



What options do you have as the instructor?

or

What is your institution's copyright specialist likely to suggest?

Canadian Collection in Lantern/CHiMERA Project



MEDIA HISTORY DIGITAL LIBRARY



ABOUT

FEATURED

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NON-US COLLECTIONS

DATA & VISUALIZATIONS

LANTERN



Wisconsin Center
for Film & Theater Research

Canada's Film Press

By Paul Moore, Jessica Whitehead, and Louis Pelletier, 2024

Canadian Film Weekly Issues

Canadian Film Weekly [Jan 28, 1942]

Canadian Film Weekly [Sep 1, 1948]

Canadian Film Weekly [Feb 16, 1949]

Canadian Film Weekly [Aug 31, 1949]

Canadian Film Weekly [Oct 28, 1953]

Canada sub-collection in Media History Digital Library
mediahist.org/collections/canada

Is it copyrighted? Who owns the copyright?



Do we have permission?

What options do you have as the researcher?

or

What is your institution's copyright specialist likely to suggest?

Digital Forestry Film Fest Poster

- poster distributed to libraries and screening spaces in the BC Interior
- a project examining production and reception of forestry films from the 1980s and 1990s
- What options do you have as the researcher?
- What is your institution's copyright specialist likely to suggest?

SEEING THE TREES Digital Forestry Film Festival

ABOUT THE PROJECT

How do training and informational videos help influence the way people understand and talk about their work? What happens to training films once they are no longer current? And why are training films either remembered or made but of long after they were viewed? Seeing the Trees: Training the Forest is a project that collects and examines the visual history of forestry in BC. By tracking down film produced by the forest products industry in the 1970s through the 1990s, and interviewing people who saw, made, and circulated these films, we hope to understand how they contributed to the public understanding of forestry and its social, economic, and environmental implications in our province.

By tracking at forestry films, we have begun to examine how industry-produced films tried to create employee dialogue around sustainability and land management and rights. Training videos in BC run the gamut from one-to-one gear-up training to the target of protesters, to realizations of the annual harvest cycle with growth and seasonal animals, to dramatizations of a day in the life of a forester.

But what has happened to these videos? We hope that some of them are languishing in your basement, and can be digitized and preserved for open online access here at THU. Some have already been saved: we present a selection of films that have been made accessible either by private collectors and archives across North America, hosted on YouTube. Scan the individual QR codes on the images below with your phone camera to access each film from this online festival of forestry training videos.

Have you seen this video, or any others like it? Help us preserve the visual history of forestry in BC! You can participate in the Seeing the Trees project at THU by visiting thuforestfilms.tru.ca and submitting your contact details, or emailing Dr. Joceline Andersen at janderson@tru.ca

Beyond the Cut

1987



Scan this QR code with your phone to watch each film.

MacMillan Bloedel/ Private Collector (C. Tauber)

In the 1980s, Canada stopped the cut-to-get program. In Toronto, with questions about reforestation a focus on an international field study's outcome related to forest and reforestation operations by the West Coast Forestry. This report focuses on the economic impact to emerge from the pages of *Chorizanthe* magazine, challenges the social history of forestry workers that the report highlights. It includes a list of questions that the public should ask about forest management practices in BC. December 1987. BC of forestry and the impact of industrial enterprises speaking up could have an impact on forestry. Currently, this video is available in the public domain as a private collector, and if you want to see the whole film, you need to travel all the way to the Weyerhaeuser archives of the Forest History Society in North Carolina.

Film Duration: 5 minutes

To Touch the Sky

1971



Weyerhaeuser/ Forest History Society

The 1971 short film To Touch the Sky was Weyerhaeuser's 9.28-minute production, which highlights the benefits of high-yield forestry, which is a process that involves replacing logged trees with new growth using forestry technology to assure conditions for growth and ideal (e.g. protecting from invasive insects, optimizing the soil, reducing fire and environmental conditions, etc.). The video is hosted by author Eddie Albert, produced and directed by Weyerhaeuser. It features a scene of a person in a hard hat standing on the back of a forest that is dying and decaying, and then begins to introduce the modern practice of replacing these old trees with a 'new, fast-growing forest.' The video is a big emphasis on how forest companies are monitoring greenery, being sustainable, and adding in a focus on forestry through high-tech practices. The futuristic and technological feel used in conjunction with shots of new growth, dense, green forestry landscapes, and a person in a hard hat looking up at a tree. The video is a 'top-down' perspective that provides clarity and shows the present/future of forestry in the industry.

Film Duration: 28 minutes

The Man in the Tree

1957



BC Forestry Services/ Private Collector (BC History)

The Man in the Tree is a 1957 forest service training film (re-edited in 1985 and titled The Man on the Mountain) produced by the British Columbia Forest Service (BCFS). BCFS is the predecessor to the province's Ministry of Forests which focuses the ethics, sustainability, and future behind BC's forest sector. This training film takes viewers through the forest and the Forest Service's history and emphasizes the importance of their identity and when it comes to their identity, it is not just about the forest, but also about further forms and destruction. Below are four modern, fast-growing forestry technologies. The BCFS plantation team in deeply logged areas in the mountains to spot and identify the forest canopy. A focus on how to identify that a lookout man needs to be highly familiar with the area and the forest canopy. A focus on how to identify smoke and small changes to the environment, and understand how to use the technology and equipment to identify the forest canopy. The video is a 'top-down' perspective that provides clarity and shows the present/future of forestry in the industry.

Film Duration: 23 minutes

A Walk in the Forest

1973



MacMillan Bloedel/ Forest History Society

Film Duration: 28 minutes

The film A Walk in the Forest by Macmillan Bloedel (1973) mimics the feel of a nature documentary, focusing on the interdependence of all the creatures and natural resources that exist in the forest, including humans. This video was produced and directed by Roman Forest and archived by the Forest History Society. A walk in the forest means to experience the forest as a whole, not just as a resource. The video is a 'top-down' perspective that provides clarity and shows the present/future of forestry in the industry.

Film Duration: 28 minutes

The Mark of Progress

1959



BC Forestry Services/ UNBC Archives

Film Duration: 25 minutes

The Mark of Progress (1959) announces forestry in BC through a narrative focusing on the beginning of a tree marker's career while highlighting how this job contributes to BC's sustained and economic and environmental future. The marker was responsible for identifying trees to be logged based on economic and environmental factors. Following a sequence highlighting the career of the marker, the video focuses on the importance of forestry in BC. The video is a 'top-down' perspective that provides clarity and shows the present/future of forestry in the industry.

Film Duration: 25 minutes

Down to the Woods Today

1990



Weyerhaeuser at the Aberdeen Mall

A piece of BC's visual forestry history is tucked away in a library in North Carolina, recorded in a video documenting the 'Down to the Woods Today' installation presented by Weyerhaeuser in Kilmoryn during 1990. The most exciting feature is a video screening station and several rooms that recorded a second growth forest, the mountains and rivers of the Kamloops landscape, and even the chimneys and chimneys of the Kamloops Pulp Mill.

The video history of forestry in BC by participating in the Seeing the Trees project at THU. Scan the QR code below to check out our website and submit your contact details to help contribute to our research.

MORE INFORMATION ABOUT MEDIA PRESERVATION IN CANADA

CONSERVATION CANADA | VULNERABLE MEDIA CANADA

[HTTP://THUFORRESTFILMS.TRUCANADA](http://thuforestfilms.tru.ca)

THOMPSON RIVERS UNIVERSITY
Canada

Provide your contact information if you would like to be updated on our project:

<https://tiny.cc/fairmedia>



About Us

Session presenters:

Jessica L. Whitehead, Assistant Professor, Cape Breton University

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Aaron Taylor, Professor, University of Lethbridge

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Image Sources

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