

WHAT IS A “COPYRIGHT?”

Copyright is the means by which you can prevent anyone from copying, reproducing or using any “work” or anything that you have created. Examples of items that could be protected by copyright would include architectural blueprints, drawings, photographs, sculptures, computer software, books, poems, music, videos, audio recordings and similar items.

HOW IS COPYRIGHT CREATED?

Copyright is not created by filing any document with the Canadian Copyright Office. Rather, it is “created” by virtue of creating the item in which you are claiming copyright. In other words, if you take a photograph, or create a recipe, you own the “copyright” in that item immediately upon completing creating the “work.” This means that you are not **required** to file anything with the Copyright Office in order to own the copyright in the thing that you have created.

The filing of a Declaration of Copyright with the Canadian Copyright Office is the most public means by which you can file or give notice of your ownership of the copyright and the work that you have created. This may become critically important if you were to become involved in a dispute with anyone else over the “authorship” of the thing or work that you have created. Thus, we always recommend that you file a Declaration of Copyright in the Canadian Copyright Office in order to give notice of your claim of copyright and to secure your legal rights in the thing that you have created and to prevent it from being reproduced without your authorization.

HOW DO I ENFORCE MY CLAIM TO COPYRIGHT?

You would enforce your claim to copyright by commencing legal action, i.e., a lawsuit claiming that someone has infringed your right of copyright by reproducing, without your authorization, the thing that you are claiming copyright in. In such legal action, you are entitled to several legal remedies including seeking an injunction from the Court and seeking damages against the alleged infringer as well as your legal costs.

CAN I TRANSFER OR SELL MY COPYRIGHT TO ANYONE?

Yes. You can transfer, sell or assign your right of copyright to anyone of your choosing. For instance when an author completes writing a book, he or she would usually transfer the right of copyright to the publisher to enable the publisher to reproduce the book. The second way this can be handled would be to “licence” the copyright to the publisher. Licencing your copyright means that you give permission or authorization to the publisher to reproduce and sell the work (in this case a book) but you have not sold or transferred ownership of the copyright to the publisher. In that case the publisher would pay you a royalty which could be based upon how many books were sold or it could be an annual royalty or it could be a one time payment to you.

TERM OF COPYRIGHT

The life of the copyright lasts for the life of the author or the author +50 years and will expire on December 31 on the 50th year after the author or artist dies.

In the case of a work where the identity of the author is unknown, copyright exists for the earlier of the remainder of the calendar year of the first publication of the work +50 years or the remainder of the calendar year from the making of the work i.e. when it was created +75 years.

For performances, copyright lasts for 50 years after the end of the calendar year in which the performance occurs. For sound recordings, the copyright in the sound recording continues until 50 years after the end of the calendar year in which the first publication occurs or 99 years after the end of the calendar year in which the performance occurs, whichever is earlier.

For things that are not published until after the death of the author, copyright lasts for 50 years following the end of the calendar year in which the work was published.

Our fees to prepare and file a copyright application with the Canadian Intellectual Property Office will be \$400.00 plus GST plus an administration fee of \$25.00 plus a government fee of \$50.00.

STEMP & COMPANY
1670, 734 - 7 Avenue SW
Calgary, Alberta
T2P 3P8

B: 403-777-1122 F: 403-777-1124
1-800-665-4447
kari@stemp.com