

# Your comprehensive guide to Copyrights

February 20, 2021

# Agenda

- Legal Definition of Copyright
- What kind of work does Copyright protect?
- Who are the owners of Copyright?
- How do we protect our Copyright?
- What kind of rights do authors have in Copyright?
- What happens when you assign Copyright?
- Infringement of Copyright
- What is St. Michael's policy on Copyright?
- What is the process for disclosure of Copyright at St. Michael's?
- Useful resources and contact information

# Definition of Copyright

**Copyright** means the sole right to produce or reproduce a work or a substantial part of it in any form\*

- Copyright subsists in any original literary, dramatic, musical and artistic work, whatever its mode or form of expression, that is sufficiently connected to Canada or a treaty state.
- It gives the Copyright owner the exclusive right, for the life of the author plus 50 years, to produce or reproduce the work or any substantial part of it in any material form, to perform the work or any part of it in public or to publish the work or any part of it

\* *Canadian Intellectual Property Office (CIPO)*

# What types of work is protected by Copyright?

- **Literary Works:**

- Books, pamphlets and other writings (e.g. Novels, poems, biographies, articles, presentations)
- Lectures (e.g. PowerPoint slides, lecture notes, lecture/workshop/seminar handouts)
- Tables, charts, computer programs, compilations of literary works (including, databases, algorithms for computer programs, educational tools)

# What types of work is protected by Copyright?

- **Artistic works**
  - Paintings, drawings, maps, charts, plans, photographs, etc.
- **Dramatic works**
  - “Any piece of recitation, choreographic work or mime, the scenic arrangement or acting form of which is fixed in writing or otherwise”
  - Motion picture films, plays, screenplays, scripts, etc
- **Musical works**
  - “Any work of music or musical composition, with or without words”
  - Complications, arrangements
  - There are separate protection for musical performances and sound recordings

# In order to obtain copyright for a work it must be ORIGINAL

This means:

- It must originate from its author (i.e. the author must have produced the work)
- Not copied from another work
  - However compilations of copyrighted works (i.e. Textbooks) are also copyrighted works themselves
- Involves the exercise of skill and judgment
  - Not so trivial as to be a “purely mechanical exercise” (i.e. you didn’t just throw something together without thought or skill)
  - Creativity not required

# Who are the owners of the Copyright in a work?

Generally the author of the work is the first copyright owner BUT:

- An employer is the owner of the copyright in any works made by an employee in the course of employment
- Government owns all copyright in any work created under the direction of Her Majesty or any government department
- If the author assigns his or her copyrights in a work to a third party, the third party will be the owner of the copyright
- Commissioners for value of photographs are the copyright owners of the commissioned photograph. (i.e. if you pay for a photograph to be taken, you are the copyright owner of the photograph)

## How do we protect our Copyright in our works?

- Protection is **automatic** (starting from the time of creation) (i.e. once you put words to a page, copyright automatically rests with those words.)
- However, copyright (and grants of copyright, including licenses) may be registered with CIPPO. There are certain advantages to registering
- Prior to registering a copyrighted work, please disclose your copyrighted work to Samar Saneinejad as per our disclosure process (as described in a later slide) Samar will work with Cindy and the ORA to determine whether it is financially feasible to register the copyright.
- For all copyrighted works created in accordance with our IP policy, a notice should be placed on the works to alert all users as to who owns the work  
Example of a notice:  
© [date of creation of work] St. Michael's Hospital.



## What rights do you get with a Copyright?

Copyrights are a bundle of exclusive rights, to:

- Sell or use
- Produce or reproduce
- Publish for the first time
- Perform in public
- Communicate to the public by telecommunication
- Translate, adapt, etc.

**All** or a **substantial** part of the protected work and to authorize others to do that same.

# Moral Rights

Moral rights, which are given to **authors** of a works, are rights to the following three attributes:

- Integrity: No distortion, mutilation or other modification to the prejudice of the honour or reputation of the author. (i.e. putting a mustache on the Mona Lisa)
- Attribution: Where reasonable in the circumstances, to be associated with the work as its author, by name or under a pseudonym or to remain anonymous (i.e. being listed as the author of a book, etc.)
- Association: No use in association with a product, service, cause or institution to the prejudice of the honour or reputation of the author. (i.e. using the picture of the St. Michael's Angel in association with Benson and Hedges)

Moral rights cannot be assigned, but they can be waived.

## How long does the copyright last?

Copyright lasts for the lifetime of the author plus an extra 50 years after the death of the author

- Please note that the length of Copyright protection is measured by the life of the AUTHOR and not the copyright owner, which in certain situations, may be different.

If there is more than one author, then the length of Copyright protection corresponds to the life of the last surviving author plus 50 years.

## Assignment of your rights

- Assignment of your rights as a author/owner of copyright to another party means that you are giving up your bundles of rights to the other party
- However, that does not mean that you are assigning moral rights as well. You may be asked to waive you moral rights in favour of the assignment
- If the author/owner assigns copyright to another party, the author will no longer have copyright ownership in the work but still remains the author of the work.

# What constitutes infringement of other people's copyright?

Infringement occurs when a person uses all or part of a copyrighted work without the permission of the author/owner of the copyright:

- Example 1: Pulling images from the internet and using it in your PowerPoint presentation without actually getting permission from the author or owner of the images. Permission may be in the form of a license.
- Example 2: Using part of a journal article in your thesis without permission or attributing the article to the right author.

## What is St. Michael's copyright policy?

- The Hospital's Intellectual Property (IP) policy includes copyright as per the definition of IP. As such, you will have to disclose your copyright to the hospital.
- The Hospital's IP policy also requires that you waive moral rights to all copyright in favour of the Hospital.
  - This allows the Hospital to disseminate, edit and change any copyrighted materials without having to continually ask for permission.
- If there are any financial gains from the commercialization of the copyright by the Hospital, the author(s) will receive a share of the revenues based on the breakdown listed in the IP policy.
- Under the Hospital's IP policy, copyright in any journal articles and theses are exempted.

# Process for Disclosure to Unity Health Toronto

- For more questions about the process for filing a disclosure please contact:
  - Dennis Ng  
[dennis.ng@unityhealth.to](mailto:dennis.ng@unityhealth.to)
  - Samar Saneinejad  
[saneinejads@smh.ca](mailto:saneinejads@smh.ca)
- A a copyright disclosure form can be found on the intranet
- Submit completed disclosure Dennis or Samar, who will then contact you with next steps

## Copyright Disclosure Form (CDF)

Office of Research Administration  
 St. Michael's Hospital

Please provide as much detail as possible when filling out this form. If you any questions or require assistance completing the CDF, please contact the ORA at (416) 864-6060 x3486.

Return the original, signed CDF along with supporting documentation to:

Attention: Technology Transfer Liaison  
 Office of Research Administration  
 St. Michael's Hospital  
 30 Bond Street  
 Toronto, Ontario  
 M5B 1W8

### 1. Title

■

### 2(a) St. Michael's Hospital Author(s)

Please list all those who contributed to the conception of the Work. Please place an asterisk (\*) next to the name of the Author to whom correspondence should be sent. If you require additional space, insert additional rows below.

Name	Title, Affiliation & Department	Address	Telephone, Fax & Email
1. ■			
2. ■			
3. ■			
4. ■			
5. ■			
6. ■			

### 2(b) External Author(s)

Name	Title, Affiliation & Department	Address	Telephone, Fax & Email
1. ■			
2. ■			
3. ■			
4. ■			
5. ■			
6. ■			

### 3. Description of Work

(Please attach supporting documentation, if applicable)

# Resources

Canadian Intellectual Property Office – copyright info:

[http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h\\_wr02281.html](http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr02281.html)

Copyrights at U of T – some introductory info including FAQs:

<http://guides.library.utoronto.ca/content.php?pid=217605&sid=3593515>

- Questions? Contact:

Dennis Ng ([dennis.ng@unityhealth.to](mailto:dennis.ng@unityhealth.to))

Samar Saneinejad ([samar.saneinejads@unityhealth.to](mailto:samar.saneinejads@unityhealth.to))