

Canadian Copyrights – Frequently Asked Questions†

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Q: WHAT IS A COPYRIGHT?

Copyright is the exclusive right to copy a creative work or to allow someone else to do so. It includes the sole right to publish, produce or reproduce, to perform in public, to communicate a work to the public by telecommunication, to translate a work, and in some instances to rent the work.

Q: HOW DO I OBTAIN COPYRIGHT?

You acquire copyright **automatically** when you create an original work. No additional steps or registrations are required. In Canada a notice of copyright is not necessary, but a notification according to the Universal Copyright Convention may be necessary to extend protection to some other countries.

Q: MUST I REGISTER MY COPYRIGHT?

Although the *Copyright Act* provides for an automatic copyright protection upon the publication of a work, there are several **important advantages** when you register a copyright with the Canadian Intellectual Property Office.

ADVANTAGES TO REGISTRATION OF A COPYRIGHT

- **Ownership presumption** – The Certificate is evidence that your work is protected by copyright and that you are the owner. It creates a legal presumption so that when there is a dispute, you do not have to prove ownership; rather the onus is on your opponent to disprove it.
- **Licensing and sale negotiations** – A copyright registration can be useful when negotiating the sale or the licensing of rights in your copyrighted work.
- **Public notification** – The copyright registration becomes part of the public record and is then available for public inspection at the Copyright Office.
- **Larger scope of legal remedies** – If copyright in a work was registered at the time of an infringement then certain legal defences, which may limit a copyright owner's remedies, would no longer be available to a defendant; a copyright owner can then seek a larger array of legal remedies, such as both an injunction and damages.

Q: CAN ANYONE REGISTER A COPYRIGHT?

Yes, the author or the owner of a copyright may apply for registration. However, be aware that copyright law is technical. A lawyer practicing in the area of copyrights can significantly simplify the application process for you as well as provide legal advice regarding your particular situation.

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