

Copyrights – Living with the Rules

By Patricia Robertson, November 2014

Under Canada's *Copyright Act* (R.S.C., 1985, c. C-42), an "artistic work" includes paintings, drawings, maps, charts, plans, photographs, engravings, sculptures, works of artistic craftsmanship, architectural works, and compilations of artistic works.ⁱ That covers a lot of ground!

The artist, or the originator of the work of art, has "the sole right to produce or reproduce the work or any substantial part thereof in any material form whatever..."ⁱⁱ

"The term for which copyright shall subsist shall, except as otherwise expressly provided by this Act, be the life of the author, the remainder of the calendar year in which the author dies, and a period of fifty years following the end of that calendar year."ⁱⁱⁱ

Wikipedia says, "Copyright is a legal right created by the law of a country, that grants the creator of an original work exclusive rights to its use and distribution, usually for a limited time, with the intention of enabling the creator (e.g. the photographer of a photograph or the author of a book) to receive compensation for their intellectual effort.

"The contemporary intent of copyright is to promote the creation of new works by giving authors control of and profit from them."^{iv}

Here's what I think. As artists, we are inspired by what we see. Sometimes another artist's work – composition, painting, sculpture, photograph – strikes a chord and we can't help ourselves. It's okay to take inspiration from a work: the subject, the overall design, the juxtaposition of the objects (animals, flowers, scenery, etc.), or the colours. It's *not* okay to make an exact copy, or to pass it off as our own, original work. We should morally acknowledge the source of our inspiration.

Therefore, if you are determined to complete a project that will involve copying someone else's artistic work (this includes photographs and material from the internet), ask for permission. Chances are there's contact information somewhere on the internet. By the way, if the artist is less than 50-years dead, you might have a problem (see para 3 above). If they are *more* than 50 years dead, it's your lucky day! Not theirs, of course.

Disclaimer: I am not a lawyer, and this is not a legal opinion. If you have questions or concerns, please contact a legal authority. Or read 176 pages of the Copyright Act. At bedtime. Or look on the web ... I checked out the U.S., Australia, the U.K and Canada. The Acts appear to be all similar in intent.

More information can be found at <http://www.templetons.com/brad/copymyths.html>

ⁱⁱ Copyright Act, R.S.C., 1985, c. C-42; Canada. Interpretation, para 2, page 1

² Copyright Act, R.S.C., 1985, c. C-42; Canada. Part I, Copyright And Moral Rights In Works, para 3.(1), page 12.

³ Copyright Act, R.S.C., 1985, c. C-42; Canada. Term of Copyright, para 6, page 15

⁴ Wikipedia, <http://en.wikipedia.org/wiki/Copyright>