HOW TO BE A COPYRIGHT OFFICER

Practical Tips and Reflections from Canada’s Oldest Living Copyright Officer

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Welcome

Online. On Campus.
I’VE MADE A HUGE MISTAKE

THE AUTHOR HAS THE MORAL RIGHT TO BE IDENTIFIED

Moral = really, really, really good idea; required, in fact
Respect the copyright officer and you respect the copyright!
Fair dealing has to be actually, you know, fair. Must also appear to be fair. And we all know what fair is. Fair is fair.
- How to become a SocialMediaManager.
  ©2011 Urs Steiner. Via Flickr. CC BY 2.0
IMPORTANT INFO YOU ALREADY KNOW!

Now if you happen to be the person who invented the wheel, you probably had a big problem that you needed to solve. You needed to live and you needed to eat and you lived in a world that doesn’t care whether you live or eat, which is probably why you invented the wheel to begin with. It solved an immediate problem you had—you had to get some stuff over there, over here and it was taking too long.

You can get to the important bits of getting food and shelter if you can save some time.

Now, if the inventor of the wheel was smart, she would have hidden her invention from everyone else and gotten them to bring her food and build her a house and then she would make wheels for everybody.

And so copyright was born.
The wheelmaker can insist on her rights but if no one thinks her invention is worth paying for, then she doesn’t get paid. But if she is smart, she realizes that it’s actually in her best interest to share her invention because everybody wants to have her around and humans need each other to live. We need everyone to share their ideas so we all survive. The individual is safe because the group is safe. So she willingly gives it away because that is the way she really gets paid.

Now, as soon as society got complicated, the ways of paying wheelmakers got complicated. We need to support wheelmakers but how do we know who’s going to be the next big wheelmaker? If you tell me you’re a wheelmaker but you just haven’t had the time to invent another wheel because you’re too busy figuring out ways to eat and live, how do I know that you are telling the truth?

Probably because when you had a spare moment you couldn’t help yourself, you just had to go ahead and invent something that made your life easier and by some lucky miracle made everyone’s life easier. And once you get someone to look at your invention, someone saw the potential in it and invested in it so that everyone could make their lives easier.
AGENT DE DROITS D'AUTEUR

Photo © 2013 Dallas Clairmont.
MY DOG EATING MY CHILD

Photo © 2007 Nancy Simmons
A FEMALE MOSQUITO

Photo © 2007 Alvesgaspar. Via Wikimedia, CC BY-SA 3.0.
RESPECT
COPYRIGHT!

How to respect copyright in 300 easy to follow steps
How to pay for copyright using small, unmarked bills with non-consecutive serial numbers in 300 easy steps.
Fill out this form if you can figure out what I’m asking for.

Via [Pixabay](https://pixabay.com), CC0 Public Domain
NOBODY EXPECTS THE SPANISH INQUISITION!

Cosplay at Dragon*Con 2015. © 2015 Terry Robinson. Via Wikimedia. CC BY-SA 2.0
Dear Ms. Simmons,

I would like to give the following to my students (in some form or other)
chapter 5 from Book X, whatever edition, author, and/or publisher you like,
plus an excerpt from chapter 8 of Book Y, you decide what pages I meant
For a course whose name and number I forgot to mention, at a date to be determined

Signed

Name of Professor, Dept of Forgot to Say
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<thead>
<tr>
<th><strong>Description</strong></th>
<th>English: World population from 1800 to 2100, based on UN 2004 projections and US Census Bureau historical estimates.</th>
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<tr>
<td><strong>Author</strong></td>
<td>Loren Cobb (User:Aetheling)</td>
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<td><strong>Permission</strong></td>
<td>GFDL and Creative Comm</td>
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WORLD POPULATION FROM 1800 TO 2100

World population from 1800 to 2100, based on UN 2004 projections and US Census Bureau historical estimates. ©2008 Loren Cobb. Via Wikimedia. This image is licensed under the Creative Commons Attribution-Share Alike 3.0 Unported license.
YOU KEEP USING THAT WORD. I DO NOT THINK IT MEANS WHAT YOU THINK IT MEANS

Anonymous. Via Epic Fail.

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CLASSIC SOUP

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<td>house special seafood soup</td>
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<td>32</td>
<td>bean curd &amp; vegetable soup</td>
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<td>33</td>
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Anonymous. Via *Epic Fail*.
404 BIBLIOGRAPHY
NOT FOUND
Map of the Titanic 100th Anniversary Memorial Cruise, April 2012. © Fred Olsen Cruise Lines. Via Cruising the Past.
10% “RULE”
“10% RULES”
YOU ARE TAKING TOO MUCH!

OP-ED

NANCY SIMMONS

BABY, YOU CAN DRIVE MY CAR:
A DEFENCE OF FAIR DEALING AND COPYRIGHT
Chromolithograph by Tom Merry, 1890, after himself. St. Stephen’s Review, May 24, 1890. From Wellcome Images via Wikimedia. CC BY 4.0
Ellen Corby as Ms. Davis. Still from *It's a Wonderful Life*, Liberty Films, 1946.

Probably public domain but who knows anymore.
2015-2016
% OF ONLINE COURSES USING COPYRIGHT

51% of courses used copyright
= 49% didn’t

29% of courses made use of fair dealing
= 71% had no copyright or copyright was otherwise cleared
71% HAD NO COPYRIGHT OR COPYRIGHT WAS OTHERWISE CLEARED
2015-2016 % OF NEW REQUESTS - FAIR DEALING

On average, only 30% of the new copyright material used was copied because it was fair dealing to do so.
2015-2016 FAIR DEALING = 30%
70% OF NEW COPYRIGHT USED WAS CLEARED
Gieleman Theunisz, his wife Tonia Huurman, and their two oldest children Antonia and Anne Theunisz, Hemweg Amsterdam. 1925. Via Wikimedia.
ME, CIRCA 1992

Smiley from the sMirC-series. Worried. © 2014 chris. Via Wikimedia. CC BY-SA 3.0
DEFINITION OF PUBLIC SPACE: ANYPLACE THAT I WANT TO SHOW A MOVIE FOR FREE OUTSIDE MY LIVING ROOM (OR SOMETHING LIKE THAT)
NICKELS, DIMES AND PENNIES

KMR Photography, Stock Photography – Canadian Coins. © 2015. Via Flickr. CC BY 2.0.
NOT A PIRATE SHIP THAT CAME TO NFLD

Queen Anne's Revenge, the flagship of Blackbeard the Pirate. [1736]. Detail from Captain Teach commonly call'd Black Beard by Joseph Nicholls. Via Wikimedia.

Our pirate was called Peter Easton but I couldn’t find him online.
“Very important quote”

(Smith and Jones, 1991)
NEVER MIND, THIS IS LEGIBLE (MOSTLY)

404 BIBLIOGRAPHY
NOT FOUND
MANY HANDS MAKE LIGHT WORK

Community helping carry FAD rafter, Langalanga Lagoon, Solomon Islands. Photo by Grace Orrirana, WorldFish. © 2013. Via Flickr, CC BY-NC-ND 2.0
HANDWRITING IS HARD ON HANDS


No © - released into the public domain by its author.
How to Copyright

©2017 Jamie Chang CC-BY-NC-ND 4.0
OR MAYBE A BIT OF BOTH?
I DON’T ACTUALLY FISH

Kevin caught a bass (not me) near here.

© 2016 Sheldon Steeves (my husband, not pictured).
I’VE MADE A HUGE MISTAKE

TIPS!
TIP #1 – © LAW BUT ALSO GET A BOOK

- The law is not as hard to understand as you might think, so read it. Over and over, but maybe only selected bits at first. Fair dealing is really straightforward

- CCH v. Law Society of Upper Canada – guidelines!

- Leslie Ellen Harris, Canadian Copyright Law

- Laura J. Murray and Samuel E. Trosow, Canadian Copyright: A Citizen’s Guide

- Get them both and see who convinces you
TI P # 2 – GET ORGANIZED

- Keep it simple
- Know what’s in every website or coursepack, but only if you are tracking it
- Keep it separate except when you have to keep it together
- Pay attention to detail
- Excel spreadsheets are okay but annoying
- We made our own spreadsheets using Word that are less annoying but not that flexible
TIP # 3 – GET TRACKING

- Decide how much you need to do
- Do what your boss says you need to do
- Or your lawyer
- If they want more or less tracking than you do, show them why your way is better
- Or do it their way if theirs is better
- Tracking can show how you’re doing on due diligence
TIP # 4 – GET A FRIEND

- Find someone you can talk to about your problems
- Preferably someone who knows copyright
- If you have no friends, write a letter to someone explaining the problem but don’t send it
- Maybe you already know the answer but you need to think it through by talking/writing/thinking about it
TIP #5 – GET A LAWYER

- If you write a letter to a lawyer laying out the issue, you may not have to send it.
- But if you do, listen to what they say.
- You can’t afford to ask twice so you will be answering the next question like it on your own.
- Organize the answers you get so you can find it again.
TI P #6 – IT’S NOT YOUR JOB, MAN

- The only person who knows whether course materials contains 3rd party copyright is the person who created the course materials
- Copyright officers are not mindreaders
- Neither are printing services staff
- Or admin assistants
- Make people take responsibility for their own copying, e.g.
  - They sign a meaningful copyright declaration before you copy on their behalf
  - They agree to follow the rules when logging onto a LMS
TIP # 7 – EDUCATE

- Make it fun because maybe they really don’t want to know what you’re telling them
- Decide what is most essential
- Don’t overload them with information because they won’t remember unless it’s relevant to them
- They will ask you if they are unsure, at a future date
- I’m sure of it
- Probably
QUESTIONS?

Anonymous. Via Imgur.

nsimmons@mun.ca
@nsimians

Other selected works:
theresnoplot.blogspot.ca

Anonymous. Via Imgur.
P.S. HOW DO YOU DO CREDIT LINES?

Or am I doing too much?