
NORTH BAY AREA MUSEUM POLICY MANUAL

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COPYRIGHT

I. Background

The Canadian Copyright Act states that:

- “For the purposes of this Act, ‘copyright’ means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatever, to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public or, if the work is unpublished, to publish the work or any substantial part thereof, and includes the sole right:
- a) to produce, reproduce, perform or publish any translation of the work,
 - b) in the case of a dramatic work, to convert it into a novel or other non-dramatic work,
 - c) in the case of a novel or other non-dramatic work, or of an artistic work, to convert it into a dramatic work, by way of performance in public or otherwise,
 - d) in the case of a literary, dramatic or musical work, to make any record, perforated roll, cinematographic film or other contrivance by means of which the work may be mechanically performed or delivered,
 - e) in the case of any literary, dramatic, musical or artistic work, to reproduce, adapt and publicly present the work by cinematograph,
 - f) in the case of any literary, dramatic, musical or artistic work, to communicate the work to the public by telecommunication,
 - g) to present at a public exhibition, for a purpose other than sale or hire, an artistic work created after 07 June 1988, other than a map, chart or plan, and
 - h) in the use of a computer program that can be reproduced in the ordinary course of its use, other than by a reproduction during its execution in conjunction with a machine, device or computer, to rent out the computer program, and to authorize any such acts.”

II. Duration

Generally speaking, copyright exists from the life of the creator plus fifty years. There are, however, three exceptions:

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1. Photographs

2. Copyright exists for the year in which the initial negative or plate was made (or if there is no negative or plate, the making of the initial photograph) plus fifty years.
3. Films and videos made since 1944 are copyrighted for the first year of publication plus fifty years.
4. Sound recordings are copyrighted for the year of the making of the initial plat plus fifty years.

2. Works created for or published by the Crown are copyrighted for the year in which the work was published plus fifty years.

3. In the case of joint authorship

4. Copyright exists for the life of the author who dies last plus fifty years.
5. Where the author is unknown, copyright exists for the first year of publication plus fifty years, or the year of the making of the work plus fifty years.
6. For posthumous works, copyright exists from the date of publication, performance or delivery in public (whichever comes first) plus fifty years.
7. Unpublished works or works that have not been delivered or performed in public have unlimited copyright protection.

III. Moral Rights

Moral rights are separate from copyright. The creator maintains moral rights even if he/she has assigned copyright to another individual or institution. This applies even in employment situations. Furthermore, without the creator's permission, the work may not be used in association with a product, service, cause or institution in a way that is prejudicial to the honor or reputation of the creator.

IV. Policy

The North Bay Area Museum, herein called the Museum, shall endeavor, to the best of its ability, to comply with the Canadian Copyright Act in the day to

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day operations of the facility. Staff of the Museum shall become familiar with copyright issues.

The Museum shall ensure that creative works are used properly and legally in the Museum's operations and that their use clearly respects the integrity of the works. The Museum shall ensure that third party users of the Museum's collections and facilities also use creative works properly, legally and respectfully.

The Museum shall seek permission from, provide payment and acknowledgment to creators when required or desired.

Any work created by an employee of the Museum while working at the Museum, shall belong outright to the Museum. The Museum will retain all rights for duplication, publication and copyright.

The Museum shall consult with the Copyright Board or seek legal advice when unresolved issues of copyright arise.

The Secretary of the Board
Copyright Board of Canada
56 Sparks Street
Suite 800
Ottawa, Ontario
K1A 0C9
Telephone: (613) 952-8621
Fax: (613) 952-8630

Alteration of, or deviation from this Copyright Policy for the North Bay Area Museum may occur only with the consent of the Board of Directors.

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