

# Term Protection Guidelines

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Determining whether copyright protection exists is important to consider first and a determining factor for this centres on the term, or length of time that must pass before a work is no longer protected by copyright. Copyright doesn't last forever and nothing further needs to be done if the term of copyright has expired and the work is said to be in the "public domain".

These Guidelines give additional background to the 1<sup>st</sup> question in [Western's Copyright Decision Map](#). Remember that other statutory exceptions or conditions outlined in the Map may apply to your situation.

## Background

The Canadian Copyright Act, [section 5](#), provides that copyright protection automatically exists in every original literary, dramatic, musical and artistic work when it is created. There is nothing that creators need to do in order to hold copyright in their original works.

Terms of copyright are detailed in [sections 6 to 14](#). Protection lasts in most cases for the life of the author/creator, the remainder of the year in which death occurs plus the next 50 years. After this the work is no longer copyright protected and it is typically referred to as being in the "public domain".

Copyright also subsists in certain 'non-traditional' subject matter, such as performer's performances, sound recordings, and broadcast signals, where the clock generally starts from the first performance of the work or release of the recording. Legislative amendments included in Canada's 2015 Economic Action Plan No.1, the omnibus budget bill which received royal assent in June, increased the term of copyright in sound recordings and performers performances in sound recordings to 70 years following first release.

Provisions for joint authorship and anonymous works are also detailed in these sections.

The Canadian Copyright Act, [section 14.1](#), goes on to describe Moral Rights. Creators have the additional right to be acknowledged as author whenever their work is used.

## Term Protection Guidelines

Much of the material used in research and teaching and learning at Western will fall under Canadian copyright protection.

In general, assume a work is protected by copyright for a period of fifty years following the death of the creator and in the case of an audio or visual work for fifty years following its first performance or broadcast. For sound recordings term lasts 70 years following release.

Attribution is always necessary when you use the work of another in your research, teaching and learning, both from a copyright perspective, and to comply with University policy on plagiarism.

Term of copyright is one of several conditions affecting use of a work. In addition, the Canadian *Copyright Act* provides several statutory exceptions outlining specific circumstances and conditions when works may be reproduced without seeking clearance. Other exceptions or conditions outlined in [Western's Copyright Decision Map](#) may apply to your situation.

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