

Copyright for Family History

Before BIFHSGO

December 10, 2016

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What is Copyright?

- A right given to the author of an original “work” to prevent others from profiting from it.
- The author of the work has the exclusive right to:
 - copy, translate, perform, exhibit, publish and modify the work and
 - authorize someone else to do any of these things.



Copyright in published works

Canada

- General rule -- Life of the author plus 50 years from the end of the year of death
- Government documents – 50 years from end of year of publication

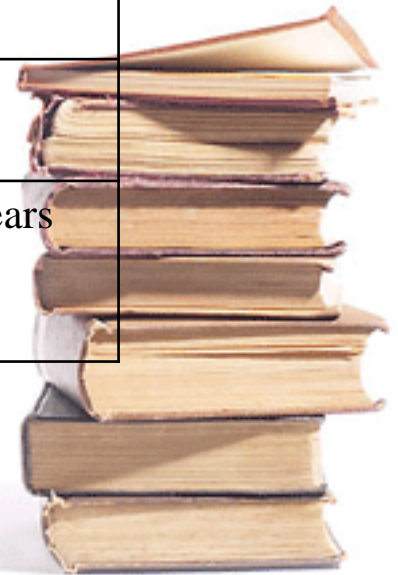
US, UK,

- Life of the author plus 70 years



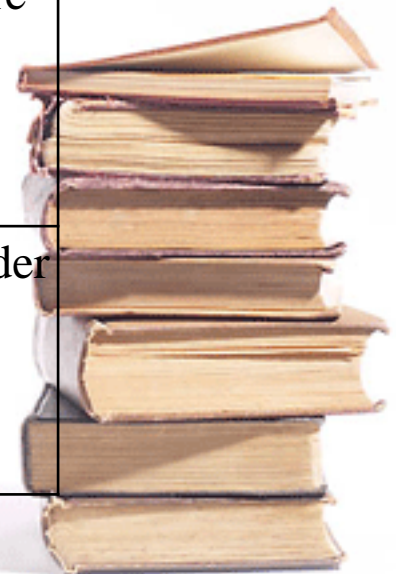
Copyright in Posthumous works

| Duration of copyright with respect to posthumous work | | |
|--|--|---|
| Where an author dies... | with an unpublished work that is... | Term of copyright |
| before December 31, 1948 | published before December 31, 1998 | 50 years from date of publication |
| | not published on or before | protected until December 31, 2003 |
| on or after December 31, 1948 | December 31, 1998 | protected until December 31, 2049 |
| after December 31, 1998 | | protected until 50 years after the end of the year of death |



Copyright in Photographs

| Copyright in photographs created before November 7, 2012 | |
|---|---|
| created before 1949 | copyright ceased to have effect after 1998 |
| created by an individual after 1948 | general rule applies |
| where the negative is owned by a corporation, and the photograph was created after 1948 and before November 7, 2012 | if the majority of its shares are owned by the creator of the photograph, the general rule applies |
| | in all other cases, the remainder of the year in which the photograph was made, plus a period of 50 years |



Digression -- Using Wikipedia

- Charts from Wikipedia article on Canadian Copyright Law
https://en.wikipedia.org/wiki/Copyright_law_of_Canada
- Text is available under the [Creative Commons Attribution-ShareAlike License](#)
- Photos available as indicated in Wikipedia article



Photo before 1949



THOMAS MCCALL AND HIS BICYCLE.
(From a Photograph by Bruce and Howie, of Kilmarnock.)

Thomas McCall
Kilmarnock

Thomas McCall in 1869 on his velocipede (from
Bicycling News 2/6/1892) Public Domain

https://en.wikipedia.org/wiki/Thomas_McCall,
accessed December 6, 2016



Post-1949 Photo



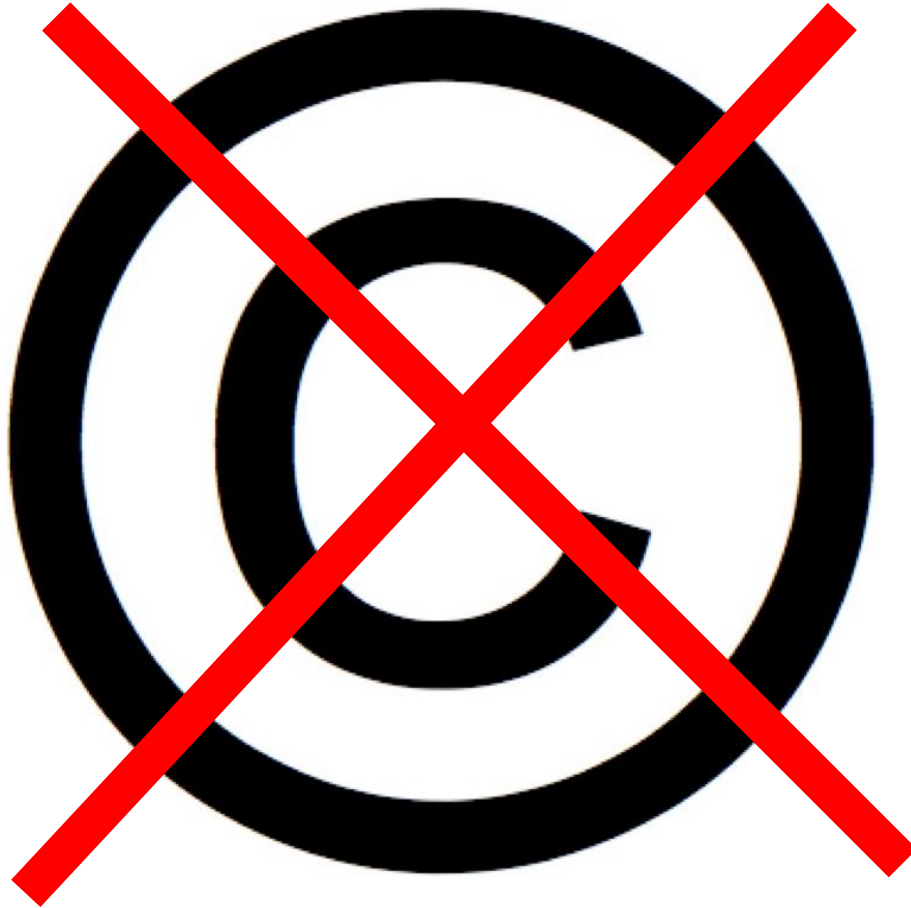
Tom McCall
30th Governor of
Oregon



BLM Washington and Oregon 1969 CC BY 2.0

https://en.m.wikipedia.org/wiki/Tom_McCall,
accessed, 2016-12-06.

What is public domain?



Using copyrighted works

- By licence
 - Authorization from the copyright-holder for you to do a specific thing
- By “fair dealing”
 - minor excerpts for research, private study, education
- By taking the chance
 - cite the source



Digression – Creative Commons

- Instead of ©, look for (cc)
- Creative Commons allows authors to establish copyright licences in advance.
<http://creativecommons.ca/>
- CC BY (see Tom McCall) is the broadest – you can do anything, as long as you acknowledge the source



Best Practices

- Find public domain works
- Look for CC licenced work
- Get permission
- No matter where you find the work or photo, attribute the source
 - ... courtesy of [owner of work]
 - ... used with permission of [owner of copyright]

