



Copyright and the student

As university students, we hear a great deal about copyright issues as plagiarism. As well, we are familiar with the practices of copying music tapes and computer program. Although these are common practices, people are often unaware of the legal implications involved with such activities. This article is a brief outline of the law of copyright in Canada.

Copyright is defined as the protection by law of the works of authors and artists giving them the exclusive right to publish other works. The law of copyright in Canada is covered by the Copyright Act. The owner of the work is the only person who may copy the work or permit another to do so. If the original owner transfers these rights (gives them away or sells them) to someone else,

the other person becomes the new owner of the copyright. Although the author may give up copyright, he or she will always retain the right of authorship. The right of authorship allows the author to prevent any modification which may be prejudicial to him or her.

There is no copyright in ideas or information. It is only the expression of the idea that is protected.

Common examples of copyrighted works are written works (books and published articles), photographs, works of art and plays. If you are planning to perform a play written by someone else, you must obtain permission to do so. This is usually done through the payment of royalties.

Although many people copy a friend's music tape or

video cassette, this is a violation of copyright law.

It is permissible to copy a computer program only if you own the original program and have it in your possession. The copied program may not be used by anyone but the owner of the original. If, for some reason, you are no longer entitled to own the original, you must destroy the copy.

Copyright law does not include plagiarism. Whereas copyright protects the expression of certain ideas themselves. Plagiarism is an academic offence rather than an infringement of copyright.

Students are permitted by copyright legislation to reproduce reasonable parts of work done by another in order to do research or to study. Therefore it is permissible to photocopy a few pages or

even a chapter of a book, but to copy the whole book would be unreasonable.

An infringement of copyright is not an offence under the criminal code so it does not carry a set punishment. However, the owner of the copyright may decide to take legal action. The punishment can be severe in the form of a large fine or even a jail-term. As well, the court may award the owner of the copied work any proceeds that have been gained by the infringement of copyright.

If you wish to obtain a copyright, information is available from the Department of Consumer and Corporate Affairs.

Consumer and Corporate Affairs Canada
Atlantic Regional Office
Suite 1500
1489 Hollis Street, Halifax,

N.S.
B3J 3M5. tel. 902-426-6080.

A relatively simple way of establishing your ownership of a piece of work is to send yourself a copy through registered mail. The receipt you will receive from Canada Post is proof of the existence of copyright on that date.

This column is intended to be used as a guide only. It is not meant to be a replacement for professional legal advice. If you require any additional advice or legal counselling, please contact a lawyer.

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