



damages. Finally, registration of unpublished software does not compromise or conflict with the confidentiality necessary for maintaining trade secret status.

For the multimedia developer a multitude of copyright issues surface. The developer must secure copyrights on the software being developed, as well as pay all royalties on licensed copyright media. This could include text, video, sound, graphics, animation, photographs, music, speech, graphs, drawings, diagrams, or data. An oversight of royalty payments may lead to financial loss and cessation of production. Also, data collected by the Government of Canada are not as easily accessed as data collected by the United States government. The reason is that the freedom of information act or privacy legislation is not as liberal in Canada.

Organizations, commonly called clearinghouses, specialize in licensing each segment of a multimedia production. Local software or multimedia associations can answer inquiries as to the names and addresses of local clearinghouses.

Copyright Infringement

When infringement is suspected, and the financial stakes are high, many companies settle copyright disputes in a court of law. However, new methods of mediation common to other areas of law are providing new avenues for dispute resolution.

If a foreign copyright owner applies for a copyright in his or her native country, and if that country belongs to the Berne Convention, then that individual has the right to sue to enforce a copyright, irrespective of registering it in the U.S or Canada. By contrast, the opposite is true only after a registrant has been issued a copyright from either a non-Berne Convention nation or an owner of a copyright first published in the U.S.; the U.S. Congress is currently considering legislation that would change this difference.

In a lawsuit one may sue for preliminary and permanent injunctive relief, future profits, or statutory damages in lieu of damages. Statutory damages could range from \$500 to \$20,000 (or Cdn\$ 25,000) for each work copied. Unwilful intent can have the fine reduced to \$200. In special circumstances, when the court finds that the defendant committed "wilful" copyright infringement the fine may be increased to \$100,000 (or Cdn\$ 1,000,000) plus a jail term of 6 months to 5 years.

An alternative to litigation in infringement disputes that is gaining international momentum is Alternative Dispute Resolution (ADR). Because of the often times highly technical nature of international transactions involving intangible property and tangible goods, it has been found that civil court procedures may be obviated using ADR, saving time and