



subject, a U.S. resident or a subject of a country adhering to the Berne Convention. A corporation has protection for 75 years. Exceptions to the length of copyright include photographs and Canadian Crown works (federal or provincial government works).

Copyright protected material inhibits the unauthorized duplication, modification or distribution of material. An author may prepare a derivative work as well as authorize others to do so. "The most important limitation of these exclusive rights is the fair use doctrine, which permits fair use of a copyright for purposes such as criticism, comment, news reporting, teaching, scholarships, or research."² These works include books, songs, motion pictures, sound recordings, computer software, photographs and textile designs.

For computer software to qualify for protection it must be an expression of an idea, and be an original literary work. Stated differently, copyright protects the expression of the concepts and not the underlying ideas themselves. Software is an expression if it exists in the form of screen images, manuals, user interfaces, specifications, source code and accompanying documentation. Originality takes form when substantial skill, or experience of the author is used.

Canadian law differs slightly from U.S. law in disclosure for both published and unpublished works. In Canada there is no need for disclosure. This allows the author to maintain confidentiality of any secret component of work. This is especially significant in both human-readable source code and machine-readable object code, as well as system design specifications. In addition, external storage medium or main memory also qualify for copyright protection.

Registering a copyright is a fairly simple process. Applications are submitted to the U.S. Copyright Office or Canadian Copyright Office. For computer software a completed application includes a modest fee and excerpts of source code (U.S. only). Registration typically takes 3-4 months. An attorney may help to complete the application.

The Universal Copyright Convention requests that copyrighted material contain: the C inside a circle stamp; the year of publication; and the name of the copyright owner. A copyright may or may not be registered; however, registration brings with it certain benefits to the owner. A registered copyright informs the reader of first authorship, forces a challenging party to disprove copyright legitimacy and allows the holder to recover

² Smart, T.A., Desevo, R.A. (1994) US litigation - a panoramic view, *Managing Intellectual Property*, March, p 41.