
Copyright and Your Research

108 Customer
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The Canadian *Copyright Act* gives a creator the exclusive right to reproduce, perform, or publish his/her work. The records in the holdings of the Archives of Ontario all have creators, whether it be an architect drawing up the plans of Casa Loma, a citizen writing a letter to her MPP, or a government photographer covering a Royal Visit.

The *Copyright Act* also balances the rights of creators to control the use of their works with the needs of users who require access to copyright material for specific purposes. Recent amendments to the Act include certain exceptions that permit the Archives to provide copies of material in its holdings subject to certain conditions. The following policies are consistent with Canadian copyright law.

*The Archives of Ontario will make one copy of any record in its holdings **for research or private study**, unless donors or copyright holders have expressly prohibited copying or other restrictions apply (e.g., to preserve the record).*

*The Archives of Ontario Library will make copies of single periodical articles, or of portions of books and other published works, **for research or private study**, in accordance with the Fair Dealing clause in the Copyright Act.*

For uses other than research or private study, researchers must submit a Request for Permission to Publish, Exhibit or Broadcast form.

This policy is necessary because the Archives of Ontario needs to confirm that there are no legal restrictions on the use that is made of its holdings. Archivists will check the copyright status of the record and will check if the donor has placed any additional restrictions on its use before granting permission to publish, exhibit or broadcast.

The *Copyright Act* also applies to records obtained through a request made under the *Freedom of Information and Protection of Privacy Act*.

What the *Copyright Act* means for your research

Self-serve Copying

Please be aware that you are responsible for any infringement of copyright when you make copies in the Reading Room either from the microfilm printers, from the computers (by printing or downloading) or with your digital camera.

Requesting Copies

To fulfil its obligations under the *Copyright Act*, the Archives of Ontario must keep a record of every copy order and be satisfied that the person ordering a copy will only use it for research or private study. This means that a copy request form must be completed in detail and signed for all copying. For instructions on filling out a reproduction order, please consult Customer Service Guide No. 106, *How to Order Reproductions*.

The Act requires the Archives to make information about copies made (including the name of the requester and the material copied) available to the copyright owners or their agents upon written request.

Requesting permission to publish, exhibit or broadcast

In what cases do I have to request permission from the Archives?

You are required to submit a "Request for Permission to Publish, Exhibit or Broadcast" form (available in the Archives' Reading Room) for use beyond research and private study of any copy, regardless of copyright status, acquired from the Archives. Please request permission if you plan to use the copy in any of the following ways, whether for-profit or not-for-profit:

- in a publication such as a book, newsletter, newspaper, journal article, pamphlet, or brochure
- on a website, CD-ROM
- in a film, radio, television or internet broadcast
- in a curriculum aid, academic paper
- in an advertisement, poster, post-card
- in an exhibition in a gallery, museum, display, or space accessible to many people
- when quoting the whole or a substantial part of a document
- in short, for any work that will be reproduced OR viewed by many people

In what cases would I NOT have to request permission for use beyond research and private study?

Case 1: publishing, exhibiting, or broadcasting an insubstantial part of any record (e.g., one paragraph of a letter) is not an infringement of copyright. Please be sure to cite the "Archives of Ontario" as the source of the record; consult Customer Service Guide No. 107 *Guide to Citing Archival Records* for further details.

Case 2: publishing, exhibiting, or broadcasting copies of **records owned by other institutions** (e.g., microfilm from another archive or library, photocopies or transcripts of manuscripts owned by another institution, copy negatives of photographs whose originals are held by another repository).

In this case, you must request permission from the owner of the original or the copyright holder. If in doubt about the ownership, submit a Request for Permission to Publish Exhibit or Broadcast form to the Archives of Ontario.

Case 3: publishing, exhibiting, or broadcasting less than a substantial part (e.g., one chapter in a book) of **published material where copyright is held by the Crown** (Government of Ontario) or publishing, exhibiting, or broadcasting **published material whose author died more than 50 years ago**.

Case 4: uses such as hanging a copied photograph in your living room, or posting a copied reference map at your workstation, or if you are quoting less than a substantial part of a record (e.g., a few sentences of a document).

If in doubt, submit a Request for Permission to Publish, Exhibit or Broadcast form to the Archives of Ontario.

What happens after I submit my request for permission to publish, exhibit or broadcast?

Within 2 weeks, the Archives of Ontario will respond to your request either authorizing use or explaining that the Archives cannot grant permission because of copyright or donor restrictions. The Archives will supply any information we have on file to assist you in identifying and locating the copyright holder, but it is ultimately your responsibility to contact him/her to request permission. If there is insufficient information for an archivist to determine copyright status, the decision and risk to proceed with the use is assumed by the researcher.

If you are granted permission, be sure to cite the source of the material as “Archives of Ontario”. A full citation will allow others to locate the original and also gives credit to the creator or donor of the material. Consult Customer Service Guide No. 107 *Guide to Citing Archival Records* for further details.

Note:

Please be aware that the copyright information given in descriptions of archival material is only as accurate as a preliminary assessment allows. Determining who holds copyright can be a very complex investigation. Once a request for permission to publish, exhibit or broadcast is received, archivists will more carefully examine the copyright status of each individual record.

Further Information?

Consult a Reference Archivist who will be happy to help you with your copyright question. You may telephone or write to them by mail or e-mail or — best of all — visit the Archives in Toronto.

Reference Desk

Telephone: 416-327-1600 or 1-800-668-9933 (Ontario only)
E-mail: reference@ontario.ca
Address: 134 Ian Macdonald Blvd., Toronto, ON M7A 2C5

Website

For information about the Archives of Ontario, our holdings, access to research guides and other customer service materials, please visit our website (www.archives.gov.on.ca).

For the wording of the *Copyright Act*, visit <http://laws.justice.gc.ca/en/C-42/index.html>.

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