

# **So, You Want to Teach/Present Therapeutic Touch! An introductory Guide to Copyright Law in Canada**

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N.B.: Please be advised that the purpose of the following information is purely educational. The author is not an expert in Canadian Copyright Laws. For detailed information refer to the Government of Canada.

## **What is copyright?**

- An act that prohibits others from copying valuable creations/work worth protecting without the permission of the originator.
- Copyright refers to the sole right to produce or reproduce a work or a substantial part of it in any form.

<http://sbinfocanada.about.com/od/insurancelegalissues/a/copyright1.htm>

## **Why is copyright important?**

- “Ensures that creativity and expression are not stifled.
- Without copyright, authors would not be compensated for their work.
- Preserves the market for the original work.
- Prevents the work from being changed.
- Acknowledges the legacy of the work.”

Library Services Handout, Toronto East General Hospital

## **What is Copyright Infringement?**

- In general, only the copyright owner, often the creator of the works, is allowed to produce or reproduce the work or to permit anyone else to do so.
- To do otherwise is a “copyright infringement”
- Most common: copying part or all, of a copyright work without permission

[http://sbinfocanada.about.com/od/insurancelegalissues/a/copyright1\\_2.htm](http://sbinfocanada.about.com/od/insurancelegalissues/a/copyright1_2.htm)

[http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h\\_wr02281.html#appendixII](http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr02281.html#appendixII)

## **What is covered by the copyright law?**

- All original, dramatic, musical, artistic & literary works, including computer programs.
- Works of art, including cartoons.
- Applies to performances, communication signals & sound recordings.
- Canadian government information.

<http://sbinfocanada.about.com/od/insurancelegalissues/a/copyright1.htm>

## Consider the following...

- Copyright law generally does not protect the underlying ideas of a creative work, and it does not protect facts.
- For example, copyright doesn't prevent you from expressing, in your own words, ideas and facts found in a book or journal you read (but you should always give appropriate credit to the sources in which you found them; it is common courtesy to do so, and protects you from potential lawsuits).
- Paraphrasing other people's work may also constitute plagiarism under state common law and may run afoul of misappropriation statutes.
- Can't copyright an idea!
- Copyright is restricted to the expression in a fixed manner of an idea
- Does not extend to the idea itself

<http://www.wikihow.com/Avoid-Copyright-Infringement>  
<http://sbinfocanada.about.com/od/insurancellegalissues/a/copyright1.htm>

## Is anyone/anything exempted?

### Exceptions:

- Non-profit educational users
- Non-profit libraries, archives, museums

[http://sbinfocanada.about.com/od/insurancellegalissues/a/copyright1\\_2.htm](http://sbinfocanada.about.com/od/insurancellegalissues/a/copyright1_2.htm)

## Fair Use/Fair Dealing Exception

- Allows some limited uses of copyrighted works without the author's permission when the purpose of the use is a critique, commentary, teaching or reporting.
- Determined on a case-by-case basis and is more likely to exist when the copyrighted material is being used in a non-profit manner, only a limited portion of the copyrighted work is being used, and the use will not affect the commercial market for the original copyrighted work.
- Although there is no precise rule for establishing fair use, typical examples include quoting brief book passages in a book review, making parodies of original works, and teaching and sharing brief book passages with students to foster an educational discussion.
- fair use is a body of law designed to ensure that copyright laws do not infringe freedom of speech or the ability to make critical commentary.
- Fair use permits limited copying of copyrighted material. In some jurisdictions, for example, it would allow creating a copy for personal use (such as a backup).
- Other examples of fair use could include a single screenshot of a computer program or game, a one- or two-sentence summary of an article, a copy of a sentence or short paragraph from an article, or a longer passage from a book which is necessary for your summary or commentary on the work.

[http://www.ehow.com/facts\\_4924115\\_why-copyright-laws-important.html](http://www.ehow.com/facts_4924115_why-copyright-laws-important.html)  
<http://www.wikihow.com/Avoid-Copyright-Infringement>

### However, consider the following....

- **Don't rely on fair use.** Fair use law is not a blank check granting you a right to do anything at all and call it "fair use."
- Fair use is an extremely complex body of case law, and it is often very, difficult to be certain whether-or-not a certain use will be considered fair use in court.
- If in doubt, seek permission first. As Attorney Ivan Hoffman writes: "Fair use is at best an "iffy" defence and there is virtually no way that anyone can say, in advance, whether the defence will be successful. Thus, in any instance, the best and most advisable course of action is to license materials."

<http://www.wikihow.com/Avoid-Copyright-Infringement>

### Here's some good advice!

- Don't assume that something is without copyright just because it is on the internet. Assume copyright until you can reasonably prove otherwise.
- Do not, under any circumstances, violate copyrights belonging to Disney, Walmart, Vivendi Universal, Time Warner, and LionsGate. These organizations are highly, aggressive and merciless when it comes to enforcing their copyrights.
- Generally, copyright lasts for the life of the author, the remainder of the calendar year in which the author dies, and for 50 years following the end of that calendar year
- There are a few exceptions, therefore, before copying it, verify that any work you think is in the public domain actually is in the public domain.
- Search the Copyright database free of charge for all Canadian copyrights registered as of October 1991.
- Work prior to 1991 visit Client Service Centre where these records are stored
- One of the most frequent errors that get people in trouble is in using free photo sites. Just because the photo is on one of these sites does not mean the person who posted it there had the right to do so.

<http://www.wikihow.com/Avoid-Copyright-Infringement>

[www.ic.gc.ca/eic/site/cipointernal-internetetopic.nsf/eng/h\\_wr02281.html#understandingCopyright](http://www.ic.gc.ca/eic/site/cipointernal-internetetopic.nsf/eng/h_wr02281.html#understandingCopyright)

### How will I know if something is copyrighted?

- Copyright exist automatically when an original work is created.
- Registration is not required but is valuable evidence of ownership should ownership be in question

<http://sbinfocanada.about.com/od/insurancellegalissues/a/copyright1.htm>

### What could happen if I got caught?

- A cease and desist order
- Damage awards & injunctions to prohibit infringement conduct
- Owner could opt to receive damages based on actual damages suffered
- Criminal offences & imposed penalties
- Indictable offences
- Fines

- Imprisonment

[http://sbinfocanada.about.com/od/insurancelegalissues/a/copyright1\\_2.htm](http://sbinfocanada.about.com/od/insurancelegalissues/a/copyright1_2.htm)

### **How to Avoid Copyright Infringement....**

- Understand the scope of the copyright act.
- Appreciate that almost everything is copyrighted
- Consider anything on the internet is copyrighted by default and 'found on the internet' is not a defence.
- Just because it doesn't say it has been copyrighted doesn't mean it isn't.
- Scanning something yourself doesn't give you new copyright to that material.
- Get permission to copy
- Give reading lists – make people make their own copies
- Use material for which license is granted up front
- Handouts: avoid whole articles or chapters
- Be creative. Your own original work will not be a copyright violation.

<http://www.wikihow.com/Avoid-Copyright-Infringement>

### **Citations**

- A short formal indication of the source of information or quoted material
- The act of quoting material or the material quoted
- There are different styles of citation. Choose one and use consistently through the body of your work

<http://www.plagiarism.org/plagiarism-101/glossary>

### **It is considered plagiarism if you...**

- Steal &/or pass off the ideas or words of another as one's own
- Use another's production without crediting the source
- Commit literary theft
- Present as new & original an idea or product derived from an existing source.
- Turn in someone else's work as your own
- Copy words or ideas from someone else without giving credit
- Fail to put a quote in quotation marks
- Give wrong information about the source of a quote
- Change words but copy the sentence structure without giving credit
- Copy so many words or ideas from a source that it makes up the major of your work, whether you give credit or not

<http://www.plagiarism.org/plagiarism-101/what-is-plagiarism>

### **Common Knowledge**

- Information readily available from a number of sources or so well known that its source does not have to be cited i.e. carrots are a source of Vitamin A; definition of chakras"

<http://www.plagiarism.org/plagiarism-101/what-is-plagiarism>

## Avoiding Plagiarism

- “In most cases plagiarism can be avoided by citing sources – acknowledging that certain material has been borrowed & providing your audience with the information necessary to find the source”

<http://www.plagiarism.org/plagiarism-101/what-is-plagiarism>

## Copyright is an interesting ethical question!

- In reality, we all use or have used copyright materials.
- In practical terms, we are unlikely targets but **don't** kid yourself it could happen. Forewarned is forearmed.

## Reference

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[http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h\\_wr0228.html](http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr0228.html)

Library Services Toronto East General Hospital