



# Copyright: It's Your Right

## *Welcome to SOCAN*

*SOCAN and its predecessors have been administering the communication and performing rights of Canadian songwriters, composers, lyricists and music publishers for more than 80 years. That tradition continues today in an organization that is leading the way in the rapidly evolving music industry for more than 80,000 members, and hundreds of thousands of creators and publishers worldwide.*

*SOCAN is governed by a member-elected board of directors, made up equally of publishers and writers, and guided by a Passion for Service. In addition to our members, we serve our music-user customers. We offer them access to one of the world's most valuable cultural assets: virtually the entire repertoire of copyright-protected music for communication and public performance.*



**SOCAN**

Society of Composers, Authors and  
Music Publishers of Canada

Société canadienne des auteurs,  
compositeurs et éditeurs de musique

# The Basics

## Copyright: It's Your Right

Copyright, literally “the right to copy,” is a legal concept that was first introduced in Britain under the 1709 Statute of Anne. Today, the concept is honoured and upheld throughout the developed world and in many developing countries, providing protection and the right to economic remuneration for creators, and access to creative material for users.

Copyright is the basic principle that determines who is the first owner of all rights in original musical, literary, dramatic and artistic works, and is set out in Canada under the terms of the *Copyright Act*. The copyright owner is the only party allowed to produce or reproduce the work in question or to authorize others to do so.

Copyright in a musical work (generally residing with the creator) is distinct from copyright in a recording of that musical work (generally residing with the producer of the recording, such as a record company). Separate protection exists because the work and the sound recording are considered two different “works.” Note that titles of songs or other musical works are not subject to copyright, and neither are “ideas.”

### The rights stuff

Copyright comprises several different and distinct rights that have evolved, over time, in response to technology and other changes, and which continue to evolve. Today, the Canadian *Copyright Act* encompasses several separate rights that belong to anyone who creates music or lyrics. Anyone who uses these things without your permission is violating your rights. However, each of these rights may be assigned to another party, as outlined in the following table.

THE RIGHT	WHAT IS IT?	WHO OWNS IT?	WHERE CAN I GET MORE INFO?
<b>Performing right</b>	<p>The right to perform a work includes the right to:</p> <ul style="list-style-type: none"> <li>• <i>communicate</i> the work to the public by telecommunications (e.g. broadcast, podcast, etc.)</li> <li>• <i>perform</i> the work in public, or</li> <li>• <i>authorize</i> others to do so in return for royalty payments</li> </ul>	<p>First owner is the creator, who may choose to assign this right to a performing rights organization (PRO), such as SOCAN</p>	<p>SOCAN (<a href="http://www.socan.ca">www.socan.ca</a>)</p>
<b>Reproduction right</b>	<p>The right to <i>reproduce</i> the musical work. Includes either:</p> <ul style="list-style-type: none"> <li>• <i>Mechanical Right</i> (required for audio reproductions such as sound recordings) or</li> <li>• <i>Synchronization Right</i> (required for reproductions of the musical work in audio-visual productions such as films and television shows)</li> </ul>	<p>First owner is the creator, who may choose to assign the right to a publisher or to a reproduction rights organization</p>	<ul style="list-style-type: none"> <li>• <i>Canadian Musical Reproduction Rights Agency</i> (CMRRA, <a href="http://www.cmrra.ca">www.cmrra.ca</a>)</li> <li>• <i>Society for Reproduction Rights of Authors, Composers and Publishers in Canada</i> (SODRAC, <a href="http://www.sodrac.com">www.sodrac.com</a>)</li> </ul>
<b>Production right</b>	<p>The right to produce or copy the musical work (e.g. sheet music), or to adapt or arrange the work</p>	<p>First owner is the creator, who may choose to assign the right to a publisher</p>	<p>Canadian Music Publishers Association (<a href="http://www.musicpublishercanada.ca">www.musicpublishercanada.ca</a>)</p>

### The “how to”

In general, under Canadian law, you are automatically the copyright owner of each work you create, providing you are a Canadian citizen or ordinarily reside in Canada, unless you assign the copyright (or any of the separate rights outlined previously) to another party. Copyright owners are not required to actually “register” the copyright in their works.

If you do decide you want to “register” the copyright in your works, contact the Canadian Intellectual Property Office ([www.cipo.gc.ca](http://www.cipo.gc.ca)), the U.S. Copyright Office ([www.copyright.gov](http://www.copyright.gov)), or the Songwriters Association of Canada ([www.songwriters.ca](http://www.songwriters.ca)).

Affixing the copyright notice (© 2006 John Doe) to your manuscripts, lyric sheets or recordings is not a requirement under Canadian law. However, this practice is advisable, especially for securing copyright protection in those countries that are not signatories of one or more of the international copyright treaties (e.g. Berne Convention, Universal Copyright Convention, Rome Convention), or aren’t members of the World Trade Organization (WTO). Also, it serves as a reminder to everyone that the work is protected by copyright.

continued 

## The timeline

Canada's *Copyright Act* generally grants copyright owners protection and the right to economic payment for the life of the last surviving creator of a work plus 50 years following the end of the calendar year of his or her death. Canadian law applies to all activity in Canada and to works created by Canadian citizens anywhere in the world. By the same token, other countries abide by their own copyright laws, and those laws apply within their borders. Some countries, notably those within the European Union and the U.S., grant copyright protection for "life-plus-70" years.

## Public domain

Once copyright in a work has expired the work becomes public domain for that territory, and may be produced, reproduced, performed, adapted or arranged by anyone, at any time. The work no longer has a "copyright owner." In some cases, a public domain work that is newly arranged or adapted may take on a new copyright, and the arranger becomes the copyright owner of that specific arrangement only.

## The Copyright Board

The Copyright Board of Canada is an economic regulatory body empowered to set fees to be paid (as well as terms and conditions) for the use of copyright-protected works administered by "collectives" such as SOCAN, who in turn distribute the monies as royalties to their members. The Board also has the right to supervise agreements between users and licensing bodies, and issues licences in cases where copyright owners cannot be located, among other things. The Copyright Board is based in Ottawa and reports to Parliament through the Minister of Industry.

Each year, SOCAN proposes new or newly modified tariffs to the Copyright Board (covering the communication/performance of music on, for example, Internet, radio, TV, and in concert halls, clubs, cinemas, retail stores). The Board then schedules hearings at which SOCAN presents its case, countered by arguments from relevant music-user groups. Once the Board has reached a decision, the tariffs are published in the *Canada Gazette*, the Canadian Government's official newspaper, as well as on the Board's website ([www.cb-cda.gc.ca](http://www.cb-cda.gc.ca)).

Contact Us

1-866-307-6226 or [www.socan.ca](http://www.socan.ca)

We would be happy to discuss our operations and our *Passion for Service* in more detail. Whether you are a music creator, a music publisher, or a music user, you will discover that SOCAN can be an invaluable partner in performance.

Please do not hesitate to contact us by e-mail, phone or fax with your questions and comments. For immediate information, be sure to visit our Website at [www.socan.ca](http://www.socan.ca), or call 1-866-307-6226.



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what's right for music  
la musique a ses droits