

COPYRIGHT SESSION

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Halifax, NS

TIANS CONFERENCE

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doc#2538871

 **STEWART
MCKELVEY**
LAWYERS • AVOCATS

Overview

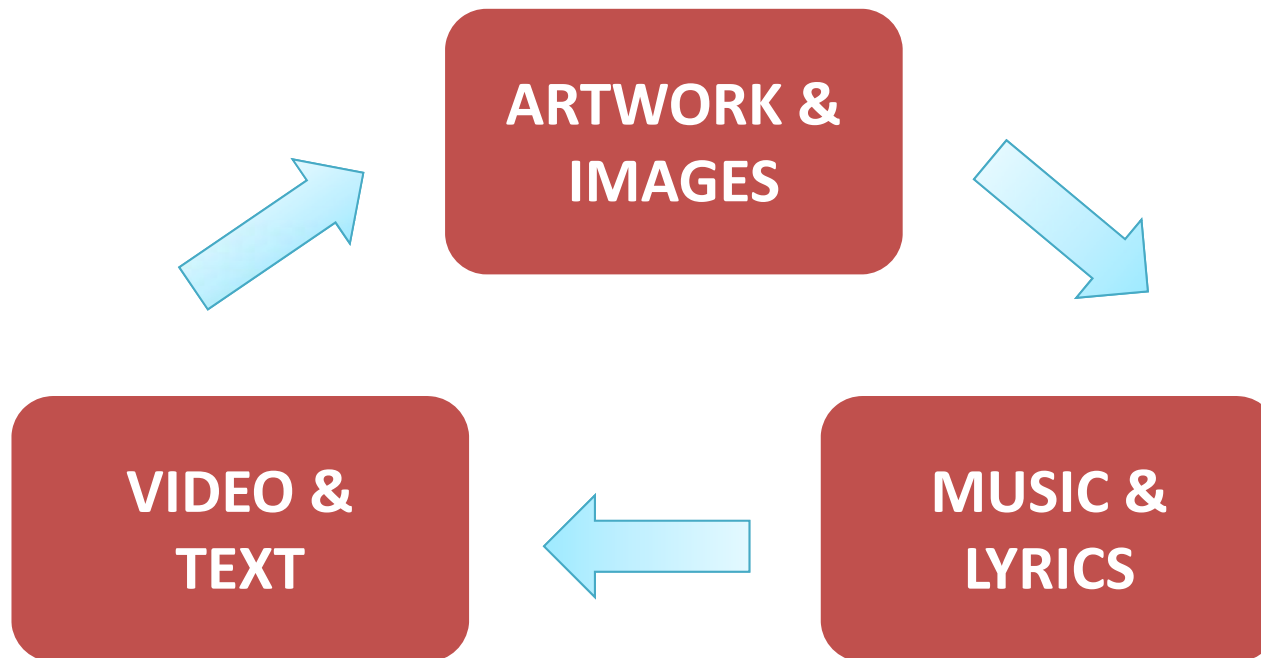
- Subject Matter
- Ownership
- Copyright Protections
- Copyright Infringement
- Social Media Case Study
- Recent Cases

© Basics

COPYRIGHT IS:	COPYRIGHT IS NOT:
Originality	An Idea
Form of Expression	A Trade Mark
Expression of Ideas	Forever

SUBJECT MATTER

© Works



© Owners

- AUTHOR = FIRST OWNER
- BUT EXCEPTIONS exist:
 - Employment context
 - Contractor context
 - Government context
 - Contractual context

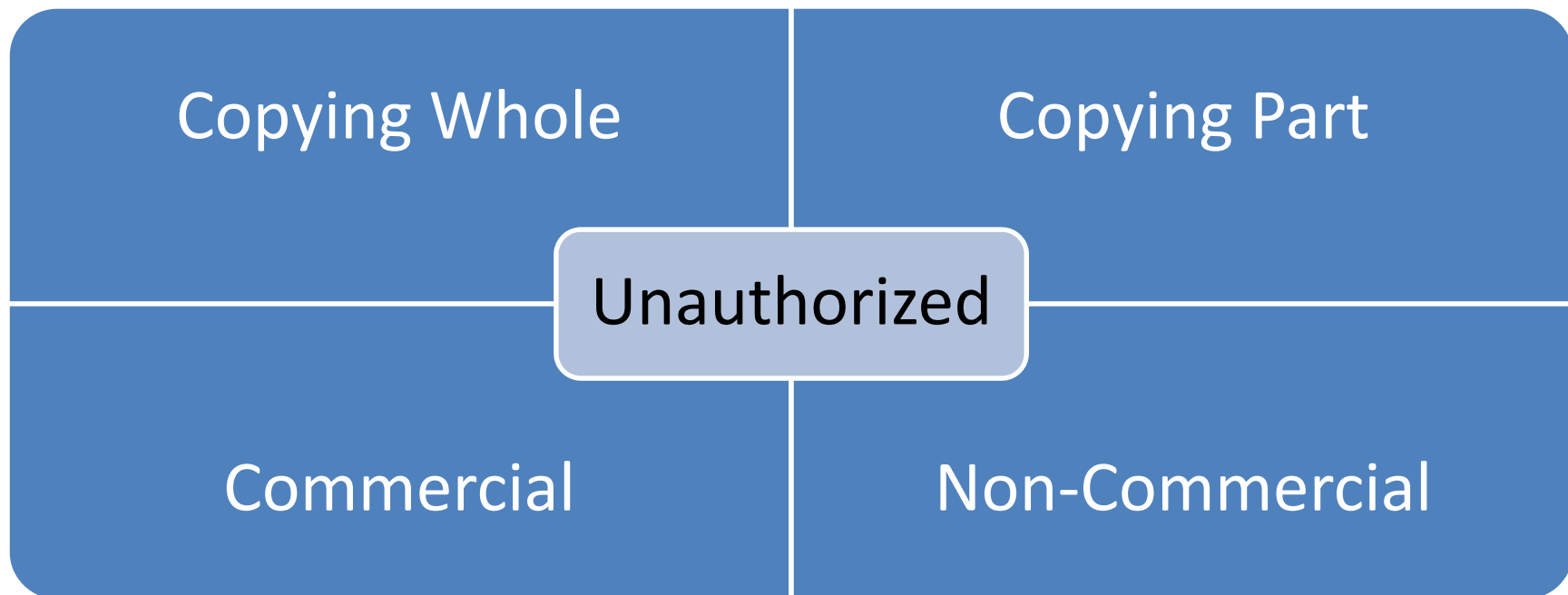


© Protections

- Right to Reproduce
- Right to Publish
- Right to Perform
- Right to Publish
- Right to Communicate to the Public
- Right to License, Sell, Transfer, etc.



© Infringement



© & Social Media



© Issues

Unauthorized Uploading

Unauthorized Conversion

Unauthorized Linking

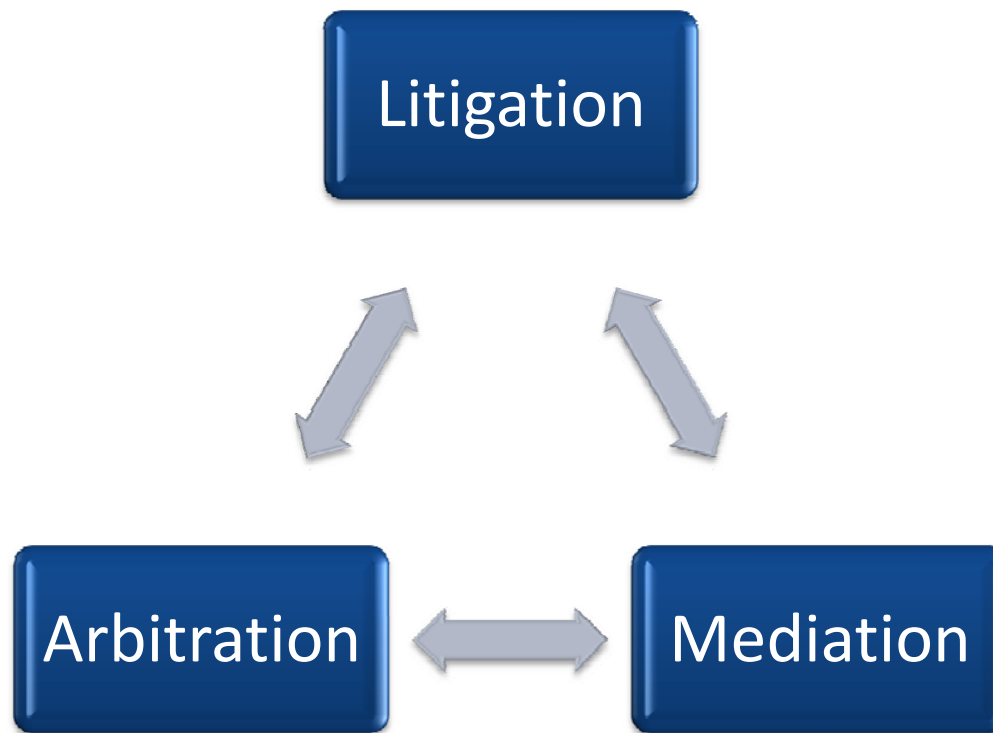
Unauthorized Posting

Unauthorized Transmission

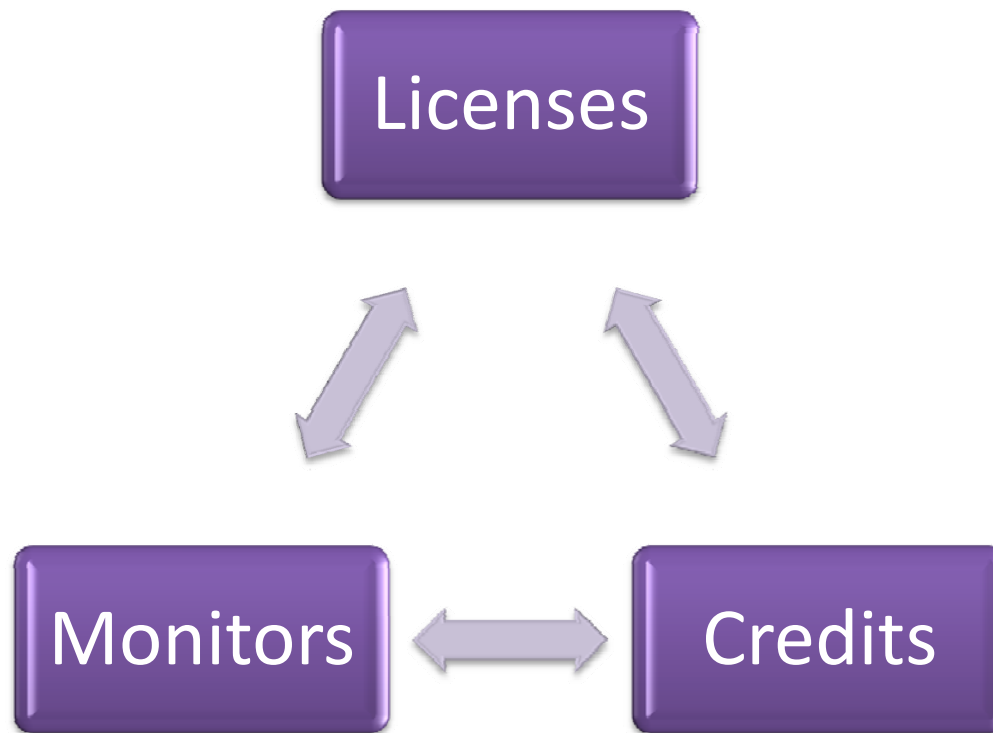
© Enforcement



© Hard Approach



© Soft Approach



© Risk Management

- Create portfolio of templates
- Develop in-house policies
- Seek advance clearance
- Establish system of monitoring
- Obtain advance legal opinions

© Cases in 2012

- Re: Sound v. Motion Picture
 - Sound Recordings do not include Soundtracks
 - Independent © Protections apply
- Rogers v. SOCAN
 - Music Streaming is a Communication to the Public
 - SOCAN Tariff applies

Questions

