



SOCAN

Society of Composers, Authors and
Music Publishers of Canada

Société canadienne des auteurs,
compositeurs et éditeurs de musique

COPYRIGHT - BACKGROUNDER

Copyright is the legal right that belongs to the creators of original literary, dramatic, musical and artistic works, with each of these general categories covering a wide range of creations. In Canada, protection of copyright works extends from the moment of creation to 50 years after the death of the creator or the last surviving collaborator. Copyright also includes several different and distinct rights that have evolved over time in response to changes such as new forms of technology.

Generally, the creator of a work (intellectual property) is the first owner of any copyright. However, authorship is not synonymous with ownership; creators can transfer their intellectual property in whole, or in part, to another party. In Canada, copyright is automatic upon creation; therefore, it is not necessary to formally register with the Copyright Office. Most creators do register, however, to assist in establishing ownership and creation date.

The Copyright Act of Canada recognizes several distinct and separate rights that belong to anyone who creates music or lyrics. The most significant of these are the performing right and the reproduction right:

1. **Communication and Performing Rights:** This is the right to publicly perform or communicate to the public by telecommunication (CPT) a copyright-protected musical work, or to authorize others to do so in return for royalty payments. The performing right is the most important right because performance is the chief way that music is used. In addition, performing rights royalties are often the primary source of income for music creators.

This right is especially important in the digital market place where music can be performed or communicated through a myriad of ways including the evolving technologies of fibre optic cable, satellite broadcasting, computer software, digital recording and the Internet.

Performing rights are administered in every developed country and in the majority of developing countries worldwide by a network of performing rights organizations like SOCAN.

2. **Reproduction Right:** This is the right to produce or reproduce a musical work by means of a recording. For recordings, "mechanical right" refers to audio reproduction (CDs, cassette tapes, etc.), and "synchronization right" refers the use of recorded music in combination with visual images for audio-visual productions (films, video, television programs, etc.).

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The Canadian Musical Reproduction Rights Agency Limited (CMRRA) and the Society for Reproduction Rights of Authors, Composers and Publishers in Canada Inc. (SODRAC) license mechanical and synchronization rights on behalf of music creators.

The Neighbouring Right is the right to publicly perform or communicate a sound recording, or to authorize others to do so in return for royalty payments. This is not a copyright.

In Canada, the Re:Sound (formerly known as the NRCC) and Société de gestion des droits des artistes musiciens (SOGEDAM) license the public performance and communication of sound recordings.

According to the Copyright Act of Canada, anyone wishing to publicly perform, record, or communicate copyright music must seek permission from the copyright owners prior to using a particular piece of music.

In the case of both performing and neighbouring rights, permission must be obtained through the applicable organization, or "copyright collective" such as SOCAN, that administers one or more of the various rights on behalf of the copyright owners, who are their members.