

# Copyright for Authors and Creators – Frequently Asked Questions

<https://library.usask.ca/copyright/authors-and-creators/frequently-asked-questions.php>

## 1. Who owns the copyright?

Generally, the creator owns copyright unless it has been assigned to another entity, such as a publisher or other person. If the work was created in the course of employment, the employer will own the copyright. University of Saskatchewan faculty own copyright in their own works, including course material and lectures in accordance with the collective bargaining agreement between the university and the University of Saskatchewan Faculty Association (USFA). For non-faculty staff, the university retains copyright in works created during the course of employment. Undergraduate students retain copyright in all works created during their course of study. Graduate students retain copyright in their own works (including theses) unless a research contract in support of the student's work dictates otherwise.

## 2. When does copyright protection take effect?

In Canada, an original work is automatically protected by copyright as soon as it is created in a fixed form (e.g., written down on paper, saved on a computer, recorded, videotaped or painted on canvas) except for a sound recording, performer's performance or communication signal (which may be transmitted instead of fixed). The work does not have to be in its final form to be copyright-protected.

## 3. Do I have to do anything in order for my work to be protected?

No. Copyright in a work exists automatically when an original work is created, so the owner is protected under copyright law. Registration of copyright through the Canadian Intellectual Property Office ([CIPO](#)) does not preclude or enhance protection. However, it is still a good idea to register your copyright and to include a copyright statement on your works.

**4. Are there any limits on the rights of copyright owners?**

Yes. Copyright can expire (e.g., the “life plus 50” rule) and works will then become part of the [Public Domain](#). Material in the Public Domain may be freely copied without permission or payment of royalties. There is also an important exception to the rights of copyright owners known as [fair dealing](#). The fair dealing exception in the Copyright Act attempts to balance the rights of the copyright owner with the needs of others, such as students and researchers, who require access to copyright-protected materials to pursue their studies and research activities.

**5. What rights do I have to distribute, or allow distribution of, copies of my works that have been published**

This depends on any contracts that you may have signed with the publisher of your work. If you retained copyright in the publishing contract, you can distribute your work (as well as give or withhold permission for others to do so) at your discretion. If you have signed copyright over to a publisher, then permission must be acquired from the publisher for the copying and distribution of your work unless the use of the work is covered by an existing license or an [exception](#) in the Copyright Act such as the [fair dealing exception](#).

**6. How do I retain copyright for my work when it is published?**

To assist authors in retaining their copyright when publishing a journal article, the Canadian Association of Research Libraries ([CARL](#)) has put together a [brochure](#) with some practical tips for negotiating publishing contracts as well as an [addendum](#) that authors can try to add to their contracts with publishers. The brochure also includes some information that would be helpful for negotiating contracts with book publishers.

Two additional resources that may be helpful are:

- a [Library Guide on author rights](#) from McGill University; and
- a [short guide to negotiating with publishers](#) from an Arizona State University Library Guide.

One option for disseminating your work while retaining your rights as the author/creator of a work is to publish your work openly. This University of Saskatchewan Research Guide on [Open Access](#) provides background information on the open publishing movement, as well as information specifically for authors and information about how to publish different types of materials openly.

## 7. How do I avoid publishing with predatory publishers and predatory journals?

Librarians at the University of Saskatchewan have created a [Predatory Publishers](#) Research Guide to help the university community identify and avoid publishing with “questionable or disreputable” journals and publishers, which are commonly known as “predatory” journals/publishers.

## 8. Do I need copyright permission to use an existing scale, survey, test, or measurement tool in my research study?

Unless it is otherwise noted, you should always assume that existing survey tools are copyright-protected and that permission is required to use them in research.

Published tests are commercially available and can usually be purchased through the test publisher for use in your research. Unpublished tests can usually be acquired from the author or creator of the test and should be used with permission.

Permission is also required to adapt or modify an existing test or measure, because the right to adapt or modify a work is exclusive to the copyright holder of that work.

Copying a test or measure for the purpose of analyzing or critiquing the measure may be considered fair dealing under the Canadian Copyright Act, but only if the copy was made from a legally obtained original. Please contact the Copyright Coordinator for additional details.

For assistance with finding tests and measures or information about tests and measures for your field:

- visit the [Research Guides](#) for your subject area;
- contact your [liaison librarian](#) for assistance;
- consult resources such as the [Mental Measurements Yearbook with Tests in Print](#) (librarians can help you to find similar resources to this for your subject area).