

AN ARTIST'S GUIDE TO PUBLIC DOMAIN FILMS AND VIDEOS IN THE LIBRARY AND ARCHIVES CANADA

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This document was developed in conjunction with SAW Video's Public Domain Commissioning project as a basic guide to facilitate artists' research and access to audiovisual materials at Library and Archives Canada (LAC), including information on the pre-selection, consultation and reproduction of moving images.

Note: this guide does not reproduce the detailed information on the official LAC website. We encourage you to consult www.collectionscanada.ca for in depth information on any topics addressed here. You may then choose either the English or French language to continue your research.

Research and Pre-selection of Audio-Visual Materials

Online Database Research

Library and Archives Canada offers an on-line databank of its audio-visual collection, including the following databases:

1. Amicus Web is a catalogue of the collections of the published material of Library and Archives Canada and other Canadian libraries. <http://amicus.collectionscanada.ca/aaweb/aalogine.htm>.
2. Archivia Net offers information about the collections of the unpublished material of Library and Archives Canada. <http://www.collectionscanada.ca/archivianet/>
Then select the language of your choice
3. Canadian Genealogy Centre is a service that provides electronic access to genealogical resources in Canada. <http://www.collectionscanada.ca/genealogy/>
Then select the language of your choice.

Note: Artists will find most relevant audiovisual materials under ArchiviaNet.

How to find public domain film/video/sound clips on ArchiviaNet

Public Domain

Public domain is a statute referring to intellectual properties (works, inventions, etc) for which, due to the expiration of their copyright, it is no longer necessary to obtain authorization for use. In Canada, copyright expires 50 years after the death of the author. However, donor restrictions may still apply (see Donor Restrictions below).

There are approximately 3,500 film/video clips in the public domain in the LAC collection.

To find them, go to ArchiviaNet: <http://www.collectionscanada.gc.ca/archivianet>

Scroll Down to choose: Film, Video and Sound

Choose: Search the Database

Click: Detailed Search

The key phrases to use to find clips in the public domain are:

Copyright expired

No donor restrictions

Public domain

Notes on Copyright

LAC holds enormous quantities of records for which the ownership and copyright status may be uncertain, either because of insufficient information, or because of a mixture of public and private material, or of published and unpublished works.

Note: Where LAC is not the copyright owner, reference services may be able to provide the name of the copyright owner(s), as is readily available. However, it can be very time consuming to research ownership and obtain permission for the use of copyrighted materials.

If you wish to consult the copyright act, follow the following link: <http://laws.justice.gc.ca/en/C-42/index.html>

Donor Restrictions

Even though audiovisual materials may be free from copyright and in the public domain, they may not be accessible or reproducible due to donor restrictions.

Donor Restrictions are placed by those who have donated materials to LAC but wish to specify the terms for consultation and/or reproduction of the records. These restrictions differ on a case-by-case basis, and include situations wherein:

- The artist must obtain the donor's written permission before consulting the records;
- The artist must fill out a form requesting access to the records; or
- The records cannot be accessed before a specified date.

Reference Inquiry

In order to be sure that the research materials do not have access restrictions, artists will have to go online to <http://www.collectionscanada.ca>, click on Contact Us) and you will then link directly to Reference Services, where there are several options available. You may click on [ask us a question](#) / Retrieval request / Genealogy Inquiry Form / or Live Chat Service.

Bear in mind that Reference Inquiry at LAC will answer most questions within 2 to 30 working days, depending on the complexity of the question and current workload. It is important, therefore, to leave yourself lots of time to complete your research.

More information is available on: <http://www.collectionscanada.ca/the-public/index-e.html>

At any time in the research phase of the project, artists may also contact:

Library and Archives Canada - Reference and Genealogy Division
395 Wellington Street, Ottawa, ON
K1A 0N4, CANADA
Telephone: 613-996-5115 or 1 866 578-7777 (toll free in Canada and the U.S.)
Fax: 613-995-6274

Pre-ordering Audiovisual Material for Consultation and Selection at LAC.

Requests for materials must be received at LAC at least five working days prior to your proposed visit. Local artists can order 10 titles at a time. Artists from out of town may order up to a maximum of 30 titles at a time.

Note: Library and Archives Canada (LAC) provides for digital reproductions of audiovisual material from its collection for consultation as long as these reproductions are used for research or private study purposes and the material is not subject to preservation, donor or privacy restrictions.

Preservation Restrictions

Some archival records have been withdrawn from circulation because of physical deterioration or concern for their preservation. In most cases, it is possible to access consultation copies of these records (microfilm, photographic copy negatives, VHS tapes, etc.) for research purposes, but it is not possible to access the original materials for reproduction.

Privacy Restrictions

Some materials are subject to Privacy Restrictions. Artists are encouraged to review policy related to Access to Information and Privacy, should there be any indication that the material is protected in such a manner. <http://www.collectionscanada.ca/the-public>

To order archival records

1. Obtain a User Number by filling out an online form at: <http://www.collectionscanada.ca/the-public/005-2010-e.html>

To complete a User Card Registration Form requires that you provide a phone or fax number or an email address where you can be reached during LAC office hours (8:30 a.m. to 5:00 p.m.), Eastern Standard Time, Monday to Friday, except statutory holidays.

You will be issued a Library and Archives User Card.

2. Provide the most complete archival references available to you as a result of your research. Ideally, a reference will identify the fonds, the container number (volume or box) and the file or item number. For examples of good archival references, refer to: <http://www.collectionscanada.ca/the-public/005-2010-e.html>

If you are still unclear, send an information request to Reference Inquiry (see Online Data Base Research, Page 1).

3. Send a request online, by fax or mail. <http://www.collectionscanada.ca/the-public/005-2020-e.html> (English)

Note: Request for the retrieval of audiovisual documents that already exist as consultation copies can also be submitted during regular business hours, however it will take between 24 to 48 hours to obtain these materials.

Consultation and Selection of Audiovisual Materials for Reproduction

Consultation and Selection

All archival documents must be consulted strictly on-site. Previewing of all pre-selected materials will therefore take place at the consultation centre of Library and Archives Canada in Ottawa, located in downtown Ottawa, 395 Wellington Street.

Reproduction Restrictions

To summarize, reproduction restrictions may require that you first obtain written permission from the donor (Donor Restrictions – page 2), while other restrictions may be related to preservation (Preservation Restrictions – Page 3). If LAC does not own the original elements, but only dubs or prints of av materials, it is unlikely that LAC will have the authority to reproduce them (Copyright Restrictions – Page 2). In such cases, therefore, artists would have to contact the owner directly to obtain reproductions.

Transferring Selected Images for Production of a New Original Work

Once you have selected your clips and any required copyrights have been cleared, LAC will transfer your footage to a tape or digital format. Online order form for photocopies and reproductions at <http://www.collectionscanada.gc.ca/copies/index-e.html>. This form can be submitted electronically via a secure connection, or printed and sent by fax or by mail. Be sure to have as many details as possible concerning the document(s) for which you are requesting a photocopy or a reproduction.

LAC Price list: <http://www.collectionscanada.gc.ca/copies/005010-5024-e.html> Pricing depends on the length of the transfer and the format requested.

Processing time for transfers (when a consultation copy exists) is approximately 6 weeks from receipt of request. For uncopied material, the processing time is approximately 10 weeks.

Terms Governing the Reproduction and Use of Material from the LAC Collection

<http://www.collectionscanada.gc.ca/the-public/005-6040-e.html>

Credit line

Audiovisual materials that are reused for diffusion on television, movie film, video or in a slide presentation, require a single credit to Library and Archives Canada in the acknowledgements

If an archival document *belonging to* LAC is reproduced as an illustration or facsimile, the credit line must include as a minimum the name of the author or creator (if known), the name of Library and Archives Canada and the reproduction copy number. This credit line must be placed directly below or beside the reproduction. Any alterations to the image, such as cropping or retouching, must be indicated in the credit line by using the words "detail" or "based on".

Happy researching!