

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

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

Note: this guide does not reproduce the detailed information available through the official LAC website. Artists are encouraged to consult www.collectionscanada.ca for more in-depth information on any topics addressed here. The website offers research guidance in English or French.

Research and Pre-selection of Audio-Visual Materials

Online Database Research

LAC 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. Go to: <http://amicus.collectionscanada.ca/aaweb/aalogine.htm>.
2. Archivia Net offers information about the collections of the unpublished material of Library and Archives Canada. Go to: <http://www.collectionscanada.ca/archivianet/>
3. Canadian Genealogy Centre is a service that provides electronic access to genealogical resources in Canada. Go to: <http://www.collectionscanada.ca/genealogy/>

Note: Artists will find most relevant audio-visual 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 for any footage with original character, including film and video, is protected for a term of life of the creator plus 50 years. Thus, copyright expires 50 years after the death of the author. Films that contain actuality footage without original character, however, are protected for a shorter term of 50 years from date of creation, which includes most home movies. (Sound recordings, such as oral history interviews and speeches, are likewise protected for 50 years from date of creation.) Please note, however, that while the material may be in the public domain, donor restrictions may still apply. (See: Notes on Donor Restrictions).

There are approximately 3,500 film/video clips in the public domain in the LAC collection. You will find them as follows:

- Go to ArchiviaNet: <http://www.collectionscanada.gc.ca/archivianet>
- Scroll Down to choose: Film, Video or Sound
- Choose: Search the Database
- Click: Detailed Search

The key search terms that narrow the search for clips in the public domain and/or free from donor restriction are:

- Copyright expired;
- Public domain;

- No donor restrictions;
- Droits d'auteur expiré; and/or,
- Domaine publique

Copyright

LAC holds large quantities of records for which the ownership and copyright status may be uncertain because of any of the following: insufficient information; records are organized such that they contain a mixture of public (governmental) and private material; or, records contain a mix of published and unpublished works.

In certain cases, donors have assigned copyright to LAC, meaning that LAC is now the copyright owner, until the end of the copyright term.

In cases where LAC is not the copyright owner, LAC's Reference Services may be able to provide the name of the copyright owner(s), as is readily available. Note, however, that it can be a long and time-consuming process to research ownership and obtain permission for the use of copyrighted materials, should you chose to do this on your own.

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

Notes on Donor Restrictions

Even though audio-visual 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 donors who have given materials to LAC but wish to specify the terms of use 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.bac-lac.gc.ca/eng/Pages/home.aspx> 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 workload. It is important, therefore, to leave yourself lots of time to complete your research!

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 Audio-visual Material for Consultation and Selection at LAC

Requests for materials must be received by LAC at least 5 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: LAC may be able to provide digital reproductions of audio-visual material from its collection for consultation purposes, as long as these reproductions are used for research or private study only, and the material is not subject to preservation, donor or privacy restrictions.

Preservation and Physical Access Restrictions

Some archival records have been withdrawn from circulation. This may be because: the record is on an obsolete technological format; playback equipment is no longer available; actual physical deterioration has taken place; or, there is an expressed concern for the future preservation of the title in question.

Access to audio-visual reference material with preservation or physical access restrictions is reserved for research purposes only. Consequently, it is no longer possible to access the original materials for reproduction.

In most cases, however, it will possible to access consultation copies of these audio-visual materials. Original material may have been migrated to digital consultation formats such as MJPG and MP3, or remain available on VHS tapes, DVD, CD, etc.

Access to Information Privacy Restrictions (ATIP)

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. For further information, go to: <http://www.collectionscanada.ca/the-public>

How to Order Archival Records

Obtain a User Number by filling out an online form at: <http://www.collectionscanada.gc.ca/le-public/005-4000-e.html>

To complete a User Card Registration Form you must 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.

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.bac-lac.gc.ca/eng/reproduction-requests/Pages/examples-of-reference-numbers.aspx>

If you are still unclear, send an information request to Reference Inquiry.

You may send a request online, by fax or mail. For more information, go to: <http://www.collectionscanada.ca/le-public/005-4000-e.html> (English)

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

Consultation and Selection of Audio-visual Materials for Reproduction

Consultation and Selection

All archival documents must be consulted on-site. Previewing of all pre-selected materials will therefore take place at the Consultation Centre of LAC, located in downtown Ottawa, 395 Wellington Street.

Transferring Selected Images for Production of a New Original Work

Reproduction Restrictions

Reproduction restrictions may require that you first obtain written permission from the donor (see Donor Restrictions), while other restrictions may be related to preservation (see Preservation Restrictions). If, for example, LAC does not own the original elements and holds only dubs or prints of audio-visual materials, it is unlikely that LAC will have the authority to reproduce them (see Copyright Restrictions). In such cases, therefore, artists would have to contact the owner directly to obtain permission to make reproductions.

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 forms for photocopies and reproductions are available at: <http://www.bac-lac.gc.ca/eng/reproduction-requests/Pages/reproduction-request.aspx>. These forms 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 – go to: <http://www.bac-lac.gc.ca/eng/reproduction-requests/Pages/price-list-service-standards.aspx> 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 audio-visual material that remains in original format, the processing time is approximately 10 weeks.

For more information on the terms governing the reproduction and use of material in the LAC Collection, please go to: <http://www.collectionscanada.gc.ca/the-public/005-6040-e.html>

Use of Material from the Collection

Credits

Audio-visual materials that are reused for viewing on television, in movies, on film or in videos, or in a slide presentation, require that a single credit to Library and Archives Canada is added to all acknowledgements, including final credits.

If an archival document *belonging to* LAC is reproduced as an illustration or facsimile, however, the credit line must include, at minimum, the name of the author or creator (if known), a Library and Archives Canada credit, and the reproduction copy number. The credit line must be placed directly below or beside the actual reproduction, where possible. 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!