



CLARIFICATION BULLETIN RE COPYRIGHT

- Q. Do we, as surveyors, have the right to put the copyright symbol on our plans?
- A. Yes, the Canadian Copyright Act gives surveyors copyright protection on any original work they create (plans, reports, etc.). Several major legal firms, the Canadian Bar and MCCR legal staff have also confirmed this right of copyright.
- Q. Why are we now advised to place the copyright symbol on our plans?
- A. Although we have copyright protection, it is not generally recognized unless the symbol is placed on the document to remind the user. In recent years, we have become increasingly aware of the magnitude of the misuse and unauthorized alterations to our documents.
- Q. How can I justify to my client putting the copyright symbol on the document?
- A plan or report is prepared for a specific purpose at a specific point in time, and should not be Photostatted for reuse, or altered without the surveyor's knowledge and/or permission. The surveyor has undertaken the survey, and assumed the risk for one transaction and should not be expected to assume the risk on subsequent transactions or uses. The surveyor, as well, is the only person qualified to determine whether or not the document should be reused.
- Q. Is it necessary to register all my plans with the copyright symbol with the Canadian copyright office?
- A. No. If you are expecting that there will be problems with any particular plan or infringement on your copyright, copyright registration can be made in a matter of days, as set out in the earlier bulletin (1984/24).
- Q. Which surveyors should be using copyright symbols, and on what documents?
- A. All members of the Association who support the Association's programme to inform the public of the value of the survey, restrict the misuse and reuse of the survey without the surveyor's permission, and support the Association's objective to protect the public interest.

All plans and reports not entering the registry system should be copyrighted by the member of the Association preparing the same.

The plan should contain the Universal Copyright Symbol (e.g. © John Smith, O.L.S., 1985) and may contain the notation: "No person may copy, reproduce, distribute or alter this plan in whole or in part without the written permission of John Smith, O.L.S."