

Copyright Q & As Tutorial Series Transcript

[What other subject-matter does copyright protect?](#)

Hi, I'm Copyright Cate. Welcome to the Copyright Q&As tutorial series.

The Canadian Copyright Act covers two broad types of materials: works and other subject-matter. In this tutorial we focus on other subject-matter that are protected under the Copyright Act. A companion tutorial looks at works.

On completion of this tutorial you will be able to:

- recognize the three categories of other subject-matter protected by the Copyright Act, and
- identify examples of materials protected as other subject-matter under the Act.

In addition to literary, dramatic, musical, and artistic works, the Copyright Act protects three other forms of intellectual creations, which the Act refers to as "other subject-matter."

One form of other subject-matter protected by copyright is a performer's performance. Under the Copyright Act, a performer's performance can be any of the following:

- a performance of an artistic, dramatic or musical work,
- a reading of a literary work, or
- an improvisation of a dramatic, musical or literary work.

A performer's performance can be copyrighted whether or not the performed work is protected by copyright and whether or not an improvisation is based on a pre-existing work.

It's important to understand that copyright in a performer's performance is distinct from copyright that may or may not exist in the underlying work that is performed or improvised. It's also notable that a performer has copyright in his or her performance even if the performance is not captured or recorded in a material form.

Sound recordings are another form of other subject-matter protected by copyright. The Copyright Act says a sound recording is a recording captured in any material form consisting of sounds. A sound recording may or may not contain a performance of a work. It's notable that the Act states a sound recording specifically excludes a soundtrack of a film when the soundtrack accompanies the film.

Copyright in a sound recording is owned by the sound recording maker. But who is a sound recording maker? According to the Copyright Act, a “maker” of a sound recording is the person responsible for making the necessary arrangements for the first recording of sounds. These may include arrangements for entering into contracts with performers, financial arrangements and technical recording arrangements.

The third form of other subject-matter protectable by copyright is broadcasters’ communication signals. The Act defines broadcaster as a body that lawfully broadcasts a communication signal. A broadcaster cannot be primarily in the business of retransmission of communication signals.

The Act defines a communication signal as radio waves transmitted to the public through space without artificial guidance.

Thanks for viewing this tutorial in our Copyright Q&A series. You can check out the Sources used in this tutorial as well as Further Information if you’d like to find out more about copyright.