



Copyright Guidelines

Last updated August 2026

1. Introduction

Copyright is one form of intellectual property that protects original creative works such as photographs, artwork, written text, recordings, films, and databases. Museums encounter copyright in many aspects of their work—from exhibiting and reproducing collection objects to creating publications, websites, educational resources, and social media content.

Understanding whether a work is still protected by copyright helps museums determine whether they need permission to reproduce, publish, digitize, exhibit, or share it. While a work in the public domain may generally be used without obtaining copyright permission, museums should still consider other legal and ethical obligations, including donor agreements, privacy considerations, Indigenous cultural protocols, and appropriate attribution of creators.

These guidelines provide a basic overview of copyright issues commonly encountered by museums. They are intended to support the museum's Copyright Policy but are not a substitute for legal advice or the [Canadian Copyright Act](#), which should always be consulted when questions arise.

2. How Copyright affects Museums

Museums regularly deal with copyright when they:

- use photographs, artwork, publications, music, film, or other creative works created by others;
- create their own publications, exhibit text, photographs, websites, databases, and educational resources;
- acquire objects or archives where copyright may or may not be transferred with ownership; and
- share collections online or through partnerships with other organizations.

3. What is Copyright?

Copyright automatically protects original creative works once they are created. It gives the copyright owner the exclusive right to reproduce, publish, adapt, communicate, or authorize others to use the work. Copyright protects the expression of an idea—not the idea itself. For the complete legal definition, refer to the [Canadian Copyright Act](#).

4. Duration

Unlike ownership of a physical object, copyright protection does not last forever. Once copyright expires, the work enters the public domain, meaning it can generally be used without permission from the copyright holder.

In Canada, copyright for most original works lasts for the life of the creator, the remainder of the calendar year in which they die, plus an additional 70 years. At the end of this period, copyright expires and the work enters the public domain.

The extension from life plus 50 years to life plus 70 years came into effect in December 2022 as part of Canada's obligations under the Canada-United States-Mexico Agreement (CUSMA). However, works whose copyright expired before the change remain in the public domain and did not regain copyright protection.

General Rule

For most works created by an identifiable individual:

- Copyright begins automatically when the work is created.
- Copyright lasts for the creator's lifetime, the remainder of the calendar year in which they die, plus 70 years.
- Once copyright expires, the work generally enters the public domain.

Exceptions

Not all works follow the general rule. Different copyright terms may apply depending on the type of work or the circumstances in which it was created. Examples include:

- works created by multiple authors;
- anonymous or pseudonymous works;
- Crown copyright;
- certain photographs;
- sound recordings;
- films and audiovisual works; and
- unpublished works.

Because these exceptions can be complex and may change over time, museums should consult the [Canadian Copyright Act](#) whenever they are uncertain about the duration of copyright for a particular work.

5. Rights Protected by Copyright

Copyright gives creators a bundle of exclusive rights that allow them to control how their work is used. Unless an exception applies or permission has been granted, only the copyright holder may exercise these rights or authorize others to do so.

Using a copyrighted work without permission may constitute copyright infringement and can result in legal remedies, including requiring the unauthorized use to stop or compensating the copyright holder.

Copyright protects three broad categories of rights: economic rights, neighbouring rights, and moral rights. Museums are most likely to encounter economic and moral rights in their day-to-day work.

For complete descriptions of these rights, refer to the [Canadian Copyright Act](#).

5.1 Economic Rights

Economic rights allow the copyright holder to control how a work is used and reproduced. These are the rights museums most commonly deal with when exhibiting, publishing, digitizing, or sharing collection materials.

Examples include:

Right of Reproduction

The exclusive right to copy or reproduce a work in any format, including digital reproductions such as scans, photographs, or electronic files.

Right of Publication

The exclusive right to publish or make a work available to the public.

Right of Adaptation

The exclusive right to adapt a work or authorize adaptations. Examples include converting a novel into a film, incorporating a photograph into a publication or exhibit, or creating a derivative work based on an original.

Right of Translation

The exclusive right to translate a work into another language or authorize its translation.

Exhibition Rights

For certain artistic works, copyright includes the exclusive right to publicly exhibit the work for purposes other than sale or hire. This right generally applies to artistic works created after June 7, 1988, and does not include maps, charts, or plans.

5.2 Neighbouring Rights

Neighbouring rights are separate from copyright and protect the interests of performers, record producers, and broadcasters. For example, while copyright protects the author of a play, neighbouring rights protect the actors performing it or the producer of a sound recording.

Although museums encounter neighbouring rights less frequently than economic rights, they may become relevant when working with audio recordings, films, performances, or oral history projects.

5.3 Moral Rights

Moral rights protect the creator's personal connection to their work and their professional reputation. Unlike economic rights, moral rights generally remain with the creator even if copyright has been transferred to another individual or organization, unless they have been formally waived.

The two moral rights most relevant to museums are:

Right of Attribution (Paternity)

Creators have the right to be identified as the author of their work, to use a pseudonym, or to remain anonymous, where appropriate.

Right of Integrity

Creators have the right to prevent their work from being altered, distorted, mutilated, or used in a way that could harm their honour or reputation. This includes using a work in association with a product, service, organization, or cause without the creator's permission if doing so would prejudice their reputation.

When reproducing, exhibiting, or adapting copyrighted works, museums should consider both the economic rights and the moral rights of creators.

6. Infringement

Copyright infringement occurs when a person or organization exercises one or more of the copyright holder's exclusive rights without permission and without a legal exception under the [Canadian Copyright Act](#).

In a museum setting, infringement is often unintentional and may occur when copyrighted material is copied, published, displayed, adapted, or shared without the necessary authorization.

Examples of copyright infringement include:

- reproducing a copyrighted work without permission;
- publishing or sharing copyrighted material online without authorization;

- creating or distributing unauthorized copies of a work;
- adapting or translating a work without permission;
- using another person's work without appropriate acknowledgement (plagiarism);
- altering or using a work in a way that infringes the creator's moral rights.

7. Exemptions

The Canadian Copyright Act includes a number of exceptions that allow museums, archives, libraries, and educational institutions to carry out certain activities without infringing copyright. These exceptions recognize the important role that cultural institutions play in preserving and providing access to Canada's heritage.

Museums should remember that these exceptions apply only in specific circumstances. If an activity does not clearly fall within an exception, permission from the copyright holder may still be required.

7.1 Fair Dealing

The Canadian Copyright Act allows the use of copyrighted works without permission in certain circumstances under the principle of fair dealing. Fair dealing may apply for purposes such as:

- research;
- private study;
- education;
- criticism or review;
- news reporting;
- parody; and
- satire.

Whether a particular use qualifies as fair dealing depends on the circumstances. Museums should consult the [Canadian Copyright Act](#) and relevant guidance whenever there is uncertainty.

7.2 Museum Exceptions

The [Canadian Copyright Act](#) also contains specific exceptions for museums, archives, and libraries that support the care and management of permanent collections. Depending on the circumstances, museums may be permitted to make copies of copyrighted works for purposes such as:

- preserving rare, unpublished, damaged, deteriorating, or at-risk materials;
- creating access copies when originals cannot be safely handled or viewed because of their condition;

- converting materials from obsolete formats so they remain accessible;
- cataloguing, documentation, and other internal collections management activities;
- insurance documentation or police investigations; and
- conservation or restoration work.

These exceptions are intended to support responsible collections stewardship and do not provide blanket permission to reproduce or distribute copyrighted works.

8. Remedies for the Violation of Copyright

When copyright infringement occurs, the copyright holder may have legal remedies available under the [Canadian Copyright Act](#). The appropriate remedy depends on the circumstances and the nature of the infringement.

Possible remedies may include:

- requiring the unauthorized use to stop;
- removing or disabling access to infringing material;
- compensation for financial losses or damages;
- recovery of profits earned through the unauthorized use of the work;
- the return or destruction of unauthorized copies; and
- civil or, in some cases, criminal proceedings.

Museums should respond promptly if they become aware of a potential copyright issue. If the museum receives a copyright complaint or discovers that copyrighted material has been used without permission, it should:

- review the circumstances;
- temporarily remove the material from public access if appropriate;
- document the issue and any actions taken;
- contact the copyright holder when necessary; and
- seek legal advice if the matter cannot be resolved or presents a significant legal risk.

For more information on remedies available under Canadian law, refer to the [Canadian Copyright Act](#).

9. Protecting Copyright Online

Sharing collections online increases public access and creates new opportunities for education, research, and collaboration. At the same time, digital content can be copied, reused, or altered more easily than physical materials.

Before making collection materials available online, museums should ensure that they either own the copyright or have permission from the copyright holder to publish the material.

To help protect copyrighted material, museums should consider:

- maintaining accurate copyright and rights statements for digital records;
- documenting permissions and licences for all published content;
- using watermarks or lower-resolution images where appropriate;
- including terms of use for online collections and digital resources;
- monitoring online use when practical; and
- responding promptly to requests to remove material or resolve copyright concerns.

No method can completely prevent unauthorized copying of digital content. However, good documentation, clear rights information, and thoughtful access policies can help museums balance the protection of creators' rights with the goal of making collections accessible to the public.

10. Further Reading

[Canadian Copyright Act](#), Copyright Act R.S., c. C-30. s. 1.

[CopyrightLaws.com](#)

Green, David. [A Museum's Guide to Digital Rights Management](#).

National Initiative for a Networked Cultural Heritage. [The NINCH Guide to Good Practice in the Digital Representation and Management of Cultural Heritage Materials](#).

WIPO. [Museums and Copyright](#).