

## Family History Newsletter

The Family History group supports members in researching their family history research. Members have ancestors from around the globe.

They meet on the first Wednesday of each month at 7pm at the Maple Ridge Library.

Email: [mrfamilyhistory@gmail.com](mailto:mrfamilyhistory@gmail.com)



New Year's card, circa 1919. Courtesy Brenda L. Smith

### Federal Copyright Review

[www.ourcommons.ca/Committees/en/INDU/StudyActivity?studyActivityId=9897131](http://www.ourcommons.ca/Committees/en/INDU/StudyActivity?studyActivityId=9897131)

In 2018 the Federal government started a review of Canada's copyright laws with the aim for completion in early 2019. Members of the Family History Group submitted a brief on December 12, 2018 to the Standing Committee on Industry, Science and Technology and our Member of Parliament, Dan Ruimy for the Statutory Review of the *Copyright Act* to promote awareness in the Committee regarding the needs and concerns of family historians about the

copyright constraints that govern our work in telling Canada's story.

This submission addresses the confusion that surrounds the use of previously published materials and unpublished original and copied documents and images, with particular concern for the changes proposed by the US Mexico Canada Agreement.

As family historians we are directly affected by copyright. As researchers we want access to records. As family historians we are also often self-publishers and educators.

We support Canadian creators, publishers, libraries and archival institutions but also understand that copyright should strike a balance between protecting a creator's income while, at the same time, allowing for the freedom for new works to be created using previously created materials.

We feel strongly that copyright law should be accessible and easily understood by the general public and not require legal advice to ensure compliance..

#### Key Points

- Copyright is too complicated.
- USMCA extension from 50 to 70 years is detrimental to libraries, archives, and non-fiction authors.
- Copyright should protect the ability of creators to generate revenue from their work during their lifetime.
- The educational exemption means a loss of revenue for creators, especially those authors in the non-fiction category.
- Fair dealing should be more clearly defined especially in the digital age and the world of self-publishing.
- Works created by the Crown should be in the public domain.

- Licencing fees from corporations and archival institutions for works in the public domain should be minimal.
- Creators who have assigned their copyright to someone else under contract should be able to get copyright back within their lifetime.

### Too Complicated

Right now, the main *Copyright Act* is vague and then defined and refined through legal actions. However, those refinements are not embedded into the law itself. With the ease of internet publishing, self-publishing, mash-ups, etc. it is easy for individuals to infringe the laws.

That means, that we, as family historians, presenting and publishing, could easily get caught. We do not have legal expertise nor the means to pursue expensive legal advice for the presentation of our projects. We need guidelines that are easy accurate, reliable, and easily understood.

Copyright should be simpler, easier to understand and to follow in both creating original works and in the use of these works in subsequent works either as references or as starting points for original works by other creators. We do want to respect the creators both as to crediting their work and allowing them the financial gain due to them. However, the rules must not be clouded by ambiguity and confusion so as to allow diversity and development of new creations.

### USMCA Copyright Extension

Under the new USMCA deal is a requirement to extend the term of copyright protection to match the terms in the United States. This would shift the term from the life of the creator plus 50 years to the life of the creator plus 70 years. This will block works from entering the public domain for an additional 20 years.

Copyright is supposed to strike a balance between protecting creators and allowing for the creation of new works. Adding 20 years to the copyright term has a detrimental impact on libraries and cultural institutes who have invested in digitization projects. It also increases licensing fees by another 20 years for these institutions for materials in databases, etc., For historians, it keeps historical records behind a paywall for another 20 years.

### Fair Dealing and Educational Use

The Copyright Act of Canada states that fair dealing for the purpose of: research; private study; education; parody; criticism and review; and news reporting, does not infringe copyright.

However, it does not define a set percentage or amount of copying that can be called "fair dealing". An entire article or page from a newspaper or periodical; a whole blog post; an entire entry from an encyclopedia or similar reference work; one chapter of a book; a poem from an anthology?

The University of British Columbia states in their instructions to faculty that the copy must be either: "10% or less of a Work, or no more than: (a) one chapter from a book; (b) a single article from a periodical; (e) an entire single poem or musical score from a Work containing other poems or musical scores."<sup>1</sup>

The rule of thumb previous to this copyright update was 3% for criticism and review and did not include educational use.

Today, royalties to creators and publishers for the copying for their works have declined by 80 percent since 2013.<sup>2</sup> Some of this decline could be attributed to the ease of digital access and the notion that everything on the internet is in the public domain but certainly a decline of 80 percent cannot be internet use alone. Why are Canadian creators and publishers subsidizing the education system at the expense of their own income?

While fair dealing certainly has a place for research, journalism, and parody, it is hard to make the argument for 10 percent for educational use. Ten percent is a substantial portion of an author's work. In the case of a magazine — a whole article is 100 percent of that author's work. In the case of a blog post, the whole post could be considered 100 percent.

Part of the measure should also be how the material is used. If an instructor shows a YouTube video in class or a website, the creator of the video or website still gets web traffic and payment from advertising. However, if that same material is incorporated into a new work, then the creator is no longer generating any income from their work.

<sup>1</sup> "Fair Dealing Requirements for UBC Faculty and Staff," The University of British Columbia, <https://copyright.ubc.ca/requirements/fair-dealing/>

<sup>2</sup> *Access Copyright 2016 Annual Report*, "Royalty Distribution Trend" table, 6: [www.accesscopyright.ca/media/112021/annualreport\\_2016.pdf](http://www.accesscopyright.ca/media/112021/annualreport_2016.pdf)

Clarification needs to be made as to what percentage of a work can be used and how that material is used under fair dealing.

### Copyright Protection of Government Works

In Canada, federal and provincial government works are protected by copyright. Under American copyright law, U.S. government works, including any work created by an employee of the U.S. federal government as part of that person's official duties, are in the public domain and may be freely used without permission by Americans.

As works created by the federal government are essentially paid for by taxpayer dollars, it follows that they should be in the public domain for use by Canadians.

### Digitization of Works in the Public Domain

Legal clarification needs to be made for digital versions of paper or microfilm records in the public domain. For example, a company or archival institution should not be able to claim copyright or for the digital version of a book, or a census record that is in the public domain.

While it is understood the digitization costs money it is, again, taxpayer dollars that fund these projects at archival institutions.

For corporations such as Ancestry, it is understood that they have the right to charge a fee for access to their databases but there should be more clarity for the users as to what is in the public domain and what is not. They also seem to be claiming ownership over records in the public domain.

Currently they state "Public Domain Content: Some Ancestry Content may be in the public domain, and yet also subject to restrictions on reuse. We refer to Ancestry Content in the public domain as 'Public Domain Content.' You are free to use a small portion of individual photos and documents that are Public Domain Content, but you must obtain our written permission to use more than a small portion of these collections."

### Limitation where author is first owner of copyright

Section 14(1) of the *Copyright Act* states that authors and composers who transfer or assign the copyrights of their work by contract must wait until 25 years after death to get them back.

Mr. Adams has proposed changing the law from 25 years after death to 25 years after assignment. Essentially authors and composers could retain copyright to their works within their own lifetime.<sup>3</sup>

### Conclusion

In summary, copyright guidelines should be accessible, current, and easy to comply with, and easily understood. The proposed USMCA extension from 50 to 70 years is detrimental to libraries, archives, and, non-fiction authors. The educational fair dealing exemption means a loss of revenue for creators. Canadian creators and publishers should not be subsidizing the education system. Works created by the Crown should be in the public domain. Licencing fees from corporations and archival institutions for works in the public domain should be minimal. Creators who have assigned their copyright to someone else under contract should be able to get copyright back within their lifetime.

### For more information:

<https://laws-lois.justice.gc.ca/eng/acts/c-42/>

## Online Resources

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### Canadiana Collections

[www.canadiana.ca](http://www.canadiana.ca)

The Canadiana collections of archival material, government publications, periodicals, monographs, annuals, and newspapers will be free to access as of January 1, 2019. The Canadiana collections include three flagship collections: Early Canadiana Online, Héritage, and Canadiana Online. Read the full press release here: <http://www.crkn-rcdr.ca/en/over-60-million-pages-digitized-canadian-documentary-heritage-soon-be-available-no-charge>

[calls-for-changes-to-canadas-copyright-laws-to-help/](https://www.theglobeandmail.com/politics/article-bryan-adams-calls-for-changes-to-canadas-copyright-laws-to-help/), retrieved November 13, 2018.

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<sup>3</sup> Terry Pedwell, "Bryan Adams calls for changes to Canada's copyright laws to help artists," *Globe and Mail*, September 18, 2018, <https://www.theglobeandmail.com/politics/article-bryan-adams->

## OurRoots Migration

[https://library.ucalgary.ca/digital?group\\_id=14797](https://library.ucalgary.ca/digital?group_id=14797)

*OurRoots* is moving to its new host at the University of Calgary.

## Kelowna Publications

<https://doh.arcabc.ca/islandora/object/kdgs%3Areports>

The Kelowna & District Genealogical Society have digitized their local history & genealogy publications.

## Scotland's Criminal Database

<https://www.scottishindexes.com/scotlandscriminaldatabase.aspx>

Search an index of over 150,000 Scottish court and prison records. The search result links to the record at the National Records of Scotland.

## Queen's University (Kingston, Ontario) Student Registers Online, 1842-1907

<https://archives.queensu.ca/search-our-collections/university-records/student-registers>

The registers noted the student's name, age, year(s) of study, place of birth, preparatory school, father's occupation, faculty, religion, & intended profession.

## UK Birth, Marriage and Death Certificate Costs to Increase on February 16, 2019

On 16 February 2019 English and Welsh BMDs will increase in cost by 18.9%. from £9.25 to £11 (about CDN\$16 to \$19) for a certified paper certificate, and from £6 to £7 (about CDN\$12) for a digital copy of a register entry.

For more information about ordering UK BMDs see the General Register Office FAQs [www.gro.gov.uk/gro/content/certificates/most\\_customers\\_want\\_to\\_know.asp#FamilyHistory1](http://www.gro.gov.uk/gro/content/certificates/most_customers_want_to_know.asp#FamilyHistory1)

## Who do you Think You Are with Henry Louis Gates

Season Five of Finding Your Roots with Henry Louis Gates, Jr. starts on PBS, Jan. 8, 2019.

## Expanded UK Records Released by TheGenealogist

[www.thegenealogist.co.uk](http://www.thegenealogist.co.uk)

Newgate Prison Registers

- Newgate Prison Registers
- The Lloyd George Domesday Survey Maps of 1910

## Family History Events

### Abbotsford Family History Centre

[www.abbotsfordfamilyhistory.com](http://www.abbotsfordfamilyhistory.com)

**Abbotsford Family History Day**, Saturday, May 4, 2019, 8:30am–3:30pm. 30635 Blueridge Drive  
Fee: Free.

### Abbotsford Genealogical Society

Studio 2 The Reach

<http://abbygs.ca/index.html>

- **AGM & How to Write your Family History** with Philip Sherwood, Thursday, January 24, 2019 1:30pm
- **After They Landed: Use Timelines to Develop Your Family Narrative** with Brenda L. Smith, Thursday, March 21, 2019, 1:30pm

### BCGS

[www.bcgs.ca](http://www.bcgs.ca)

- **General Meeting and Prison and Court Records** with guest speaker Andrea Lister, Wed, Jan 9, 7:30pm – 10:00pm
- **General Meeting** and guest speaker Lana Okerlund, Wednesday, February 13, 7:30pm – 10:00pm
- **Seminar 2019**, Keynote Speaker, Cyndi Ingle, Saturday, March 30, 2019, Firefighters Banquet Hall, 6515

Bonsor Avenue, Burnaby, BC, (south of Metrotown). Early Bird Prices until March 1, 2019. Tickets \$70 for BCGS & Affiliate [Society] Members. \$95 for non-members. Includes lunch and coffee break refreshments. After March 1, \$85 for BCGS & Affiliate Society Members, \$105 for non-members. Register at any BCGS meeting or contact Susan Snalam 604-273-8209, or [domers@shaw.ca](mailto:domers@shaw.ca)

### BC Historical Federation

[www.bchistory.ca/conference](http://www.bchistory.ca/conference)

- **2019 BCHF Annual Conference**. June 6–9, 2019. The 2019 BCHF conference is being held in Courtenay and Comox.

### Chilliwack ElderCollege Lecture Series

<http://chilliwackeldercollege.ca/>

**Genealogy Roadshow – the Tie that Binds**, with Marlene Dance, Saturdays, February 2 to March 9, 2019, 9:30 am – 12:00 pm. UFW Canada Education Park, 45190 Caen Avenue, Chilliwack, BC

The course includes special presentations by well know speakers in the Genealogy community: Patricia Skidmore, Jamie Brown, Andrea Lister & Brenda L. Smith. Class topics include: British Home Children; BC Vital Stats; Using the Internet; Researching Women; Finding Your Irish; and “What is Available to the Genealogist at the Cloverdale Library”?

Fee: \$55 for the 6-week series; plus you **must** be a member of Chilliwack ElderCollege to take this class – cost is \$15 per year and expires Dec. 31, 2019.

Registration goes live at 9:00 am on Tuesday, January 15th.

**Cloverdale Library**  
[www.surreylibraries.ca](http://www.surreylibraries.ca)

Register a 604-598-7327 or by email: [familyhistory@surrey.ca](mailto:familyhistory@surrey.ca).

Limited parking until further notice, parking is unavailable at Cloverdale Library due to construction.

- **Orientations**, Saturdays, 10:00-10:50 am, Jan 5, Feb 2, 2019. Pre-registration recommended. Fee: free.
- **Fun Family History Fridays**, Jan 4, and Feb 1, 2019, 2:30-4:00 pm. Fee: Free.
- **Digging Deeper into Family History**, with Jamie Brown, Saturday Jan 26, 10:30 am - 12:00 pm. Fee: Free.
- **This Old House** with Ann Buchanan, Sat Feb 2, 11:30 am - 1:30 pm. Fee: Free.

**Langley Centennial Museum**  
<http://museum.tol.ca/>

For information contact  
604.532.3536

- **First Steps on the Ancestral Trail** with Brenda L. Smith, Tuesday, Feb 12, 2019
- **British Columbia Vital Records: The Essentials**, Brenda L. Smith, Wednesday, Feb 13, 2019
- **Casting the Net: Seek Your Ancestors on The Internet**, Brenda L. Smith, Thursday, Feb 14, 2019

**Maple Ridge**

[www.mapleridge.ca](http://www.mapleridge.ca)

- **Local Voices with a heritage theme** at Maple Ridge Library. Meet City Councillor Kiersten Duncan, Shea Henry, Curator at Maple Ridge Museum and Community Archives; and Chris Hay, member of the Maple Ridge Family History Group, Monday, February 4, 2019, 7:00 pm.

- **Maple Ridge Cemetery Tour** with Erica Williams – the oldest section Meet by the Maple Trees just inside the entrance Sunday, Feb 17, 2019, 1:00 pm to 3:00 pm. For information call 604-463-5311
- **2019 Heritage Awards**



**Heritage Awards**

**Heritage Awards Evening at St. Andrews Heritage Church in Port Haney. Celebrate our community's accomplishments and appreciation of the Maple Ridge story.**



Thursday, February 21, 2019  
7:00 pm  
22279 116 Avenue, Maple Ridge

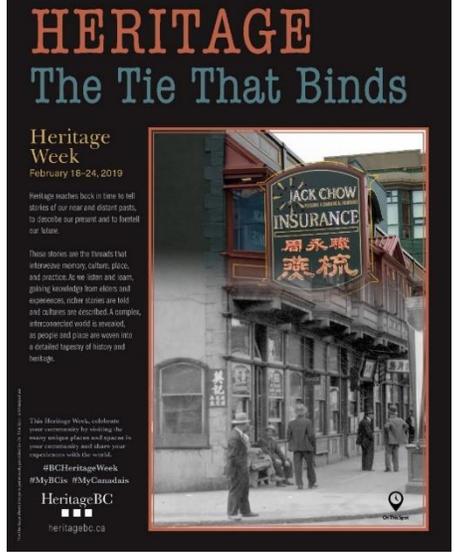
For information [mapleridge.ca](http://mapleridge.ca)

- **My Very Own Book**, a lecture by Brian Murdoch. This presentation is a project of Maple Ridge Library and the Community Heritage Commission to celebrate Heritage Week and Freedom to Read Week. Saturday, February 23, 2019, 2:00 to 3:30 pm at the Maple Ridge Library
- **Maple Ridge Downtown Walking Tour** with Erica Williams. Meet by the Horse Clock between City Hall and Dewdney Trunk Road. Sunday, February 24, 1:00 pm to 3:00 pm. For information call 604-463-5311
- **Behind the Scenes Tour of the Maple Ridge Museum and Community Archives** vaults, stacks, and Brick Yard Office, Sunday, February 24, 1:00 to 2:00 pm.

**Heritage Week: Feb 18 through 24**

The 2019 BC Heritage Week theme is "Heritage: The Tie That Binds."

<https://heritagebc.ca/events-activities/heritage-week/>



**HERITAGE**  
**The Tie That Binds**

Heritage Week  
February 18-24, 2019

Heritage reaches back in time to tell stories of our past and current paths, to describe our present and to herald our future.

These stories are the threads that interweave memory, culture, place, and practice. As we listen and learn, gaining knowledge from elders and experiences, other stories are told and to be told are described. A complex, interconnected world is revealed, as people and place are woven into a detailed tapestry of history and heritage.

This Heritage Week, celebrate your community by visiting the many unique places and events in your community and share your experiences with the world.

#BCHeritageWeek  
#MyBCIs #MyCanadians

HeritageBC  
heritagebc.ca

**Maple Ridge Family History Group, first Wednesday of the month, 7pm in the Greenside Room at the Maple Ridge Library.**

**February 6, 2019: Preview of Family History Project**

**March 6, 2019: Copyright and Family Historians**