Start

Selection:
Type of Work
Performer's Performance?
Cinematographic work?
Sound Recording?
Broadcast?
Literary, Dramatic, Musical or Artistic work?
Photograph?

Canadian Copyright Term and Public Domain (PD) Flowchart
Last updated: 20 April 2021

Prepared by: Copyright Office, University of Alberta
Note: This information is not intended to be a substitute for legal advice.

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Adapted from Kaplan-Myrth's version "Canadian Copyright Term Flowchart"
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Selection: Type of Work

- Literary, Dramatic, Musical or Artistic work?
- Yes: Crown Author?
- No: Additional Non-Crown Author?
- Yes: Pseudonymous or Anonymous work?
- No: Author(s) identity commonly known?
- Yes: Joint Authorship?
- No: PD at death +50 yrs (s. 6)

Published?

- Yes: PD at publication +50 yrs (s. 12)
- No: NOT in PD (s. 12)

Any authors/creators currently living?

- No: PD at earlier of pub +75 yrs or creation +100 yrs (s. 6.1(1))
- Yes: Artistic Work (other than engraving) (s. 7.4)

PD on 01 Jan 2004

- Yes: PD on 01 Jan 2004 (s. 7.4)
- No: Last death before 01 Jan 1949?

PD on 01 Jan 2049

- Yes: PD on 01 Jan 2049 (s. 7.5)
- No: Artistic Work, published, performed or communicated?

PD at creation +75 yrs

- Yes: PD at creation +75 yrs
- No: PD at earlier of pub +75 yrs or creation +100 yrs

PD at creation +100 yrs

- Yes: PD at creation +100 yrs
- No: PD at death +50 yrs (s. 6)

PD at death +50 yrs (s. 6)

- Yes: PD at death +50 yrs (s. 6)
- No: Last death before 01 Jan 1949?

PD at death +50 yrs (s. 6.1(1))

- Yes: PD at death +50 yrs (s. 6.1(1))
- No: First pub, perf or comm after last death but before 01 Jan 1999?

PD at earlier of pub +75 yrs or creation +100 yrs

- Yes: PD at earlier of pub +75 yrs or creation +100 yrs
- No: PD at creation +100 yrs

PD at creation +100 yrs

- Yes: PD at creation +100 yrs
- No: Last death before 31 Dec 1998?

PD on 01 Jan 2049

- Yes: PD on 01 Jan 2049 (s. 7.5)
- No: Created before 01 Jan 1945?

PD at earlier of pub +75 yrs or creation +100 yrs

- Yes: PD at earlier of pub +75 yrs or creation +100 yrs
- No: Published before 01 Jan 1970?

PD on 01 Jan 2004

- Yes: PD on 01 Jan 2004 (s. 7.4)
- No: Last death before 31 Dec 1998?

PD at death +50 yrs (s. 6)

- Yes: PD at death +50 yrs (s. 6)
- No: Last death before 01 Jan 1949?

PD at creation +175 yrs

- Yes: PD at creation +175 yrs
- No: Published before 01 Jan 1970?

PD at earlier of pub +50 yrs or creation +75 yrs

- Yes: PD at earlier of pub +50 yrs or creation +75 yrs
- No: Published before 01 Jan 1970?
Note: Where term of copyright expires during a given year, a work enters the public domain on January 1st of the following year.

1For Dramatic Cinematographic Works, the author and first owner of copyright is the scriptwriter/director; see Films Rachel Inc. v. Druker & Associés Inc. (Sept 28, 1995) (Que. S.C.).
2Has the identity of one or more of the authors become commonly known before the work otherwise entered the public domain (currently, the earlier of making +75 yrs or, if published, the earlier of publication +75 yrs or making +100 yrs)?
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Selection: Type of Work

Performer's Performance?

Yes

Fixed before 01 Jan 1970?

Yes

Published before fixation +70 yrs?

Yes

PD at earlier of pub +75 yrs or fixation +100yrs (ss.23.1)

No

Published before fixation +70 yrs?

Yes

PD at fixation +70 yrs (ss.23.1)

No

Published before fixation +50yrs?

Yes

PD at fixation +50 yrs

No

Published before 01 Jan 1970?

Yes

PD at publication +50 yrs

No

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Sound Recording?

Yes

No

Fixed before 01 Jan 1970?

Yes

No

Published before fixation +70 yrs?

Yes

No

PD at earlier of pub +75 yrs or fixation +100yrs (s. 23.1.1)

Published before fixation +50yrs?

Yes

No

Published before 01 Jan 1970?

Yes

No

PD at publication +50 yrs

PD at fixation +70 yrs (s. 23.1.1)

PD at fixation +50 yrs

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