

COSEWIC STATUS REPORT CONTRACT CLAUSES PERTAINING TO INTELLECTUAL PROPERTY (IP¹) AND MORAL RIGHTS (MR²)

For all reports contracted by Environment Canada on behalf of COSEWIC, IP will be retained by the Government of Canada, (“the Crown”) so that the reports can be published on the Species at Risk Act Public Registry. The goal of Crown ownership is not, however, to prevent contractors from publishing their information in other fora. As of December 2003, contracts for status reports will include a license from the Crown to use, reproduce or publish portions of the provisional report, provided that 1) the report is not published in its entirety, and 2) The contractor acknowledges that the Crown has contributed Crown Copyright to their work and includes the following notice and disclaimer in any new document which incorporates portions of the status report: *“Notice: Some of the information used or referenced in this document is Crown Copyright, compiled on behalf of COSEWIC under a contract with Environment Canada, however, comments or conclusions made by the author using this information do not necessarily reflect the opinions of Environment Canada or COSEWIC.”* Note that publications that are clearly and substantially different from the status report do not require a license from the Crown. Note also that any IP belonging to the report writer or anyone else before the status report is undertaken would still belong to the original holder. Permission to use such information must be secured.

For unsolicited reports, the report writer provides permission to publish, and a waiver of moral rights in the report, as described in the Application for Wildlife Species Assessment (Available at [Appendix-F9_Eng.pdf](#)). The IP for the final COSEWIC Assessment and Status Report will be held by the Government of Canada.

For all reports (commissioned and unsolicited) the report writer and any other contributors (i.e., co-writers) must be willing to provide a waiver of moral rights (MR) in the report available from the COSEWIC Secretariat: ec.cosepac-cosewic.ec@canada.ca. One reason for this stems from the fact that reports are subject to review, updating and additions as new information becomes available. On rare occasions, a status report may require revisions that are not sanctioned by the report writer preparing the document as recommended by the responsible Species Specialist Subcommittee or by COSEWIC. A second reason for the waiver stems from the decision by COSEWIC in May 2001 that status reports will be living documents that will

¹ IP protection provides the holder of the intellectual property the right to prevent others from doing something with a work for a certain period of time. Copyright includes giving the holder the sole right to produce, reproduce, perform or publish any translation of the work.

² MR are the rights of an author to the integrity of a work and the right to have one’s name associated with that work. MR cannot be ceded or taken against an author’s will; however, an author can waive MR associated with that work.

be updated to reflect the changing status of a wildlife species over time. A waiver of MR will allow subsequent report updates directly, without anyone being guilty of plagiarism. This will eliminate the need for the preparation of a whole new document.

COSEWIC will be cited as "author" for reports commissioned (or initiated) after May 2001. The report writer(s) will be acknowledged in the final status reports posted on the SARA public registry, and the roles of other contributors will be recognized. Report writers may, however, opt out of acknowledgement of their role in the status report if they wish. In the case of updated status reports, all report writers involved in the preparation of the original status report on the wildlife species and any previous updated reports will also be acknowledged.