

**Information Bulletin #5  
Copyright for Archivists  
Canadian Council of Archives Copyright Committee**

**Posthumous works**

A posthumous work is a literary, musical or dramatic work, or an engraving that was not published, performed in public, or communicated to the public by telecommunication during the author's lifetime. The 1997 amendments to the *Copyright Act* concerning posthumous works came into effect on December 31, 1998 and, as scheduled, on January 1, 2004 a large number of posthumous works entered the public domain. The amendments also contained some transitioning provisions that bridged complicated previous terms of protection to a more standardized general rule of Life + 50, regardless of whether or not a work was published. The following chart is a summary of the four possible situations for posthumous works:

Situation	Rule
<b>An author died with an unpublished work that his/her estate published before December 31, 1998</b>	The work is protected for 50 years from the date it is published
<b>An author died on or after December 31, 1948 with an unpublished work that had not been published as of December 31, 1998</b>	The work is protected until December 31, 2048 (for a period of fifty years following the end of 1998)
<b>An author died before December 31, 1948 with an unpublished work that had not been published as of December 31, 1998</b>	The work was protected until December 31, 2003 (for 5 years following the end of 1998), and is now in the public domain.
<b>An author dies after December 31, 1998 with an unpublished work</b>	The work is protected until the end of the year in which the author dies and for a period of fifty years following the end of that calendar year.

Revised on April 24, 2017