

# informATIOn

March 2007

Number 1

## You Belong, But Are You a Member?

By Nancy McInnis

*Vice-President, Director, Independent Translators*

When I sat down to write this article, I had no clue how to begin, or even what to say. How could I explain why every Board member willingly gave up several weekends to be closeted in a dusty, musty old boardroom? How could I justify the work of overhauling the by-laws?

The truth is, it just wouldn't be right if we didn't. With the current wording of the by-laws, only Certified Translators, Interpreters and Terminologists are members of ATIO. If you're a Student, you're just that. A Student. If you're a Candidate for Certification, you're a Candidate. You're not a member. You pay dues, but you are not a member. And we don't think that's right.

Article 4.01 of the by-laws currently says that ATIO has five classes of membership, but that "Certified Members or those with proof of certification (...) who are the only persons who have the title of Member under the *Association of Translators and Interpreters of Ontario Act, 1989*." But there is nothing in the Act to support that limitation.

Section 7 deals with membership, and 7.1 with granting membership. Subsection 7.1 says "The Association shall grant a membership in the Association to any individual who applies therefor in accordance with the by-laws, if the individual,

- (a) is not less than eighteen years of age;
- (b) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; and
- (c) has passed such examinations as the council may set or approve in accordance with the by-laws.

It could be argued that subsection (c) means that an individual has to pass the CTTIC exam in order to be considered a member. But those certified on dossier have not passed the exam, yet are considered members. An on-dossier review could, however, be considered a form of examination. In any event, our main concern was clarity and to avoid being straight-jacketed into artificial uses of language.

We have to remember that the Act is a piece of legislation that was intended to provide general structure for the Association and to protect our titles—Certified Translator, Certified Conference Interpreter, Certified Court Interpreter, and Certified Terminologist. Other matters were left as open as possible to allow ATIO to grow and evolve. It would be pointless to have an Act that could only be construed so narrowly that it limited our ability to adapt to changing needs.

ATIO is more than 80 years old, and it has certainly evolved over time. There have been major developments—even in the 10 years since

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I transferred my membership from the Association of Translators and Interpreters of Manitoba (ATIM). We have on-dossier certification, fields of specialization, and the upcoming admission exam.

The terminological change we are introducing is not a substantial development. It is more a change in attitude. The Board wants to right a wrong. We do not think it is right to encourage people to join the Association, require them to pay dues, and then prohibit them from stating that they are members. Our criteria for candidates are designed to accept only those whom we realistically believe can succeed in becoming certified, and ATIO's introduction of an admission test for candidates will further tighten up the process.

The current use of "member" is also unenforceable. We are all quite programmed to understand that once you have been admitted to an association and have paid your dues, you become a member. After all, if you don't become a member, what do you become? We have been reduced to calling our Candidates for Certification "dues payers." But at least it is better than "joiners."

And what do you call a Candidate's membership card?

It is a terminological nightmare. The public understands that if you belong to an association, you are a member. Imagine, then, the poor Candidate who has to try to explain his situation to a potential client. He is not a member, he patiently explains, he is a Candidate. Yes, he belongs to ATIO, but no, he is not a member.

I can understand that previous Boards may have felt it would clarify the distinction between Certified Members and Candidates. After all, if a Candidate cannot refer to himself as a member, he is forced to say he is a Candidate. And then he cannot mislead anyone, accidentally or otherwise, into believing that he is certified.

But that is not the way things have gone in practice. Candidates have continued to say they are members of ATIO. After all, they have been admitted and they pay their dues. And really, for the most part, they just don't know what else to call themselves.

Board members grappled with the possibility that Candidates could misrepresent themselves by stating simply that they were "members of ATIO." Could the public think that being a member of the Association was the same as being a Certified Member?

We think that "member" is a general and widely-used term. Moreover, Certified Members tend to stress that they are Certified Translators, Interpreters and Terminologists. We are proud of our certification and want to make sure people know we have earned it.

To ensure that the public is equally aware of what it means to be certified, we propose that the Board conduct a PR campaign to educate the public about classes of membership. We are preparing a new pamphlet explaining who and what ATIO is. We are also revamping the Website so that we highlight the distinction between Certified Members and Candidates.

This is not a change that will take anything away from Certified Members. For that matter, Candidates and Students will not gain anything either, except a more logical standing in ATIO.

The new and improved by-laws also herald one other important change. ATIO has always stated that a Candidate has five years to become certified, longer if an exam is not offered every year. But the rule was not strictly enforced.

That is about to change. We are no longer prepared to turn a blind eye while Candidates sit on the books year after year. The point of joining the Association is to work towards certification. We do not want people to join to become Candidates. ATIO is a professional association, and we want to ensure our members are of the highest calibre.

We also think this will help to ease any lingering concerns about allowing Candidates to call themselves members. We are introducing the admission exam to verify the language ability of our new Candidates. We are also striking Candidates from the register who have failed the certification exam repeatedly. We hope this will result in more Candidates moving up to join the ranks of our Certified Members.

And of course there are the usual housekeeping changes. We have tried to move to more inclusive language to

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eliminate the exclusive use of the masculine, or the more cumbersome “s/he.” And we have taken out the use of figures after writing out numbers, e.g. five (5).

Really, the big change in the amendments to the by-laws is to allow Candidates and Students to call themselves members. It is simply a move towards fairness. I cannot understand how you can be admitted to an association, pay your dues, and not be a member. I don't believe that you can explain the logic of it either, so I hope you will approve the new by-laws at the AGM in Ottawa this April.

## CONGRATULATIONS!

**Certified Through CTTIC  
Court Interpreting  
Examination**

*Farsi/English*

Abdullah Mozaffarian



## Calendar of Events

### ✓ MAY 2007

**May 2-4, 2007: International Terminology  
Symposium**

*Terminologie : approches transdisciplinaires*

*Université du Québec en Outaouais*

Gatineau, Quebec

Information: <http://www.uqo.ca/terminologie2007/>

**May 14-15, 2007: La langue et la localisation :  
politiques, stratégies et pratiques, 3<sup>ème</sup> colloque sur la  
localisation**

McGill University

Montreal, Quebec

Information: [www.teknolang.net/en/veille.htm](http://www.teknolang.net/en/veille.htm)

**May 26-28, 2007: XX congress of the Canadian  
Association for Translation Studies**

University of Saskatchewan

Saskatoon, Saskatchewan

Information: <http://www.uottawa.ca/associations/act-cats/Eng/congress/congress.htm>

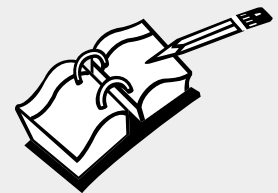
### ✓ OCTOBER 2007

**October 1-3, 2007:**

**International Symposium  
The Theory of Translation and  
Interpreting Today**

Moscow, Russia

Information: [http://esti.msu.ru/  
content/view/79/96/](http://esti.msu.ru/content/view/79/96/)



### ✓ AUGUST 2008

**August 1-7, 2008: XVIII FIT World Congress**  
Shanghai, China

Information: [www.fit2008.org](http://www.fit2008.org)

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# Copyright and Translation

By Lisa Carter, C. Tran. (Canada)

Copyright is an extremely complex topic, so let me begin with the disclaimer that I am not an expert and will in no way be providing legal advice, but simply sharing some of what I have learned through my literary translation experience. Further, since it is such a broad topic, I will concentrate on two main issues that affect us as translators: obtaining copyright permission in order to translate a work and owning copyright for your translation.

*To begin with, what is copyright?* According to the Canadian Intellectual Property Office, “In general, copyright means the sole right to produce or reproduce a work or a substantial part of it in any form (...) and if the work is unpublished, it includes the right to publish it or any substantial part of it.” Furthermore, copyright grants the holder the sole right to “produce, reproduce, perform or publish any translation of the work.”

Therefore, permission must be obtained before a translation can be undertaken and eventually published, unless the work has fallen into the public domain. In Canada, copyright lasts as long as the life of the author plus fifty years. After that, a work is considered to be in the public domain, and permission is not required for a translation. Thus, for example, works by Canadian authors such as L. M. Montgomery or Louis-Honoré Fréchette are in the public domain.

*How do I go about requesting permission?* Let’s say, for example, that I want to translate a novel by Margaret Atwood from English into another language. I must first look at the inside cover of the book to see who, exactly, holds copyright. Sometimes it is the author, but often it is the publisher. I must then track down a contact address for the copyright holder and write to request permission to undertake a translation. Some publishers have a “Foreign Rights” contact person you can write to, others will have a specific form that needs to be filled out. Obtaining permission to translate a copyrighted work can be an onerous and time-consuming process, taking several weeks or even months, so factor this into your schedule.

*Can I translate something without obtaining permission from the copyright holder?* While you can translate

a work for personal purposes, it cannot be submitted for publication until you have received a favourable reply from the copyright holder. The vast majority of publishers will require proof of such authorization with your submission.

*I have obtained copyright permission, or this particular work is in the public domain, and my translation has been accepted for publication. Who will own the copyright?* Here, the law and what you are led to believe by publishers are often very different. As I understand it, a translator holds copyright for their translation of a work from the very moment it is created—just as an author would. Copyright must be signed over to another entity by means of some verbal or written agreement; otherwise, it remains with the translator.

When publishing in a magazine or journal, there is often no discussion regarding who will hold the copyright. I have found with this type of publication that copyright generally remains in the publisher’s name. However, they may only hold first serial rights; in other words they have the right to publish the work before anyone else. Copyright can then revert to the author after this one-time publication. Some submission guidelines will set out what the copyright situation is for a particular magazine or journal, but, if they do not, make sure to ask the editor. Alternatively, you could have a general copyright agreement drafted by a lawyer specializing in intellectual property and propose it to all of the publications you work with.

With respect to books, it is important to note that copyright is usually up for discussion. Publishers may not initially offer to register copyright in the translator’s name. This situation in the publishing industry has led many translators to assume that copyright automatically falls to the publisher. However, given that we are the creators of a particular translation, we deserve to be recognized as such and to have copyright in our name. There is no harm in negotiating a contract with a publisher, asking or even insisting that you be granted such copyright.

When in doubt about your rights with respect to copyright, the safest route is to contact a legal professional.

# On the Lighter Side... Recycling

By Nancy McInnis

*Vice-President, Director, Independent Translators*

With global warming always a front-page news item, ATIO was wondering how concerned its members were and how involved they were in reducing the size of their own footprint. Only 6% of members responded, but maybe everyone else was busy putting out their green, black and blue boxes.

Of those who did respond, approximately half enjoy a commute-free life, as they work from home. Other respondents were fairly evenly split between those who take public transit to work and those who use their own vehicle. However there were a very energetic few (10) who either bike or walk to work. If you are wondering who they are, look for the healthy ones at the next ATIO event you attend. (And no, walking down the stairs doesn't count!)

The majority of respondents are into recycling. Our members said that they recycled everything we mentioned:



beverage cans, water bottles, paper, and toner and ink cartridges. Even old computer hardware finds new uses after our respondents have finished with it. We wonder if that means there are schools

around Ontario with fancy monitors and keyboards that are capable of handling different characters from a variety of languages!

By and large, translators feel they are doing their bit for Mother Earth, as half of respondents said that their company was very green. Yet that same half say they recycle only what is allowed locally. Let's hope their locality is very green!

In fairness, though, our survey focused primarily on recycling office materials. If recycling is a habit in the workplace, wherever that workplace may be, it is likely also a habit in the home. And that can only be a good thing for us all. So thank you to everyone for all their efforts to think green.

Keep up the good work!