

INDEXING SOCIETY OF CANADA
SOCIÉTÉ CANADIENNE D'INDEXATION

Bulletin



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Indexing Society of Canada Société canadienne d'indexation

133 Major Street, Toronto, ON
Canada M5S 2K9

www.indexers.ca

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MANAGING EDITOR: Vicki Gregory
PRODUCTION EDITOR: Sergey Lobachev
COPYEDITOR: Gillian Watts
PROOFREADERS: Vicki Gregory, Alexandra Peace, Tere Mullin,
Anna Olivier, Jolanta N. Komornicka
TRANSLATION COORDINATOR: Anna Olivier

Editor, Comments from

The days are getting shorter (and colder!), but I find my thoughts are already on spring 2022. Mark your calendars for ISC/SCI second fully virtual conference, “Past Perfect, Future Progressive” with keynote speaker Dennis Duncan! Lisa Fedorak tells us more about it in Upcoming Events. Sergey Lobachev brings us a review of Dennis Duncan’s book, *Index, A History of the* (Penguin Books, 2021). Sergey is also in the spotlight in this issue’s “Focus On” article.

The Society was pleased to announce the 2021/2022 Diversity in Canadian Publishing Award recipient, datejie cheko green. Six-month trial memberships were also awarded to six runners-up. Congratulations to all!

This year’s Ewart-Daveluy Award winner, Stephen Ullstrom, has written about his inspiration and process creating the index for *The Shield of Psalmic Prayer*.

If you’ve ever wondered about Canadian Copyright law and how it pertains to indexers, you will want to read Donald Howes’ in-depth article. This will be a two-part series, the next to appear in the spring 2022 issue.

I’d like to welcome Jolanta Komornicka to the *Bulletin* team! Jolanta has contributed a review of the recent virtual Society of Indexers (SI), UK, 2021 conference.

A special thank you to all the volunteers who have brought this issue to life! Best wishes to all in 2022!

I welcome articles and ideas for future issues. Feel free to contact me at Bulletin_editor@indexers.ca.

Vicki Gregory

Le mot de la rédaction

Les jours raccourcissent (et il fait de plus en plus froid !) mais je suis déjà en train de penser au printemps 2022. N’oubliez pas de marquer sur vos calendriers la date du deuxième congrès virtuel de la SCI/ISC, intitulé « Past Perfect, Future Progressive », avec comme présentateur principal Dennis Duncan. Lisa Fedorak nous en parle en plus grand détail dans la rubrique des événements à venir. Sergey Lobachev nous propose une critique du livre *Index, A History of the* (Penguin Books, 2021). Sergey est également la vedette de la rubrique Focus On/Lumière sur... de ce numéro.

La société est ravie d’annoncer que datejie cheko green est la lauréate du prix de la Bourse pour la diversité de l’édition 2021/2022. Les finalistes ont reçu des abonnements d’essai de 6 mois.

Stephen Ullstrom, le gagnant du prix Ewart-Daveluy de cette année, nous explique d’où lui est venue son inspiration et la nature du processus utilisé lors de la création de l’index de *The Shield of Psalmic Prayer*.

Et n’oubliez pas de lire l’article détaillé de Donald Howes si vous vous êtes déjà posé des questions sur la loi canadienne sur le droit d’auteur et la manière dont elle s’applique aux indexeurs. Ceci est le premier article d’une série de deux articles, le second étant prévu pour le numéro du printemps 2022.

J’aimerais également souhaiter la bienvenue à Jolanta Komornicka dans l’équipe du Bulletin. Jolanta a contribué à une revue du récent congrès virtuel de la société d’indexation en 2021.

Et enfin, un grand merci à tous les bénévoles qui ont aidé à donner vie à ce numéro ! Nos meilleurs souhaits à tous pour 2022 ! J’accueillerai avec plaisir tout article ou toute idée pour de futurs numéros. N’hésitez pas à me contacter à Bulletin_editor@indexers.ca.

Vicki Gregory

Upcoming Meetings and Events

BC Region—BC Regional meetings are the 1st Wednesday of the month at 7 p.m. PST, every other month. The next meeting will be 2 February, from 7 to 8:30 p.m. PST.

For more information contact Lisa Fedorak, bc_rep@indexers.ca.

Central Region—Meetings are held on the 4th Saturday of the month, every other month.

For more information contact Ronnie Seagren, central_rep@indexers.ca.

Eastern Region—Meetings are held on the 3rd Wednesday of the month at 6 p.m. EST, every other month.

The next meeting will be 16 February, from 6 to 7 p.m. EST.

For more information contact Tere Mullin at eastern_rep@indexers.ca.

Prairies & Northern Canada—For more information contact Liese Achtzehner at prairies_rep@indexers.ca.

Members Monthly Video Chat

The national monthly video chats are now held on either a Wednesday or Saturday on alternating months. Dates and links can be found on the website (<https://indexers.ca/events/>) under Upcoming Events on the home page.

The next executive committee meeting will be held on Saturday, January 15, 2022, from 1 p.m. to 5 p.m. EST. Please let your regional rep know if you have any questions or concerns for the executive committee.

Executive Committee News

September Executive Committee Meeting

by Alexandra Peace

On 25 September 2021 the executive committee had its regular meeting, with plenty of items to discuss. This was the first meeting with our new executive committee members.

Of course, we had the usual consent agenda items. These are reports with information for the executive committee that don't need to be discussed at the meeting. These included reports from the regional reps, treasurer, membership chair, Mary Newberry Mentorship Program, international liaison, and web administration. We also heard about the Dictionary of Basic Indexing Terminology that was initiated by Jochen Fassbinder. Several of our members contributed to it. Thanks!

Then we got into the reports that needed some discussion by the executive committee. We talked about the various time zones across Canada and how best to present the correct times for meetings—there had been a mix-up between parts of the website and a meeting time!

Judy Dunlop, the current chair of the Ewart-Daveluy Award panel, sent a report recommending a change in criteria for the award. TIDE Committee brought us up to date



*September Central indexing meeting at a park.
Photos provided by Ronnie Seagren*



Socially distanced but lively conversation.



New indexer, Jolanta Komornicka, explaining how she was teaching a course on the plague at the start of the pandemic

about the changes in timing for the bursary awards and recommended that we offer six-month trial memberships for the six runners-up.

We all gave a round of applause to the Conference Committee for having put on such an amazing virtual conference this year. They had some housekeeping requests for Conference 2022, which they have already started working on! The Conference Fee Ad Hoc Committee presented their ideas about what should be done about conference fee profits/losses and recommended a course of action for determining the fees.

We heard about the activities of our newest committee, the New Indexers Resource Committee, who have been working hard.

Central Canada Region (Ontario) met in person for the first time in a long time. We got pictures of Margaret de Boer presenting the Tamarack Award to Siusan Moffat!

We had a final look at the webinar program policies and procedures.

Jason Begy brought up some constitution issues with our meeting procedures, which we discussed briefly and resolved.

The executive committee works hard for the Society. Do please let its members know that you appreciate them! (Just saying ... Magpie Kudos!)

Our next meeting will be on January 15, 2022. Please let your regional rep know if there is anything that you would like the executive committee to discuss.



In-person meeting of some of the Eastern Region indexers. Alexandra Peace and Noeline Bridge. Photo provided by Alexandra Peace

PAST PERFECT, FUTURE PROGRESSIVE ISC/SCI VIRTUAL CONFERENCE—13 & 14 MAY 2022 FIRESIDE CHATS—12 MAY

Working off the title, the first day of Conference 2022 will begin with our keynote speaker, Dennis Duncan, author of *Index, A History of the*. We will continue with present-day indexing practices and concerns. The following day we will look to the future of indexing.

Similar in format to the well-received 2021 virtual conference, the 2022 conference will have eight sessions over two days, plus Fireside Chats, where students and very new indexers can ask questions of a seasoned veteran. Throughout the conference, three kinds of networking opportunities will be provided: speed networking, themed discussion rooms, and after-hours informal chatting.

Watch your email or check out the conference website—<https://indexers.ca/annual-conference/>—for announcements of the full slate of presenters, registration fees, and the early-bird deadline.

Lisa Fedorak

Presidents' Message

For many of us, the end of the year is a time for looking backwards and forwards, reflecting and planning. The month of January is named for the Roman god Janus, the god of transitions—frequently depicted with two faces: one looking ahead, the other behind. And although I am writing to you from mid-November, this final issue of 2021 seems an apt time for some Janusian perspective.

In terms of the ongoing pandemic, we are in a much better place now than we were in 2020. Vaccines have allowed us to return to some sense of normalcy, and the long months of social isolation are starting to fade. The loosening of restrictions along the Canada/US border means that many of us are now able to see loved ones again. I for one am looking forward to resumption of my holiday tradition of driving seven hours from Montreal to Buffalo to see family and old friends; there is something oddly comforting about a long road trip in the cold weather.

In terms of the Society, I have greatly enjoyed my first few months serving as co-president. I have learned a lot about how the Society functions and it has given me a greater appreciation for our numerous volunteers—I cannot thank you enough. Speaking of volunteers, we are always looking for more people to get involved and

help out! Please take a look at the “Volunteers Needed” section on page 27 if you are interested in becoming more involved in the Society.

Looking ahead to next year, we have many exciting things on the horizon, such as the annual conference and our ongoing video chats. We also have some exciting projects in their very early stages that we cannot wait to share with you.

Stay healthy, everyone!

Jason Begy

As Jason said, we are in a much better place now than we were in 2020. Our Society was already well used to being connected without being in person because of our great geographical distance. Now, however, we are also able to meet with our international colleagues. We have had two great informal international meetings—notes from the last one by Margaret on page 17—and this can only help the members of our Society. Conferences are open to people all around the world, and we are exposed to just that many more experts.

Happy holidays to all!

Alexandra Peace

Messages de la présidence

Pour bon nombre d'entre nous, cette période de fin d'année est le moment idéal pour faire le point sur le passé comme sur l'avenir, pour réfléchir et planifier. Le mois de janvier tient son nom du dieu romain Janus, le dieu des transitions, fréquemment représenté avec deux visages, l'un tourné vers l'avant, l'autre vers l'arrière. Et bien que nous ne soyons qu'à la mi-novembre au moment où je rédige ceci, l'édition finale de l'année 2021 semble être l'occasion idéale pour adopter une perspective janusienne.

En ce qui concerne la pandémie, la situation est bien plus positive qu'en 2020. Le programme de vaccination nous a permis de retrouver un certain sentiment de normalité et nous commençons à oublier tout doucement les longs mois d'isolement. L'allègement des restrictions à la frontière du Canada et des États-Unis signifie que certains d'entre nous peuvent à nouveau rendre visite à leurs proches. Je me réjouis énormément de pouvoir reprendre une de mes traditions de Noël, qui est d'aller de Montréal à Buffalo en voiture pour rendre visite à ma famille et à de vieux amis. C'est peut-être difficile à comprendre, mais un long voyage en voiture, en plein hiver, est étrangement réconfortant.

Parlons maintenant de la Société. J'ai énormément apprécié mes premiers mois en tant que co-président. J'ai aussi beaucoup appris sur la manière dont la Société fonctionne et ceci m'a permis d'apprécier le travail de nos nombreux bénévoles, que je ne pourrai jamais assez remercier.

J'aimerais d'ailleurs ajouter à ce sujet que nous continuons à accueillir avec plaisir ceux qui veulent apporter leur aide! Vous pouvez consulter la section « Volunteers Needed ! » en page 27 si vous désirez vous engager davantage envers la Société.

L'année prochaine s'annonce très intéressante, grâce, entre autres, à notre congrès annuel et à nos discussions régulières par vidéo. Nous avons également commencé à mettre en œuvre des projets passionnants et nous attendons avec impatience de pouvoir vous en parler.

Restez tous en bonne santé !

Jason

Comme l'a dit Jason, la situation est bien meilleure qu'en 2020. Nous étions déjà habitués à nous connecter en ligne, en raison de la distance géographique qui sépare la plupart d'entre nous. Mais nous sommes maintenant également en mesure de nous connecter avec nos collègues venus d'autres pays. Nous avons organisé deux réunions internationales informelles qui se sont très bien passées et ceci ne peut être que positif. Vous trouverez les notes de Margaret concernant ces réunions en page 17. Ces conférences sont ouvertes aux personnes du monde entier et nous avons accès à un nombre infini d'experts.

Bonnes fêtes à tous !

Alexandra

Awards and Recognitions

Diversity in Canadian Publishing Bursary Awards for 2021–22

by Siusan Moffat

The Indexing Society of Canada/Société canadienne d'indexation is pleased to announce that **datejie cheko green** is the 2021–22 ISC/SCI Diversity in Canadian Publishing Bursary Award recipient.

datejie cheko green is a journalist, digital consultant, and interdisciplinary scholar whose knowledge production spans genres and sectors. Her research interests include decolonizing and environmental movements, with a focus on uncovering and translating the histories of systems, structures, and relations that have led to inequalities today. She has been a union organizer for freelancers, equity-seeking



datejie cheko green. Photos provided by Siusan Moffat.

journalists, and knowledge workers in Canada and the United States, leading her further into projects that innovate digital justice.

Since entering journalism through community radio, datejie has tracked gaps and opportunities for more cohesive creation, publication, and preservation of the work and works of marginalized peoples—as journalists and as news subjects. Her early interests in archiving radio and film led her to self-study and training in research methods, cataloguing systems, digital asset management software,

metadata practices, and national and international preservation standards and protocols.

Looking back at history and forward to posterity, datejie's current work seeks to address the contemporary urgency for digital literacy, media literacy, and news literacy through radical, collective, and community-minded publishing, preservation, and archiving. She is presently developing news programming and teaching modules focused on, for, and about Black journalists.

With this bursary, ISC/SCI aims to help achieve equality of opportunity for aspiring indexers who belong to underrepresented and/or marginalized groups. The bursary covers fees for an approved indexing program, two years of ISC/SCI membership (with directory listing), and entry into the Mary Newberry Mentorship program.

In addition, six-month trial memberships in ISC/SCI were awarded to the following people:

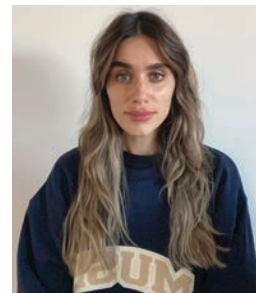
Alex Benmerrouche is a graduate of the University of Saskatchewan with a bachelor's degree in geology and a minor in water science, as well as a GIS certificate from Saskatchewan Polytechnic. He is currently working in occupational health and safety. He enjoys snowboarding, biking, and being outdoors. Alex sees a potential need for indexing in safety documentation. He is looking forward to learning more about indexing and being part of the Society.

Ashley Lavadinho is currently pursuing a publishing certificate at Ryerson University and in her free time does freelance beta reading, which she says has really been taking off lately. She's very excited to get into the publishing world, as books have been the one constant throughout her whole life. She's looking forward to learning more about and from the Society.

Fenrir Cerebellion is a queer, disabled white settler living on the unceded traditional



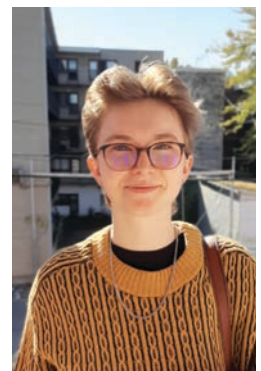
Alex Benmerrouche



Ashley Lavadinho



Fenrir Cerebellion



Jude Klaassen

lands of the Sto:lo Nation and Ts'elxwéyeqw tribe in Chilliwack, BC. They are a fiction and technical writer touching on a wide range of media and formats, from flash-fiction series and narrative games to software documentation and wikis. Raised in the Okanagan on trails and lakes, they are now most often found hiking the mountains with their dog and clearing invasive plants along the way.

Jude Klaassen is an upcoming graduate from Concordia University's Creative Writing Honours program, with an interdisciplinary minor in law. Their studies have spanned a wide range of topics, from poetry to human rights systems to queer theory. Outside of academics, their interests include genre fiction, tabletop games, DIY, and content creation. They will be joining ISC/SCI once they've completed the indexing course from Berkeley University and

have moved back to Ottawa.

Mieke de Vries is a queer, neurodivergent writer and editor of Dutch and Danish descent. She currently lives on the unceded traditional territory of the Cowichan First Nation. She has a BFA in creative writing from the University of Victoria and writes fiction and creative nonfiction. Her work explores themes of identity, sexuality, gender, mental health, and trauma.

Sarah Kahale is an editor based in Victoria, BC. Currently enrolled in Ryerson's publishing certificate program, she received her bachelor's degree from the University of Victoria in ancient Greek language and literature. Sarah is currently working in the entertainment sector, writing closed captions and subtitles for the Deaf and hard of hearing. She will begin her membership with ISC/SCI in 2022.



Mieke de Vries



Sarah Kahale

Prix de la diversité dans l'édition au Canada pour 2021/2022

La Société canadienne d'indexation/Indexing Society of Canada (ISC/SCI) est heureuse d'annoncer que datejie cheko green est la récipiendaire du prix 2021/2022 Diversité dans l'édition au Canada de l'ISC/SCI.

datejie est journaliste, consultante numérique et étudiante interdisciplinaire, et sa production de connaissances porte sur divers genres et secteurs. Ses intérêts de recherche couvrent les mouvements de décolonisation et environnementaux, avec un focus sur le dévoilement et le transfert de l'histoire des systèmes, des structures et des relations qui ont conduit aux inégalités actuelles. Elle a été déléguée pour travailleurs autonomes, journalistes en quête d'équité et travailleurs du savoir au Canada et aux États-Unis, ce qui l'a conduite à des projets innovants en matière de justice numérique.

Depuis ses débuts comme journaliste par l'entremise d'une radio communautaire, datejie a recherché les failles et occasions de création plus cohésive, de publication et de préservation du travail des groupes marginalisés – que ce soit des journalistes ou de nouveaux sujets. Son intérêt de longue date pour la conservation et l'archivage de la radio et du cinéma l'a conduite à étudier et expérimenter par elle-même diverses méthodes de recherche, systèmes de catalogage, logiciels de traitement des données numériques, pratiques de création de métadonnées et

enfin normes et protocoles nationaux et internationaux de préservation.

Regardant à la fois vers le passé et vers l'avenir, le travail actuel de datejie porte sur l'urgence actuelle d'une littératie numérique, d'une littératie des media et de l'information grâce à une édition, une préservation et un archivage radicaux, collectifs et tournés vers les diverses populations. Elle prépare actuellement des modules de programmation et d'enseignement ciblant les journalistes noirs et créés par et avec eux.

Avec ce prix, la Société vise à promouvoir l'égalité des chances pour les aspirants indexeurs appartenant à un groupe sous-représenté ou marginalisé. Ce prix couvre le coût pour la formation à un programme reconnu d'indexation, pour deux ans de cotisation à la Société avec inscription sur le registre des indexeurs et pour une participation au programme de mentorat de Mary Newberry.

De plus, six mois d'adhésion gratuite ont été attribués à chacune des six personnes suivantes : Sarah Kahale (CB), Alexander Benmerrouche (SK), Ashley Lavadinho (ON), Jude Klaassen (QC), Fenrir Cerebellion (CB) et Mieke Leigh (CB).

Comité TIDE (The Inclusion, Diversity, and Equity Committee), ISC/SCI

TIDE@indexers.ca Communications@indexers.ca

Announcements

Call for Submissions: ISC/SCI Ewart-Daveluy Award for Excellence in Indexing 2022

Submissions are open! The application has never been easier.

- It's all online.
- You don't need a hard copy—just send a PDF of the published book and/or the PDF sent to you by the publisher plus your Word/RTF file of the index.
- The cost is only \$30.
- We provide feedback for up to three runners-up.

No restriction on the subject matter or genre—textbooks, cookbooks, guidebooks, memoirs, art books, how-to books, travel books, all books—it's your index we will be looking at.

Show us how you creatively overcame challenges, resulting in an outstanding, well-structured, easy-to-navigate, clear, and comprehensive guide for all of its users.

Give us a challenge. You have nothing to lose and everything to gain. Maybe you'll get the prize (which won't happen if you don't apply). And if not, you're very likely to get expert confidential feedback. That's worth a lot.

This year you can submit indexes published in **2020** and **2021**. If you are a Canadian indexer or a Canadian resident, this is the time to do it. If you are not a Canadian citizen or resident, you may submit an index if you were a member of ISC/SCI at the time you wrote the index.

The deadline for submissions is March 15, 2022. Please see the ISC/SCI [website](#) for guidelines, criteria, and the submission form: indexers.ca/isc-awards/ewart-daveluy-indexing-award/.

**Judy Dunlop, Coordinator, 2022 ISC/SCI Ewart-Daveluy Indexing Award,
Audrey McClellan and François Trahan**

Appel aux candidatures : Prix d'excellence en indexation Ewart-Daveluy 2022 de la SCI/ISC

L'appel aux candidatures est lancé ! Il n'a jamais été plus facile de postuler.

- Vous pouvez tout faire en ligne.
- Il n'est pas nécessaire d'avoir une copie imprimée—il suffit de nous envoyer un PDF du livre avec l'index ou le PDF reçu de l'éditeur et votre index en format Word/RTF.
- Les frais de candidature sont de 30 \$ seulement.
- Nous offrons une rétroaction aux trois finalistes, de la part d'indexeurs expérimentés.

Aucune restriction n'est imposée en matière de sujets ou de genres : nous évaluerons les index de toutes sortes de livres, que ce soient des livres de cuisine, des guides, des autobiographies, des livres d'art, des guides pratiques, des livres de voyage ... c'est votre index qui nous intéresse.

Montrez-nous comment vous avez surmonté les défis avec créativité et créé un guide exceptionnel, bien structuré, convivial, clair et détaillé pour tous les utilisateurs.

Donnez-nous un défi à relever. Vous n'avez rien à perdre et tout à gagner. Vous gagnerez peut-être le prix (ce

qui ne sera pas possible si vous ne posez pas votre candidature). Et même si vous ne gagnez pas, vous recevrez très probablement la rétroaction confidentielle d'indexeurs expérimentés. Cela en vaut la peine.

Vous pourrez, cette année, soumettre l'index d'un livre qui a été publié en **2020** ou en **2021**. C'est le moment idéal pour vous lancer, si vous êtes canadien(ne) ou résident(e) permanent(e). Si vous n'êtes pas citoyen(ne) ou résident(e) canadien(ne), vous pouvez soumettre un index si vous étiez membre de la SCI au moment où vous l'avez réalisé.

La date limite de dépôt des candidatures est le 15 mars 2022. Veuillez visiter le [site web](#) de la SCI/ISC pour prendre connaissance des lignes directrices et des critères et accéder aux formulaires de candidature : indexers.ca/fr/isc-awards/ewart-daveluy-indexing-award/.

**Judy Dunlop, coordinatrice du prix d'excellence en indexation Ewart-Daveluy 2022 de la SCI/ISC,
Audrey McClellan et François Trahan**

Reflections on Winning the Ewart-Daveluy Award

by Stephen Ullstrom

Winning the Ewart-Daveluy Award felt bittersweet. Don't get me wrong: I do feel honoured. I am thankful for the public recognition from my peers and colleagues, and it is validating to know that I am doing something right with my indexes. Constructive feedback can be difficult to come by as a freelancer.

I also feel guilty, because I am struggling in my career. Surely someone who wins an award should have everything together? I have been burned out for portions of the past few years. I am pushing the limits of how much I can take on by myself. I am working on how to make my work more sustainable, not just financially but also physically and mentally.

I am also trying to figure out what comes next in my career. I have been indexing for 10 years; what do the next 10 years look like? In what ways can I still grow? Where and how can I make an impact? What milestones can I still hit? These raise further questions: Do I want to grow in those ways? Are those the impacts I want to make? Are those milestones meaningful?

I recently listened to an interview with fantasy author Fonda Lee on the podcast Page Break with Brian McClellan. To paraphrase, Fonda said that writing careers are like the Wild West, because there are no clearly defined trajectories or goalposts. I think freelance indexing can be the same way. The first stage of a freelance career—getting established with a steady stream of income and a reliable client base—is pretty clear. But once financial sustainability is achieved, what's next? The path forward is much murkier.

In many ways, the index that I won for—for the book *The Shield of Psalmic Prayer: Reflections on Translating, Interpreting, and Praying the Psalter*, by Donald Sheehan (Ancient Faith Publishing, 2020)—came out of these struggles. I wrote the index during an intensely busy spring a couple of months after COVID-19 hit, squeezing the work around projects I was already committed to, projects with a lot of shifting and conflicting deadlines. When submitting the index for the award, I missed the initial deadline, partly because I was busy and also because I wasn't sure if I should submit something while feeling so burned out and ambivalent about my career.

When the deadline was extended, I decided to submit anyway, and to submit an index that was personally

meaningful. It was not the longest index I had written in the qualifying years. It was perhaps not even the most complicated index or for the most difficult book (keeping in mind that complexity and difficulty are somewhat subjective). But this was an index I wanted to write, for an author I respected. While I did keep the award criteria in mind, I wanted this index to be for me.

Don Sheehan embodied who I aspire to be. He managed to combine a deep and humble spirituality with intellectual rigour and engagement with contemporary society via poetry and literature. I find this to be a rare combination among Christians, and one that is refreshing and life-giving. Don found his home in the Orthodox Church, and particularly in the practice of daily prayer through the psalms, praying through the entire psalter every week, which he did for more than two decades, until his death.

This book, *The Shield of Psalmic Prayer*, is the fruit of his spiritual practice, as well as of his work studying the psalms and writing a new translation. The book gathers together journal entries and essays; several chapters are close readings of individual psalms. Because the writings were often introspective and unfinished—edited posthumously by his wife, Xenia Sheehan—it was a challenge at times to understand what Don meant and to pull together overarching themes.

Indexing the individual psalms was also a challenge: a scripture index was required, but a scripture index in no way reveals the depth of the discussion. The subjects and themes contained in those discussions ended up, of course, in the subject index, but I decided to make the specific psalms main entries in the subject index as well, with sub-headings. I think the index is richer from double-posting in this way, acknowledging that the psalms are both subjects and references, rather than segregating based on type of entry. The book also draws upon Orthodox Christian theology, and while I am no theologian, I am Orthodox, and I found my personal background, as well as previous engagement with Don's work, to be helpful.

Having won the Ewart-Daveluy Award, I am glad that I submitted the index for consideration. I have to admit that I do enjoy the recognition, and I am grateful that the award committee—all indexers whom I respect—saw value in my work. The award is also a good reminder that I

do know how to index. I do have knowledge and skills and muscle memory that can see me through the days when I struggle with motivation and focus or when I quail before an intimidating text.

I still have a lot of work to do with figuring out and implementing the next steps of my career. I want to keep working for many more years and that won't happen if I

can't make my work sustainable. This award is not going to solve my problems, but it is a good milestone, marking what I have accomplished so far; a good anchor point for the type of work that I want to do and know I can do; and a good launching point—permission, in a way, to take the next steps forward.

Focus on: Sergey Lobachev

by Siusan Moffat

How long have you been indexing and what memberships do you have?

I opened my business in January 2014. At the same time I joined both ISC/SCI and ASI, and I have retained my memberships ever since.

Where did you get your indexing training?

I completed the Berkeley course with Sylvia Coates. Although I'd done a lot of reading about indexing on my own, taking a course was the right decision. I received feedback from experienced indexers and established initial connections with peers.

Which indexing software do you use?

I use CINDEXTM. For me it works perfectly, although I am not using it to its full potential. It has so many advanced features, and I am still learning how to use them. Frances Lennie, the developer and promoter of CINDEXTM, is very responsive and helpful, so from time to time I seek her advice about functionality of the program.

What did you do before you started your indexing career? Do you see those things as having any relation to indexing?

I used to work as a layout designer for a small journal published by St. Petersburg University in Russia, and I also spent few years in academia as a scholar and instructor. This experience was invaluable for my indexing career. First, I acquired knowledge of the publishing business, especially its production cycle, and second, I learned about scholars' interactions with academic presses. I also obtained a master's degree in library and information science from the University of Western Ontario (now Western University) and spent a few years as a librarian in academic



Photo provided by Sergey Lobachev.

and public libraries. I specialized in digitization projects, and indexing digital assets was part of my daily routine, so I came to the profession not without previous experience.

What was it that attracted you to indexing? Why did you think it would be a good fit?

An unfortunate event—I was laid off from BlackBerry Ltd. (Research In Motion back then). Suddenly I realized there was no longer such a thing as a permanent full-time job, so if nobody wanted me anymore, it was my responsibility to create an employment opportunity for myself. At that point I knew very little about the indexing trade and, unfortunately, library school provided no information in that respect. So I started looking around, got in touch with Chris Blackburn, who at the time was regional representative for Central Canada, and eventually landed in Mary Newberry's backyard in Toronto, joining monthly gatherings of experienced and not-so-experienced indexers. Soon I realized that this was a perfect job for me. I could

apply my skills, I could be independent, I could plan my work schedule. It was a good fit from the very start.

It's interesting that indexing wasn't even touched on in library school. Do you think that's the reason for the obscurity of indexing as a career?

Unfortunately, courses at library school (at least the one I attended) concentrate on prospective careers in academic and public libraries. I remember asking a faculty member about indexing scholarly databases, only to find out she was completely oblivious of the subject. We might think about promoting our society among students specializing in library and information science. I am sure there will be an interest. If only I had known about the indexing profession when I was at school, I would have taken the Berkeley course before completing my studies and would have started my business few years earlier.

You are known in ISC/SCI as the man who grew his indexing business quickly, and you've done a couple of presentations on this subject. Can you briefly share the steps you took to get the amount of work you wanted?

After I launched my business, I spent the first few months focusing almost exclusively on marketing. At first I specifically targeted publishers in my area of expertise, which includes Russian and Eastern European studies. After three months I secured my first contract, with Wilfred Laurier University Press, and after nine months I was getting what you might call a continuous workflow of projects, so I finally could allocate more time to real work. In the following years I expanded my clientele significantly, and I still try to obtain one or two new clients every year. I have decided that Brookfield Indexing Services (the name of my company) is here to stay, and my determination has finally paid dividends.

You mention business strategy later in the interview. I don't think many indexers make a business plan before they begin. What other things do you recommend for indexers to grow their business?

Look for new clients wherever you can. Learn new skills if necessary, for example, new subject areas. Manage your time effectively. Keep up with other, non-indexing tasks (such as bookkeeping, professional development, marketing) but make sure you have enough projects to keep you busy all the time. Create your personality as an indexing professional—your moral code, if you will—and don't take assignments that don't match it. For example, I recently rejected a project that required creating a concordance of terms without locators from an MS Word file. That was

low-calibre work that wouldn't contribute to the improvement of my indexing skills, so why bother?

What do you hope to do next that isn't related to indexing?

The pandemic interfered with my travel plans. When it is over, I hope to go to Spain to visit the Museo Nacional del Prado, one of the five greatest art museums in the world (along with the Louvre, the British Museum, the Hermitage, and the Met), and the only one I have not visited yet.

What is the craziest thing you have ever done in your life?

When I was 16, I walked over a mountain pass in the Tian Shan range—an elevation of 3.5 kilometres above sea level.

What other sorts of things do you like to do?

Sometimes, for old time's sake, I engage in historical research. I have published a couple of essays in *The Indexer* about the history of indexing in early modern Russia and Ukraine. Currently I am exploring avenues around Canadian involvement in the Crimean War of 1853–56.

What index was the most fun to work on?

I don't think about indexing as fun. Even a light text may require close attention and thorough analysis.

Share a nightmare indexing experience, one where everything that could go wrong did.

At the beginning of my career I was eager to take on almost any project, which I'm convinced most newbies do. Once I agreed to index a book on the use and function of *maslaha* in Islamic jurisprudence. It was a big mistake. When I looked at the table of contents, I could barely understand its meaning, not to mention the text itself. So I had to learn on the go about the concept of *maslaha* and its application in sharia law. It was a horrible experience, but I managed to complete the project successfully. Now I rarely take on indexing work without looking at the text first.

Do you have any thoughts about your indexing career that you would like to share?

I think my career path is very typical. It is important to be persistent in pursuing your goal, but sometimes it is luck that drives you forward. I remember calling an editor, hoping to submit my résumé, but at that very point he was looking for an indexer. Thus we established a good working relationship and he kept sending me projects for several years.

Do you have any thoughts that you would like to share about ISC/SCI?

ISC/SCI has gained a reputation as the friendliest and most vibrant society. We have launched a few interesting initiatives lately, such as the mentorship program and the diversity fellowship. However, I would like to see more actions that support business ventures. Access to legal, accounting, or tax advice can be costly for individuals, but collectively we can afford such services.

ISC/SCI is in the top spot when it comes to members' benefits and conferences. I have had the privilege of attending American and British indexing conferences, but the Canadian gatherings seem to me most interesting and useful.

Do you have any suggestions or words of wisdom for other indexers out there, new and old?

Never hesitate to explore new opportunities, whether it is a subject specialty or technology. I learned embedded indexing in MS Word and LaTeX, and the effort was rewarded with interesting work and generous pay. Once you acquire new expertise, it will eventually be discovered, even if you are not actively looking for an opportunity to apply your new skills.

Embedded indexing seems frustrating and precarious to many back-of-the-book indexers. Do you see it as an important step in an indexing business? What predictions would you make about embedding in the future?

I wouldn't say so. Most of my projects are still traditional back-of-the-book indexes. Embedded assignments come from Cambridge University Press for the most part. But that is my experience; I don't have the whole picture. Maybe we need to do a survey to understand the situation better. Making predictions is a daunting task. What I can say is that learning new technologies quickly is important, and learning embedded indexing is not difficult.

Do you have any advice specifically for new indexers?

First you have to decide what you want from the indexing profession. How long do you want to stay in business? How much money do you want to make? Do you want to work full-time or part-time? Then, based on your vision, start building your business strategy, your roadmap to success. And make indexing your habit. Even if you have big gaps between paid projects, you can still index something, or re-index a book with a bad index.

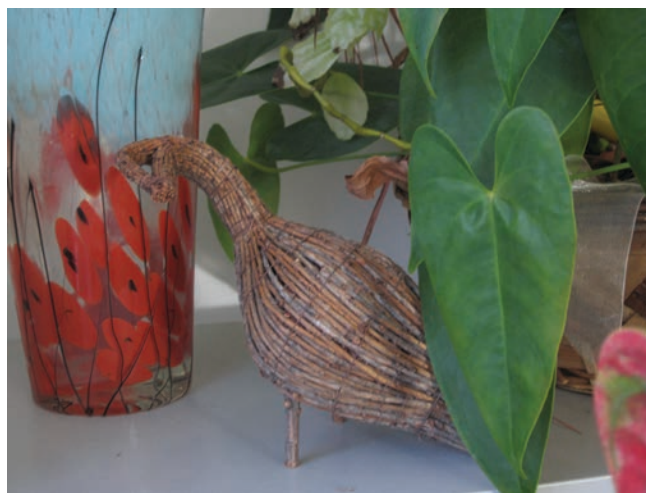
The 2021 Tamarack Award

The Tamarack Award was instituted to recognize members who go "above and beyond the call of duty" in their volunteer work for the Society. This year Siusan Moffat was recognized for her contributions and commitment to the Society. For a full bio of Siusan's contributions please read [Bulletin issue 2, 2021](#).

Past recipients can be found on our website, at <http://indexers.ca/isc-awards/>



*Siusan with Margaret de Boer.
Photos provided by Ronnie Seagren*



Tamarack Award. Photos provided by Ronnie Seagren

A Bookish Adventure in Indexing: Review of Dennis Duncan's *Index, A History of the*

Largely absent from popular and academic literature, the history of index has finally received proper attention in *Index, A History of the* (Penguin Books, 2021), a newly published study by Dennis Duncan, a writer, translator, and lecturer in English at University College London. Those who anticipate first-class historical inquiry, however, may be a little disappointed. *Index, A History of the* is not formal historical research but rather a collection of essays; readers are guided through an exhibit of manuscripts from prominent libraries and archives accompanied by thorough annotations. These annotations bring the indexes to life by connecting them with their creators, their users, and the entire “reading ecosystem.”

Duncan traces the birth of the index to the 13th century, which was marked by the rise of universities and the development of the sermon. Responding to the needs of learned society and the clergy, and to the growing demand for new ways of reading, Oxford scholar Robert Grosseteste prepared his *Tabula*, the first theological subject index, and French Dominican friar Hugh of Saint-Cher composed the earliest concordance of the Bible. These early efforts at identifying and categorizing ideas might seem too complex and confusing to modern readers. It took a long time for indexing tools to be fully developed and universally accepted by the publishing industry.

Alphabetical arrangement, for example, although known from ancient times, was rarely used in medieval manuscripts and was generally considered the “antithesis of reason.” Even in the early modern period the approach was not intuitive; when in 1604 the clergyman Robert Cawdrey published his English dictionary, titled *A Table Alphabeticall*, he urged readers to learn the alphabet and provided an explanation of how to navigate through the text. Pagination was used in the manuscript tradition, but only with the advent of the printing press did it establish

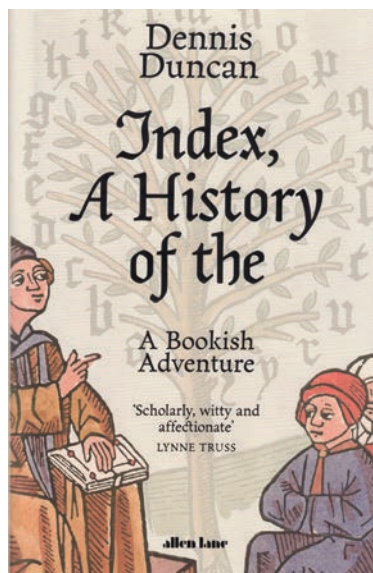
its impartial relationship with the text and page numbers became used as locators.

As indexing matured, indexes became a gateway through which readers accessed the content of books. Jonathan Swift complained that people didn't read books anymore; they read at best nothing but the index. Indexes became too important to be overlooked, and their perception changed along with reading habits. They naturally

“attracted people with a special interest in books.” Thus Samuel Richardson prepared a voluminous index to the expanded edition of his novel *Clarissa*, Alexander Pope indexed his translation of Homer's *Iliad*, and Virginia Woolf developed an innovative approach to indexing names. Indexes even penetrated politics: it became a fashion in political pamphlets to produce a rogue index, “weaponized against its primary text,” to ridicule political rivals. Finally, indexes captured the artistic imagination, employed as tools of artistic expression manifested in Alejandro Cesarco's artwork.

Duncan's exploration of the history of the index—what the book's subtitle rightly refers to as “a bookish adventure”—is elegantly written and thoroughly researched. Its target audience spans from academics to amateur book lovers, although the former may be discouraged by inadequate historical analysis and an Anglocentric bias. But there is no doubt that one cohort of readers will be true admirers of Duncan's study. They are the members of the indexing profession, whose intellectual abilities are praised throughout the text and whose trade remains relevant in the age of the search engine. “A good index can only be a product of a good indexer.” This bold statement is bluntly proven in the grand finale of the book, where an index prepared by a human being is compared to its computer-generated counterpart. You can't mistake one for the other; the superiority of the former is simply too obvious.

Sergey Lobachev



Society of Indexers Conference 2021: Boosting Your Indexing Business

by Jolanta N. Komornicka

If there is an upside to the persistent pandemic, then let it be in the chance for so many people from across the world to come together without the burden of jet lag or having to settle for someone else's choice of tea! Certainly that's what happened on 9 and 10 November as indexers logged on to attend SI's Conference 2021, Boosting Your Indexing Business.

The conference began on Tuesday, 9 November (at an entirely reasonable hour for us Canadians), with a keynote presentation by Dennis Duncan and Paula Clarke Bain. Duncan is the author of the recently published *Index, a History of the*, and Bain indexed the book. Far from providing an overview of the book's contents, Duncan and Bain gave us a glimpse into the complex task of indexing such a text, as well as the unique components of its index. While it's a well-known phenomenon that authors converse with other writers—even those long gone—while writing their books, it is less common for indexers to actively engage with the index writing and terminology choices of their deceased colleagues in the same type of back-and-forth dialogue. Yet that is precisely what Bain ended up doing within the index. If you've had a chance to read Duncan's book, you'll be unsurprised that Bain dispensed with the indexer's customary neutrality when designing the entries, a topic explored in the presentation through a variety of lenses.

Duncan and Bain's keynote may have offered a snarky, humorous (and deeply informative) take on indexing, but the remainder of the day concentrated on how we can work smarter (which may or may not cut down on the snark). Frances Lennie and Maria Sullivan led the software session "Working Smarter with CINDEXTM," wherein they concentrated on the preference settings and shortcuts that can both save indexers time and reduce the introduction of errors. There was a fair bit of interest in both the key-stroke shortcuts and best practices for exporting a CINDEXTM file to Index-Manager.

After a break for tea and a chance to escape into breakout rooms to chat with others from around the globe, a Q&A panel brought everyone back together. Rohan Bolton, Kim Birchall, Caroline Diepeveen, Ann Hudson, and Caroline Wilding addressed what to do when an author submits a list of terms to be indexed (an issue that's seen

much activity on the listservs). One panellist firmly turns down such work, another uses it as a teachable moment for publishers, and a third recommends taking on the project but invoicing the job as "pagination," not indexing (tongue firmly in cheek). Of the various other questions asked, the only answer I'll note here is the recommendation to consider splitting an indexing job with a colleague when the job is suddenly advanced in the calendar.

Feeling smarter after having benefited from the collective wisdom of the panellists, attendees rounded out Tuesday with working-smarter sessions on Index-Manager (led by Katharina Munk and Pilar Wyman), SKY (Tanya Izzard), and Word and IndexExploit (Barry Campbell).

Wednesday moved from the technical side of smart indexing work to business questions. Nicola King and Ruth Ellis chaired a session on getting started in indexing, covering how to find work (don't neglect your indexer locator) and how to make the most of social media (it's all networking and audience engagement; Facebook's unlikely to get you work, while LinkedIn is a gold mine of information).

Attendees had a more relaxed day on Wednesday, a welcome respite for those of us in North America who awoke early for the morning sessions, with a lively set of topic-based breakout rooms followed by a rest while SI held its AGM. Sue Goodman gathered us together again for her discussion-oriented session on dealing with late payment; a consensus agreement was that an overdue notice, prior to the imposition of interest charges or a threat of further action, tends to get good results.

The closing session, on the metatopic (Melanie Gee), hardly settled the question of whether to index it or not but did provide a breakdown of when indexers tend to do so and the types of metatopics most in need of indexing (and those not). If the book lacks a metatopic, Gee advises not indexing it; a book with multiple interconnected topics, on the other hand, benefits from having them all indexed and cross-referenced.

I do not pretend to know what the future of conferences looks like, but from my standpoint I can say this entirely virtual conference was a success. There may have been the occasional technical hiccup (though I've yet to be at an in-person conference that did not have the

same), and the spontaneity that can come from chance meetings was harder to recreate in Zoom, but the chat box showed sustained, lively engagement throughout the presentations—and no one’s whispering interrupted

the speaker! SI’s Conference 2021 was an excellent experience, leaving everyone with lots of takeaways and new software tricks to try, and at least one new book on everyone’s reading list.

ICRIS Meeting Highlights

by Margaret de Boer

The International Committee of Representatives of Indexing Societies (ICRIS) held its most recent online meeting on 29 September. ICRIS is composed of nine indexing societies and networks representing Australia and New Zealand, Canada, China, Germany, Ireland, the Netherlands, South Africa, the United Kingdom, and the United States. Alexandra Peace and I attended the meeting on behalf of ISC/SCI. In order to facilitate attendance for all societies worldwide, it was an early wakeup call in Canada!

ICRIS is a group of diverse people from around the globe who are very open to sharing knowledge on indexing matters from their corner of the world for the benefit of all indexers. These online meetings are well received by indexing societies as a way to stay connected, since our usual in-person meetings at conferences are on pause. There is enthusiasm about continuing these biannual gatherings.

It was a somewhat informal meeting, with each society giving a brief summary on topics such as their membership numbers and their conference, and other idea-sharing about their member meetings and events. These meetings have a nice collaborative atmosphere. There were discussions about:

- Membership numbers: Some societies are experiencing a drop in membership, some of it attributed to

retirement, but others (such as our society) have seen an increase in membership.

- New indexers getting work: Societies talked about resources geared to new indexers, bursaries, mentorship, and also encouraging new indexers to volunteer for their society, as that increases their name visibility and possible job opportunities.
- Affiliations with other editor and publisher organizations. ISC/SCI, for example, is a member of the Book and Periodical Council (BPC).
- Whether ICRIS should have its own website.
- Conference hosting experiences, including the pros and pitfalls of hybrid conferences, which require more manpower and great expense because of technical costs.

The organizing committee of the Berlin Triennial reported that they have finalized the dates for their conference: 17–18 October 2022. The conference keynote speaker from the Netherlands will be Professor Kiene Brillenburg Wurth, who will talk about the future of indexing and non-alphabetic indexing. The keynote speaker from Germany will be Professor Urs Stäheli, who will talk about the sociology of indexing and list making.

The next online ICRIS meeting is set for April 2022.

Awards and Recognitions

Ruth Martin Wins 2021 Purple Pen Competition for New Indexers

by Enid Zafran

The Institute of Certified Indexers (ICI) is pleased to announce that Ruth Martin, a member of the UK Society of Indexers, has been awarded first place in the seventh annual competition for new indexers. The entrants are all indexers who have recently completed an indexing training course. The back-of-the-book indexes they submit for the anonymous judging are ones that will appear in publication. All entrants receive detailed written feedback on their indexes. This year the winner receives not only the monetary prize of US\$100 but also a one-hour virtual session with the judges to review her index and receive other advice about the work and career of a professional indexer.

Like many indexers, Ruth came to back-of-the-book indexing after starting work in a different capacity. She graduated with a degree in English literature from the University of Oxford and subsequently held positions as a law librarian and an information manager at a health-care publisher. Part of her work responsibility involved writing abstracts and index entries for journal articles in Thomson Reuters' Legal Journals Index. She gave up her salaried role to become a full-time self-employed journals indexer, a decision that allowed her to move to France with her family. She then pursued work as a book indexer for Oxford University Press (OUP) and completed the UK Society of Indexers training course.

The book for which Ruth submitted the index is *All Manner of Ingenuity and Industry: A Bio-bibliography of Dr. Thomas Willis (1621–1675)*, by Alastair Compston (published by Oxford University Press). She was hired for the job by Julia Turner of Newgen, a packager that OUP uses to handle many parts of its publishing process, including indexing. Therefore she did not have direct contact with the author but was able to ask questions through Julia as an intermediary. However, the author was very supportive of Ruth and acknowledged her in the book's introduction.

ICI contacted Professor Compston to inform him of



Photo provided by Ruth Martin.

Julia's award, and he graciously wrote back:

I am delighted to learn that Ruth Martin has received this award. For a book with many recurring themes supported by a large number of facts and reference to individuals, it was important to have an accurate and comprehensive index. On receiving the draft, I was immediately reassured that Ruth had scrutinized the text with considerable attention to detail, creating an imaginative, usable, and extensive guide to the contents. She also alerted me to inconsistencies and ambiguities in the narrative, all of which improved the printed version. It was a pleasure to work with Ruth, and many other authors will benefit from her work in the future.

The annual Purple Pen Competition for New Indexers is an international competition for indexers of publications in English. Past winners include members of the American Society for Indexing and the Indexing Society of Canada/Société canadienne d'indexation. Ruth is the first winner from the UK Society.

Canadian Copyright Law and Indexing

by Donald Howes

Introduction

Copyright¹ is one of the four pillars of Canadian intellectual property (IP) law.² This article deals with Canadian copyright law, the international copyright and trade agreements that affect that law, and the relevant case law that illuminates the statute. The focus is on how this applies to the Canadian indexer creating an index for a domestic or foreign client.

Articles on copyright that have appeared in *The Indexer* demonstrate that interest in and the application to indexers of copyright law are sporadic at best and that the idea of copyright assertion is not often considered.³

While existing Canadian case law affirmatively addresses this issue (see “The Index as an Original Work,” below), its existence is almost certainly unknown to indexing *clients*. It is therefore incumbent on every indexer to present each client with a logical copyright policy, as in many instances the client may not agree with the indexer’s position on copyright ownership and will require a convincing argument in order to change their mind.

Part 1: Overview of Canadian Copyright

What Is Covered by Copyright?

Section 5(1) of the *Copyright Act* lists the categories of things in which copyright may subsist. This section states, in part, that “Subject to this Act, copyright shall subsist in Canada, for the term hereinafter mentioned, in every original literary, dramatic, musical and artistic work.” The *Act* defines “*every original literary, dramatic, musical and artistic work*” as including

every original production in the literary, scientific or artistic domain, whatever may be the mode or form of its expression, such as compilations, books, pamphlets and other writings, lectures, dramatic or dramatico-musical works, musical works, translations, illustrations, sketches and plastic works relative to geography, topography, architecture or science.⁴

Further discussion of copyright in this article is confined to literary works. The *Act* defines a *literary work* as including “tables, computer programs, and compilations of literary works.” As demonstrated in these definitions, the

legal determination of literary is broader than its common usage.⁵

Copyright Eligibility

A specific work must satisfy three requirements in order to determine whether it deserves copyright protection. These requirements are originality, fixation, and residency.

Originality

In 2004 the Supreme Court of Canada addressed the concept of originality,⁶ arriving at what was termed a “skill and judgement” standard. In this decision they assert:

For a work to be “original” within the meaning of the *Copyright Act*, it must be more than a mere copy of another work. At the same time, it need not be creative, in the sense of being novel or unique. What is required to attract copyright protection in the expression of an idea is an exercise of skill and judgment. By skill, I mean the use of one’s knowledge, developed aptitude or practised ability in producing the work. By judgment, I mean the use of one’s capacity for discernment or ability to form an opinion or evaluation by comparing different possible options in producing the work. This exercise of skill and judgment will necessarily involve intellectual effort.⁷

The Court goes on to state that the skill and judgement employed must be non-trivial in nature before a work can be judged original. That is, simply changing the font of a previous work would not make the new version an original work subject to copyright protection.

Fixation⁸

Under copyright law it is not possible to copyright an idea, only the expression of that idea.

As Tomkowicz has stated, “although the requirement of fixation is uncontroversial, its practical effects can sometimes be harsh.”⁹ In general, it is the person who “fixes” the idea that is considered the author of the work and the first holder of copyright.¹⁰

That the ownership of copyright abides in the individual who fixes the work was reaffirmed in 1998, in cases that covered, first, the copyright status of photographs, tape recordings, and written notes,¹¹ and second, the reuse of previously published interview quotes by a third party.¹²

In both cases, copyright was affirmed to be held by the individual who first fixed the content.¹³

Residency

In order to qualify for copyright protection within Canada, the author of a work must be a Canadian citizen or resident or a citizen of or resident in a treaty country.¹⁴ A **treaty country** is defined in the **Act** as a “Berne Convention country, UCC country, WCT country or WTO Member.”¹⁵

International Copyright and Trade Agreements

Canadian copyright protection is extended to any work published by someone who resides in a country that is a member of the Berne Convention, the UCC, the WCT, or the WTO.¹⁶ Of these agreements, the Berne Convention is the primary international copyright agreement.

This protection is reciprocated by member nations to Canadian authors through what is called “national treatment”. That is,

In copyright treaties, national treatment means that each country signatory to the treaty must give citizens and permanent residents of other signatory countries at least the same copyright protections that it gives its own nationals.¹⁷

Regardless of national treatment, indexers should be familiar with the copyright law of the client’s country of residence, as it will be different in detail from that of Canada.

In addition to international copyright agreements, Canada is a signatory to bilateral and multilateral trade agreements that have significant intellectual property sections. These include TRIPS, CETA, CPTPP, and CUSMA.¹⁸

Copyright Economic and Moral Rights

The **Copyright Act** lists two broad categories of rights enjoyed by the copyright owner; they are economic rights and moral rights.

Economic Rights

The economic rights given by copyright ownership are a group of sole rights that are individually severable. That is, the copyright owner can sell, license, or give away these rights, in whole or in part, to a third party through particular contract conditions.

The preamble to section 3(1) of the **Copyright Act** lists the core rights held by the owner:

For the purposes of this Act, copyright, in relation to a work, means the sole right to produce or reproduce the work or any substantial part thereof¹⁹ in any material form whatever, to perform the work or any substantial part thereof in public or, if the work is unpublished, to publish the work or any substantial part thereof.²⁰

Murray and Trosow explain “**sole right**” as meaning

the owner of the right not only can do the thing specified, but also can exclude others from doing it. For example, the right of reproduction does not just grant the owner the right to make reproductions of the work, it excludes the rest of the world from doing so without the owner’s consent. The word “sole” is why copyright is referred to as a sort of monopoly.²¹

Section 27 of the **Act** lays out what constitutes infringement of economic rights.

Moral Rights

In addition to economic rights, the **Copyright Act** also enumerates the moral rights that adhere to the copyright owner.²² Unlike economic rights, moral rights can be inherited or waived (in whole or in part) but they cannot be assigned. Moral rights allow the author to protect the integrity of their work.

The **Copyright Act** provides for three moral rights:²³

- right to the integrity of the work²⁴
- right to be associated with the work as its author by name or under a pseudonym
- right to remain anonymous.

Sections 28.1–28.2 of the **Act** lay out what constitutes infringement of moral rights.

Part 2: Copyright and the Indexer

Self-Employed or Employee?

The Canada Revenue Agency (CRA) determines the employment status of an individual by looking at **intent**.²⁵ Did the indexer intend to enter a **contract of service** (employer-employee relationship, whether contract or full-time) or did they intend to enter a **contract for services** (a business relationship with a self-employed independent contractor). In almost all instances, an indexer enters into a **contract-for-services** relationship with their client.

It is clear that most indexers will meet all the CRA requirements to qualify as self-employed. This has implications for application of the **Copyright Act**.²⁶

Is an Index a Literary Work?

This determination is important, because if an index is a literary work, the indexer would be considered the author of that work. Since I have shown that the CRA considers most indexers as self-employed freelancers, Section 13(1) of the *Copyright Act* applies to them: “Subject to this Act, the author of a work shall be the first owner of the copyright therein.”

Recall that the legal definition of a literary work (see “**What is Covered by Copyright?**” above) is broad and includes many things one would not normally consider “literary.” From that description it is clear that an index meets the threshold of a literary work, and it is equally clear that the indexer is the one who fixes the index (see “**Fixation,**” above) in its physical form and is, therefore, its author. However, whether an index is a work that is eligible for copyright protection depends on its meeting the standard for originality (see “**Originality,**” above) as defined in case law.

The Index as an Original Work

What is an index? Mulvaney identifies the index as a “paratext”: “As paratext, the book index bridges a gap between author and reader. It reconciles the vocabulary of the reader with that of the author.”²⁷ Meanwhile, Kasdorf states:

Whereas the Glossary provides a shallow, topical view of the content, and the Table of Contents provides a logical, structured view, a good index provides an intellectual view of the content unavailable by any other means. It is the result of an intelligent reading by an indexer trained in recognizing and documenting the interrelationships of the intellectual content: the indexer not only notes topics and subtopics, but also makes judgements about them, selecting the most important and relevant sections to direct readers to.²⁸

The purpose and originality of an index is also understood by standards organizations.²⁹

As part of the decision in *CCH Canadian Ltd. v. Law Society of Upper Canada*, the Supreme Court looked at four classes of work to determine whether they met the standard of originality set forth earlier in the decision and therefore constituted original works in which copyright subsists. The four classes are:

- headnotes (abstract)
- case summary
- topical indexes
- compilations of reported judicial decisions.

The Court found that all four of these classes of work met the “skill and judgement” standard for originality and were subject to copyright.³⁰

While a topical index is a specialized type of legal index, it is reasonable to conclude that the Court would consider all indexes to be original works in which copyright subsists.

Infringement of Economic or Moral Rights

In theory, if you believe your economic or moral rights have been infringed, you can seek injunctive relief from the courts to halt the infringement and damages to compensate for that infringement. In practice it is difficult and expensive for individuals to bring a copyright action, as that action may have to be litigated all the way to the Supreme Court of Canada.

As an alternative, the *Copyright Act* allows for collective societies to represent individual copyright holders.³¹ However, rights granted to the collective by the copyright owners may have a significant bearing on the ability of the collective to take effective action on behalf of its members.³² Every indexer should investigate this issue carefully before deciding on which collective society best represents their interests.

Conclusions

From the analysis above, it is clear that an index created by a Canadian indexer meets the requirements of originality, fixation, and residency needed to qualify under Canadian copyright law as an original work in which copyright subsists. If the indexer is a self-employed freelancer, they are the first holder of copyright in that original work.

As the holder of copyright, it is important that the indexer have a contract that adequately covers the economic rights that are being assigned to the client, that clearly lays out the conditions that govern the assignment of those rights, and that asserts their moral rights.

Afterword

If this article prompts you to further investigate Canadian copyright, the three Supreme Court copyright decisions that are particularly applicable to literary works are *CCH, Alberta (Education)*, and *York University*. While the thought of reading legal decisions may be intimidating, I’m sure you will be (as I was) pleasantly surprised to find them logical, clearly worded, and remarkably absent of jargon. The justices can also be refreshingly blunt in their decisions.

Additionally, the *CCH* decision dramatically changed the course of copyright law in Canada and has been

fundamental to every Supreme Court copyright decision since 2004. If you have any interest in copyright, you must understand this decision. There is a plethora of legal scholarship freely available on this and other Supreme Court copyright decisions, most of it quite readable.³³ Enjoy!

Acknowledgements

I would like to thank Dr. Graham J. Reynolds (Associate Professor and Associate Dean, Research and International, Peter A. Allard School of Law, University of British Columbia) for his kind help. He generously gave his time for discussing Canadian copyright law, pointed me to the appropriate case law, answered my many questions, and provided comments on an earlier draft. Without his assistance this article would not have been possible. Any errors here are, of course, my own.

About the Author

Donald Howes is a freelance indexer who provides back-of-book and embedded indexes for a diverse clientele. You can reach him through his website (www.dhindexing.ca) and by email at dwhowes@shaw.ca.

Notes

1. *Copyright Act*, R.S.C., 1985, c. C-42.
2. The other three pillars are patent (*Patent Act*, R.S.C., 1985, c. P-4), trademark (*Trademarks Act*, R.S.C., 1985, c. T-13), and case law that applies to confidential information and trade secrets.
3. Tamara Eisenschitz, "Copyright for Indexers," *The Indexer* 14, no. 4 (1985): 253–54; Christine Jacobs, "Around the World," *The Indexer* 23, no. 2 (2002): 92–93; Geraldine Triffitt, "Bibliography in a Digital Age," *The Indexer* 26, no. 3 (2008): 127–31; Karen Gillen, "'There's Many a Slip 'Twixt Cup and Lip': Acknowledgement of Indexers on Imprint Pages," *The Indexer* 37, no. 2 (2019): 177–84.
4. *Copyright Act*, s. 2.
5. See *University of London Press, Limited v. University Tutorial Press, Limited*, [1916 U. 119] [1916] 2 Ch. 601 for a discussion of the meaning of literary that is cited in current Canadian case law.
6. For an overview of the development of originality in Canadian copyright law, see Carys J. Craig, "The Evolution of Originality in Canadian Copyright Law: Authorship, Reward and the Public Interest," *University of Ottawa Law and Technology Journal* 2, no. 2 (2005): 425–45. https://digital-commons.osgoode.yorku.ca/scholarly_works/1410/.
7. *CCH Canadian Ltd. v. Law Society of Upper Canada*,

[2004] 1 SCR 339, at para. 16.

8. "Fixation," as it appears in this article, applies only to printed works or digital representations of those works.

The *Copyright Act* also deals with fixation (or the explicitly defined lack of it) for a number of different classes of work.

9. Robert Tomkowicz, "Copyright in Ideas: Equitable Ownership of Copyright," *Canadian Intellectual Property Review* 29, no. 1 (2013): 76, <https://canlii.ca/t/sr9w>.

10. That the case law on fixation identifies the individual who fixes the work as the author is important, since, while the *Copyright Act* uses the term author in its discussion of ownership of copyright, that term is not defined in the *Act*.

11. *Glen Gould Estate v. Stoddart Publishing Co. Ltd.*, [1998] CanLII 5513 (ON CA).

12. *Hager v. ECW Press Ltd.*, 1998 CanLII 9115 (FC), [1999] 2 FC 287.

13. Fixation was also addressed in the *CCH* case; see para. 8.

14. *Copyright Act*, s. 5(1)(a).

15. *Copyright Act*, s. 2.

16. *Berne Convention for the Protection of Literary and Artistic Works*, World Intellectual Property Organization; UCC: *Universal Copyright Convention*, UNESCO; WCT: *WIPO Copyright Treaty (1996)*, World Intellectual Property Organization; WTO: World Trade Organization.

17. Lesley Ellen Harris, *Canadian Copyright Law*, 4th ed. (Hoboken, NJ: John Wiley & Sons, 2014), 58.

18. *TRIPS: Agreement on Trade-Related Aspects of Intellectual Property Rights*, World Trade Organization; *CETA: Canada–European Union Comprehensive Economic and Trade Agreement Implementation Act*, S.C. 2017, c. 6; CPTPP: *Comprehensive and Progressive Agreement for Trans-Pacific Partnership Implementation Act*, S.C. 2018, c. 23; CUSMA: *Canada–United States–Mexico Agreement Implementation Act*, S.C. 2020, c. 1.

19. The substantiality requirement is frequently involved in litigation. Both *CCH* and *Alberta (Education) v. Canadian Copyright Licensing Agency (Access Copyright)*, [2012] 2 SCR 345], contribute significantly to the case law in this area.

20. *Copyright Act*, s. 3(1). See sub-sections 3(1)(a) to 3(1)(j) for specific enumerations of the core rights.

21. Laura J. Murray and Samuel E. Trosow, *Canadian Copyright: A Citizen's Guide*, 2nd ed. (Toronto: Between the Lines, 2013), 55.

22. *Copyright Act*, s. 14.1(1)–14.1(4).

23. *Copyright Act*, s. 14.1(1).

24. The best-known Canadian moral rights case turns on this right. In *Snow v. The Eaton Centre Ltd. et al.*, (1982) 70 C.P.R. (2d) 105 (Ont. H.C.), the artist Michael Snow obtained injunctive relief against Toronto's Eaton Centre, forcing

the removal of ribbons they had added to his sculpture of flying geese. As Vaver says, “The Ontario High Court upheld the artist’s judgment that the modifications were ‘prejudicial to his honour or reputation’”; see David Vaver, “Authors’ Moral Rights: Reform Proposals in Canada; Charter or Barter of Rights for Creators?” *Osgoode Hall Law Journal* 25, no. 4 (1987): 758). An overview of the case can be found at <https://www.cipil.law.cam.ac.uk/virtual-museum/snow-v-eaton-centre-ltd-1982-70-cpr-2d-105>.

25. Canada Revenue Agency, *Employee or Self-employed?* RC4110(E) rev. 20, accessed 28 July 2021, https://www.canada.ca/en/revenue-agency/services/forms-publications/publications/rc4110/employee-self-employed.html#workers_employment_status. The document contains exhaustive detail on this and other matters.

26. Whether s. 13(3) of the *Copyright Act* applies to indexers depends on their employment status. This section states, in part: “Where the author of a work was in the employment of some other person under a contract of service or apprenticeship and the work was made in the course of his employment by that person, the person by whom the author was employed shall, in the absence of any agreement to the contrary, be the first owner of the copyright.”

27. Nancy C. Mulvaney, *Indexing Books*, 2nd ed. (Chicago, IL: University of Chicago Press, 2005), 6.

28. William E. Kasdorf, *The Columbia Guide to Digital Publishing (New York: Columbia University Press, 2003)*, cited in Mulvaney, 6.

29. See the current US standard: National Information Standards Organization, ANSI/NISO Z39.4-2021 *Criteria for Indexes*, July 14, 2021, 4–5, <https://www.niso.org/publications/z394-2021-indexes>.

30. CCH, para. 28–34.

31. See the website of the Canadian Authors Association, which maintains a list of organizations that represent Canadian authors and authors’ rights, <https://canadianauthors.org/national/advocacy/organizations/>.

32. For example, Access Copyright has an almost 20-year history of losing copyright cases at the Supreme Court of Canada. In *York University v. Canadian Copyright Licensing Agency (Access Copyright)*, (2021) SCC 32, Justice Abella bluntly identifies its root problem: “The source of Access Copyright’s grievance, it seems to me, stems not so much from the voluntary nature of an approved tariff, but from the fact that Access Copyright cannot initiate infringement actions on behalf of its members. To the extent that this is a problem, it has nothing to do with s. 68.2(1) and is largely outside the scope of this appeal. But it is important to recall that Access Copyright chooses to operate on the terms of

a non-exclusive licence that does not give it the right to sue for infringement in respect of the rights it administers. Nothing compels Access Copyright and its members to operate this way” (para 74).

33. The website of the Canadian Legal Information Institute, <https://www.canlii.org/en/>, is an invaluable resource.

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Canada Revenue Agency. *Employee or Self-employed?* RC4110(E) Rev. 20. Accessed 28 July 2021. https://www.canada.ca/en/revenue-agency/services/forms-publications/publications/rc4110/employee-self-employed.html#workers_employment_status.

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Announcements

You Asked, We Listened: How to Start a Member-Initiated Group (MIG)

A member-initiated group (MIG) is managed and led by an ISC/SCI member, not necessarily a committee or executive committee member, for the purpose of learning and networking with other members. Examples: a group studying a software manual or a discussion group on an indexing book.

MIGs provide opportunities for members to learn, communicate, and collaborate with each other. It's one more benefit of membership.

MIGs have two possible structures:

- An open group that members can drop in and out of at any time

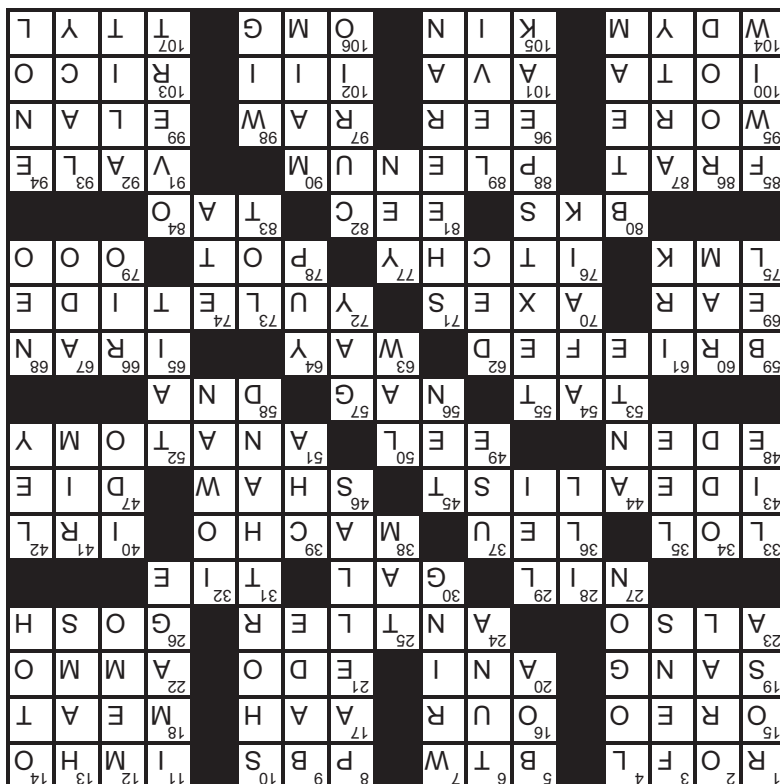
- A group that members can join by a certain date, and after that date, the group is full (e.g., for a book discussion)

The group may only be initiated by an ISC/SCI member, but the group may have non-ISC/SCI members.

Several groups have already taken off or are planning to launch. If you want to learn something with your indexing peers ... pick your topic and start now! Put out a call for participants on the ISC/SCI email list (ISC-L).

Contact your regional representative to start a MIG! Together with your regional rep, you will fill out a form and find and reserve a slot for meetings on our Zoom platform.

Crossword Solution



Solution to URA*!

URA* (You are a star) is just one of the hundreds of textspeak abbreviations we've all become used to over the past couple of decades. Interestingly, studies have shown that texting increases literacy, spelling and phonology (relationships between sounds and letters). So GA and encourage your children to keep texting. LMK how it goes!

Crossword puzzle by Heather Ebbs, Emeritus Member of ISC/SCI.

Magpie Kudos

The Magpie Kudos award is an opportunity for the membership to have a say in thanking people.

The purpose of this award is to give the members an opportunity to thank other members who have made a difference to them.

How to Submit:

Any member can submit the form available on the website at <https://indexers.ca/send-a-magpie-kudos>. Just fill out the name of the person you would like to

thank, with the reason—very specific, just two or three sentences. This will automatically go to the person and to bulletin_editor@indexers.ca for inclusion in the next issue of the *Bulletin*. You can choose to be grateful anonymously or you can include your name so the recipient knows who to thank in return!

The following members have received a Magpie Kudos:
Sept. 16 – Vicki Gregory, Gillian Watts, Sergey Lobachev
Oct. 08 – Noeline Bridge

Webinar Coordinator

After many meetings and much research by Wendy Savage, Wendy and Alexandra Peace were able to complete a policies and procedures document (approved by the executive committee) and pass it on to Matthew

MacLellan, the new webinar coordinator.

If you have any ideas for webinars that would be of interest to ISC/SCI members, please contact Matthew at webinars@indexers.ca.

The Mary Newberry Mentorship Program: A Resource for New and Experienced Indexers Alike

Are you developing your indexing practice and feel you would benefit from some guidance or feedback? Do you enjoy learning new things and chatting about indexing? The ISC/SCI Mary Newberry Mentorship Program is an opportunity for new and established indexers to come together and share skills and experience—as well as their love of indexing!

The Mary Newberry Mentorship Program is open to all interested members. If you want to learn more about becoming a mentor or a mentee, more information can be found here: <http://indexers.ca/mentorship>, or contact Tere Mullin at mentorship@indexers.ca. I look forward to answering any questions you may have.

Membership

ISC/SCI MEMBERSHIP REPORT, DECEMBER 3, 2021

Julia White, Membership Secretary

As of December 3, 2021, we have 124 memberships. Since the previous report in July, six new members have joined.

Within Canada	104
British Columbia	17
Alberta	12
Saskatchewan	4
Manitoba	0
Ontario	54
Quebec	10
New Brunswick	2
Nova Scotia	4
Prince Edward Island	1
Newfoundland and Labrador	0

Outside Canada	20
Australia	1
United Kingdom	1
United States	18

Membership types

Individual	113
Basic	30
Listed	77
Student	2
Emeritus	4
Institutional	11
British Columbia	1
Alberta	1
Saskatchewan	1
Ontario	4
Outside Canada	4

New Members

The following members have joined, or rejoined, since the previous report.

Tamara Brash, Student, South River, ON
datejie cheko green, Listed, Toronto, ON
Jolanta Komornicka, Listed, Kitchener, ON
Emma Mungall, Basic, Toronto, ON
Kel Pero, Listed, Stratford, ON
Maryanne Reed, Listed, Regina, SK

Changed Your Address?

If you have moved recently, please send your new mailing address to Julia (membership@indexers.ca) so that she can update your subscription to *The Indexer*. Thanks!

Announcements

Volunteers Needed

Alexandra Peace

Thank you so much to all the people who have stepped forward and signed up for a volunteer job. We are getting lots of exciting things done these days.

If anyone is still interested, we do have a few spots still to fill. (You can find out more info about the committees on the [website, under Resources/Committees and Volunteer Opportunities](#)).

Social Media Committee

We have someone (thanks, Jess!) at the moment who is posting what is given to them by the communications director, but we really need a few people to form a committee to determine what to say and when.

Ad Hoc Committees

Often when the executive committee is meeting, we come up with an idea for something that we think will benefit the Society and then form an ad hoc committee to do the research and come back with a recommendation. It would be great to find Society members who are not on the executive committee to belong to these committees. If you would like to help somehow and you are not excited

by any of the above ideas, please let me know that you might be available for an ad hoc committee. You are under no obligation to be on any of them. I would just email once in a while to ask and you could see whether you think a particular committee might work for you.

Surveys

Over the past year, both a general survey and a rates survey have been sent to members. A policy was also developed with a plan to send out various surveys over a five-year cycle. The Surveys Committee has a chair, but needs one more member.

Webinars

We have finished developing the policies and procedures for the Webinar Committee, and we now have a webinar coordinator. We could use someone else to help out with that committee, and we also need a website host—someone to welcome the presenter, and so forth.

Please contact presidents@indexers.ca to find out more about these volunteer positions.

URA*!

by Heather Ebbs

Across

1. *”That’s so funny!”
5. *”Incidentally ...”
8. Non-profit network
11. *”If I might meekly say, ...”
15. Sweet sandwich
16. “Days of ___ Lives”
17. Word to a doctor
18. Steak
19. Carolled
20. “Wheel of Fortune” purchase
21. Tokyo, once
22. BBs, e.g.
23. ___-ran
24. Rudolph feature
26. “Golly!”
27. Nada
30. Lass
31. Knotted neckwear
33. *”That’s so funny!”
36. Romanian capital
38. Virile
40. *Not virtual
43. Romantic
46. Pygmalion playwright
47. Game piece
48. Fall setting
49. Sinuous swimmer
51. *Gray’s* ___ or *Grey’s* ___
53. Make delicate fabric
56. Peck at
58. Some trial evidence
59. Apprised
63. Kind of station
65. Persia, today
69. Ring bearer?
70. Fires
72. Holiday season in 62 Down
75. *”Send an answer”
76. Scratchy’s nemesis
78. Kitty
79. *Not at workplace
80. OT sections
81. Common Market letters
83. Lao-tzu principle
85. Phi Delta, e.g.
88. General assembly
91. Sheltered spot
95. Sported
96. Ballad’s end?
97. Crude
99. Flair
100. Jot
101. Mrs Sinatra
102. Year in reign of Augustus
103. Puerto ___
104. *”Explain”
105. Family
106. *”Amazing!”
107. *”Chat soon”

1	2	3	4		5	6	7		8	9	10		11	12	13	14
15					16				17				18			
19					20				21				22			
23						24		25					26			
				27	28	29		30				31	32			
33	34	35		36		37		38		39				40	41	42
43			44				45		46					47		
48						49		50		51				52		
				53	54	55		56		57		58				
59	60	61				62		63		64			65	66	67	68
69				70			71		72		73	74				
75				76				77		78				79		
				80				81		82		83		84		
85	86	87			88	89				90			91	92	93	94
95					96				97		98		99			
100					101				102				103			
104					105				106				107			

Down

1. Parks on a bus
2. Spoken
3. Bogs
4. Prepare to surf?
5. Fluffy neckwear
6. Type of steak
7. Twist
8. Valencian dishes
9. Asked
10. Stenographer’s skill, or ancestor to 55 Down
11. Picture
12. Exec’s note
13. Over-the-top actors
14. *”Alternatively ...”
25. Cap
28. Sick
29. Floral neckwear
32. Hawkeye
33. Story
34. Not even
35. Sheltered side
37. Employ
39. Half a dance
40. Rite answer?
41. Edge
42. Pasture
44. Kitty starter
45. Midmorning
50. Mr Bumble’s ass

52. Canadian illustrator Douglas

54. *”According to my understanding ...”
55. Messaging language, exemplified by the answers to the starred clues in this puzzle
57. High-spirited
59. ___ canto
60. Farm butter
61. Annoy
62. Holiday mo.
64. “Uh-huh”
66. Brazilian city, familiarly
67. Fuss
68. “The Matrix” role
71. “Perfect” singer
73. Auction offering
74. YYY info
77. Urge
80. Second stringers
82. Antique shop item
84. Blatant
85. *”Not sure this is useful, but ...”
86. Cross
87. Affectedly creative
89. First name in jeans
90. Injure
92. Landed
93. Delicate, as made by 53 Across
94. Carbon compound
98. Top secret?