

INDEXING SOCIETY OF CANADA
SOCIÉTÉ CANADIENNE D'INDEXATION

Bulletin



Volume 44, Number 1, Spring 2022

Printemps 2022, Volume 44, Numéro 1

ISSN 1914-3192 (print)
ISSN 2562-394X (online)

Contents

Editor, Comments from	3
Le mot de la rédaction	3
Magpie Kudos	4
Upcoming Meetings and Events	4
Conference of the Indexing Society of Canada/ Société canadienne d'indexation	5
Presidents' Remarks	6
Messages de la Présidence	7
Executive Committee Meeting, 15 January 2022	8
New Executive Members	9
Focus on: Tere Mullin	10
NIRC Announcement, March 12, 2022	12
Crossword Solution	12
Volunteers Needed	13
Editing Indigenous Content: The Importance of Cultural Sensitivity and Respect	14
Congress of the Humanities Advertisement	18
Contracts and Implied Licence	19
ISC/SCI Membership Report, March 20, 2022	22
Crossword	23

Indexing Society of Canada Société canadienne d'indexation

133 Major Street, Toronto, ON
Canada M5S 2K9

www.indexers.ca

ISC Executive :: Comité directeur de la SCI

CO-PRESIDENTS :: CO-PRÉSIDENTS

[Alexandra Peace and Tere Mullin](#)

PAST PRESIDENT :: PRÉSIDENTE SORTANTE

[Margaret de Boer](#)

TREASURER :: TRÉSORIÈRE

[JoAnne Burek](#)

MEMBERSHIP SECRETARY :: SECRÉTAIRE D'ADHÉSIONS

[Julia White](#)

INTERNATIONAL LIAISON :: LIAISON INTERNATIONALE

[Margaret de Boer](#)

COMMUNICATIONS DIRECTOR :: DIRECTRICE DES COMMUNICATIONS

[Judith Clark](#)

EDITOR, ISC/SCI BULLETIN :: RÉDACTRICE EN CHEF, BULLETIN DE LA SCI

[Vicki Gregory](#)

WEBSITE DEVELOPER :: DÉVELOPPEUR DE SITE WEB

[JoAnne Burek](#)

WEBSITE ADMINISTRATOR :: GESTIONNAIRE DU SITE WEB

[Christine Dudgeon](#)

Regional Representatives :: Représentants des régions

BRITISH COLUMBIA :: COLOMBIE-BRITANNIQUE

[Matthew MacLean](#)

PRAIRIES & NORTHERN CANADA :: PRAIRIES & NORD DU CANADA

[Liese Achtzehner](#)

CENTRAL CANADA :: CENTRE DU CANADA

[Jolanta Komornicka and Ronnie Seagren](#)

EASTERN CANADA :: EST DU CANADA

Eastern_Rep@indexers.ca

© 2022 Indexing Society of Canada :: Société canadienne d'indexation and individual contributors.

The *Bulletin* is published three times a year (April, July, and December) as a PDF. Current issues are available to download for members. Past issues are available to the public. Requests for print copies may be sent to the editor.

Join

Membership categories and fees (in Canadian dollars):

Basic

Individual	\$110
Student*	\$65
Institution	\$125

With listing

Individual	\$165
Student*	\$120
Institution	\$180

Outside Canada

Student basic	\$80
Student listed	\$135

(All others outside Canada add \$10)

*Student membership is available for full-time students only. Please inform ISC/SCI of your course name and institution.

Visit indexers.ca/become-a-member/.

Renew

To renew online, go to the following link:

<https://indexers.ca/become-a-member/register>

Or send your renewal to:

Membership Secretary
ISC/SCI
133 Major Street
Toronto, ON
Canada M5S 2K9

Remember to add membership@indexers.ca to your list of people to contact when your details change.

Write

Submit unsolicited articles electronically in Word or rich text format (*.rtf). Artwork should be sent as PDFs, and photographs as TIFFs or JPGs. Send submissions to the editor: bulletin_editor@indexers.ca.

Advertise

ADVERTISEMENT SIZE	RATE
Whole page	\$150
Half page	\$90
Quarter page	\$50

Please contact the [Bulletin editor](#) for details.

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

Editor, Comments from

Welcome to the spring issue of the *Bulletin*! I think I speak for many of us, including myself, who are thrilled with the warmer weather and to finally being able to go outside! No wonder spring inspires renewal and change.

This theme is present in ISC/SCI as we welcome several new executive members. Please join me in welcoming Tere Mullin as the new co-president as well as several other new faces on the executive—Christine Dudgeon, Jolanta Komornicka, and Matthew MacLelan. Bios of all the new executive members are on page 9 and an in-depth interview with Tere can be found in this issue's "Focus On." With that I'd like to thank Jason Begy for his time and effort as co-president.

Last year's virtual conference was a resounding success and the wait is almost over for this year's offering: *past perfect, future progressive* on 12 and 14 May. Read all about it on page 5 and visit <https://conference.indexers.ca/> to sign up!

Don Howes returns in this issue with an informative and highly relevant article on the importance of indexers using clear and comprehensive intellectual property contracts.

Ronnie Seagren contributed an excellent review of the Editors Canada event: "Editing Indigenous Content: The Importance of Cultural Sensitivity & Respect". Many thanks to the *Bulletin* team and all contributors for another fantastic issue. Would you like to write an article for the *Bulletin*? Please contact me at bulletin_editor@indexers.ca.

Vicki Gregory

Le mot de la rédaction

Bienvenue à cette édition printanière du *Bulletin*! Je crois ne pas être la seule, et que vous êtes nombreux comme moi, à être ravis du temps plus chaud et de pouvoir enfin aller dehors. Aucun doute, le printemps inspire le renouveau et le changement!

Ce thème est d'actualité pour notre association avec l'arrivée de nouveaux membres au bureau de direction. Et joignez-vous à moi s'il vous plaît pour souhaiter la bienvenue à notre nouvelle co-présidente, Tere Mullin, ainsi qu'à plusieurs nouveaux visages de notre bureau de direction : Christine Dudgeon, Jolanta Komornicka et Matthew MacLelan. Vous trouverez toutes les présentations de ces nouveaux membres du bureau page 9 ainsi qu'une entrevue approfondie avec Tere dans notre rubrique Focus on/Lumière sur. Je voudrais tout d'abord remercier Jason Begy pour le temps et les efforts qu'il a investis en tant que co-président.

Le congrès virtuel de l'an dernier fut un succès retentissant et l'attente touche à son terme pour l'offre de cette année: *plus-que-parfait, futur progressif* du 12 au 14 mai. Pour tout savoir sur le congrès, rendez-vous à la page 5 et sur le site pour vous inscrire à <https://conference.indexers.ca/>.

Don Howes nous revient dans ce numéro avec un article fort pertinent et bien documenté sur l'importance pour les indexeurs de disposer de contrats clairs et complets.

Ronnie Seagren a rédigé un excellent compte-rendu de l'événement de l'Association canadienne des réviseurs "Editing Indigenous Content: The Importance of Cultural Sensitivity & Respect".

De grands mercis à l'équipe du *Bulletin* et à tous les contributeurs à ce nouveau numéro extraordinaire. Vous rêvez d'écrire un article pour le *Bulletin*? Écrivez-moi à bulletin_editor@indexers.ca!

Vicki Gregory

Upcoming Meetings and Events

BC Region—BC Regional meetings are the 1st Wednesday of the month at 7:00 p.m. PST, every other month.

For more information contact Matthew MacLellan, 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 and Jolanta Komornicka at [central_rep@indexers.ca](mailto:centeral_rep@indexers.ca).

Eastern Region—Meetings are held on the 3rd Wednesday of the month at 6:00 p.m. EST, every other month.

If you are interested or have any questions, please contact at eastern_rep@indexers.ca.

Prairies & Northern Canada—If you are interested or have any questions, please contact Liese Achtzehner at prairies_rep@indexers.ca.

Annual General Meeting

This will be held virtually on June 11, 2022. Join us to see what the Society has been doing on your behalf all year!

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 April 23, at 1:00 p.m. EST. Please let your regional rep know if you have any questions or concerns for the executive committee.

Conferences

ISC/SCI annual conference *past perfect, future progressive* will be held virtually from 12 to 14 May 2022! See page 5 for details and register through the [website](#).

The American Society for Indexing's (ASI) annual conference, [The Future of Indexing: A Mix of Art and Technology](#), will be held virtually on 29 and 30 April 2022.

Announcements

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 Kudo thank-you:

January 24—Maureen MacGlashan thanked member, Judi Gibbs.

Conference of the Indexing Society of Canada/Société canadienne d'indexation

Lisa Fedorak

The 2022 conference of the Indexing Society of Canada/Société canadienne d'indexation—*past perfect, future progressive*—will be held virtually on Friday, 13 May, and Saturday, 14 May, with Fireside Chats for new indexers taking place on Thursday, 12 May.

The theme *past perfect, future progressive* was selected in reference to our keynote speaker, Dennis Duncan, author of *Index, A History of the*, and to the changing landscape of indexing. Conference sessions will be related to past or current “perfect” indexing and its unknown, “imperfect” future.

We've got a great lineup this year. Dennis Duncan will open the conference by talking about his book. It's a hit with reviewers and full of interesting tidbits that reveal the rich history of indexing. We'll get a double dose of history as Alexandre Grandmaître delves into the history of parliamentary indexing. And to help with the business side of freelancing, we've brought in a couple of experts: personal tax adviser Sunny Widerman (financial literacy) and Bryson Payne (cybersecurity). In the panel discussion “From Data to Done,” experienced indexers Judy Dunlop, Stephen Ullstrom, and Gillian Watts will discuss their individual workflow methods, including how they evolved and lessons learned. Finally, Devon Thomas will tell us how she marks up text in her indexing practice, and Valerie Nessel will fill us in on teaching the next generation of indexers.

The winner of the Ewart-Daveluy (E-D) Award will also be announced live at the conference. That means we can't provide the winning index ahead of time, but we're

planning to supply it to conference attendees when the winner is announced. Stephen Ullstrom, the E-D Award winner in 2021, had previously won the Purple Pen competition. Will another Purple Pen winner take home the Award this year?

Networking has always been one of the top reasons for attending the annual conference, and this year we'll help you do that in three different ways: a few speed-networking sessions (a big hit last year with the introverts among us), themed breakout rooms for those with common interests, and general breakout rooms at the end of each conference day so people can reconnect and share with each other. Based on last year's positive response, we'll keep the rooms open for a few hours after the conference ends so the sharing can continue.

The **Fireside Chats** on 12 May are an opportunity for new indexers transitioning from student to a professional role to ask experienced indexers about starting their indexing businesses and careers. Chats with two different experienced indexers will run simultaneously. After the chats, breakout rooms will be available for all conference attendees to network with the new indexers. We hope that holding the chats before the conference begins will give new indexers enough grounding in indexing to help them glean more from the conference sessions.

Registration for the 2022 conference is now open, with **early-bird pricing** in effect until April 30. You can register for *past perfect, future progressive* at <https://conference.indexers.ca/>.

Presidents' Message

After a wonderful nine or so months of serving as co-president with Alex, I am stepping down. A career opportunity has come up that is simply too good for me to pass up, and it will require all my focus and attention. ISC/SCI has been an invaluable aspect of my indexing career, and I have especially enjoyed these past few years as part of the executive committee. I leave you in Alex's exceptionally capable hands, and I hope you'll join me in welcoming Tere Mullin as she steps in to take over for me.

Jason Begy

Dear colleagues and friends, it's lovely to be saying hello to you as your new co-president. I'm honoured and delighted to have this opportunity, and I'm very much looking forward to serving you as I learn and grow within this role.

I am relatively new to indexing, having started working full-time in early 2021. I enjoy working in a variety of scholarly subject areas within the humanities and social sciences, particularly archaeology and anthropology. Although I came to indexing quite by accident (as many people seem to), I now can't imagine doing anything else. My involvement with ISC/SCI has grown in tandem with my indexing practice, and I've had the privilege of serving as Eastern Regional Representative and coordinator of the Mary Newberry Mentorship Program.

I feel truly fortunate to be a member of this supportive and dynamic community, and I hope to pay it forward. I

look forward to meeting you all at the next get-together. Until then, I wish you all a joyous spring!

Tere Mullin

Dear, it's a time of change. For some of you lucky ones over on the West Coast, spring has arrived. But even for us here on the East Coast—the land of alternating mud and ice—the sun is shining and the birds are singing.

I was very pleased to have had the opportunity to work with Jason, and I wish him well in his new capacity. I'm looking forward to working with Tere, and we might even get to have some in-person meetings, since we are both in Nova Scotia!

Speaking of virtual meetings (ha!), I have been enjoying the book club run by one of our members. Last time we had participants from Egypt, Switzerland, the Netherlands, and the United States, along with a few of us from Canada. It's just so much fun to talk indexing!

And that's why I'm looking forward with glee to the next conference. Indexing, indexing, and a touch of something different—I think that's what the conference committee has planned for us.

After that, the AGM will be held on 11 June 2022. Don't forget to come along and see what your executive committee has been up to for the past year!

Hope to see you all at some event soon!

Alexandra Peace

Messages de la Présidence

Après avoir occupé le poste de co-président aux côtés d'Alex pendant neuf mois et quelques mémorables, j'ai décidé de me retirer de mes fonctions. Une opportunité professionnelle, extrêmement intéressante et qui me demandera toute mon attention et toute ma concentration, s'est présentée et je n'ai pas pu la refuser. Mon travail avec la SCI/ISC constitue à mes yeux une expérience de grande valeur dans ma carrière d'indexeur et j'ai particulièrement apprécié ces dernières années, lorsque j'étais membre du comité de direction. Je vous laisse entre les mains extrêmement capables d'Alex, et j'espère que vous m'aidez à souhaiter la bienvenue à Tere Mullin, qui prend le relais.

Jason Begy

Chers collègues et amis, je suis ravie de vous saluer en tant que nouvelle co-présidente. Je suis honorée et heureuse que l'on m'ait proposé cette opportunité et j'attends avec impatience de pouvoir travailler en votre nom, tout en apprenant et en développant mes capacités dans ce rôle.

Le monde de l'indexation est relativement nouveau pour moi, car j'ai commencé à travailler comme indexeuse à temps plein au début de l'année 2021. Je m'intéresse à diverses disciplines universitaires en sciences humaines et sociales, plus particulièrement à l'archéologie et à l'anthropologie. Bien que j'aie commencé à travailler dans l'indexation par accident (comme c'est apparemment le cas pour de nombreuses personnes), je ne peux plus imaginer faire autre chose. J'ai développé une clientèle privée en parallèle de mon implication avec la SCI/ISC et j'ai eu l'honneur de remplir les fonctions de représentante et coordinatrice régionale des provinces de l'Est pour le programme de mentorat Mary Newberry.

Je suis très heureuse d'être membre de cette communauté solidaire et dynamique et j'espère pouvoir, moi aussi,

vous aider. Je me réjouis à l'idée de vous rencontrer toutes et tous à notre prochaine réunion. En attendant, profitez bien du printemps !

Tere Mullin

Bonjour à tous. Un changement s'annonce. Le printemps est arrivé pour tous ceux qui ont la chance d'habiter sur la côte Ouest. Mais, même pour nous qui habitons sur la côte Est – le pays de la boue ou de la glace – le soleil brille et les oiseaux chantent.

Cela a été un réel plaisir pour moi de travailler avec Jason et je lui souhaite beaucoup de bonnes choses dans ses nouvelles fonctions. Je me réjouis de pouvoir travailler avec Tere et nous nous retrouverons peut-être même en personne, puisque nous habitons toutes les deux en Nouvelle-Écosse !

Puisque nous parlons de rencontres virtuelles (ha !), j'aimerais ajouter que j'apprécie beaucoup le club de lecture dirigé par l'un de nos membres. Lors de notre dernière rencontre, nous avons, outre des membres canadiens, des participants d'Égypte, de Suisse, des Pays-Bas et des États-Unis. On ne s'ennuie jamais quand on parle indexation !

Et c'est pour cela que j'attends avec grande impatience le prochain congrès. Indexation, indexation, avec une touche de quelque chose de différent – je pense que c'est ce que le comité responsable de l'organisation de notre congrès a prévu pour nous.

Après cela, nous aurons notre assemblée générale annuelle, qui se tiendra le 11 juin 2022. N'oubliez pas d'y participer, car vous apprendrez ainsi ce que notre bureau de direction a accompli au cours de l'année qui vient de se terminer.

J'espère vous voir tous bientôt à l'occasion d'un événement !

Alexandra Peace

Executive Committee News

Executive Committee Meeting, 15 January 2022

Alexandra Peace

On January 15 the executive committee met for one of its main meetings of the year. There are three of those, plus one for the budget (in March) and one to get up to date on the conference plans (in November).

We passed the “consent” agenda items altogether. These are reports from the various positions and committees that contain information for the executive committee but have no need for discussion. In January this included reports from three of the regions and Awards, Communications, Treasurer, International Liaison, Membership, Mentorship, New Indexer Resources Committee (NIRC) and Webinar Committee. Of note from these reports is that the award criteria for the Ewart-Daveluy Award have changed and that membership is up to 128 active members!

We had a small discussion about procedures for committees to get translations. We are still catching up on documenting what we do. Years ago, everyone just knew what had to be done and how . . . and they got oodles of things done! Now we are building on their hard work and trying to document it as well, for continuity.

Lisa Fedorak brought the executive committee up to date on conference activities. We wondered whether folks would prefer the conference to be on weekdays or on the weekend. Look for a question about this on the evaluation form!

Last year we purchased an ad with the Congress of the Humanities to help increase the profile of indexers. We discussed whether to pay for one again this year and decided

to. JoAnne Burek also brought up the possibility of hosting a virtual meeting space during next year’s Congress . . . you can anticipate the call for volunteers for that!

Christine Jacobs, Archives Committee chair, is supervising an intern who will give us a plan for the digital archives. This will aid the Society enormously in the future.

JoAnne had some website administration housekeeping details to discuss with us. Jason Begy and Alex Peace also had some administrative details to share about *The Indexer*.

Lisa, who has put in an enormous amount of work, was able to present the executive committee with a summary of the rates survey. We worked out how best to communicate this with the members, and you will be pleased to know that it will be out by the time you are reading this.

Julia White and Judith Clark have been working on a set of guidelines for the email list . . . not that there had been any problems; it was just for clarity and as prevention. The guidelines are very friendly and approachable and we appreciate their efforts. You should be seeing these in your mailbox once a month from now on, and they can also be found on the website.

We have quite a bit of work coming up, so be gentle with your executive committee! We’ve just finished the budget meeting, another quarterly meeting will be held in April, then the conference in May and the AGM in June. Whew!!

Executive Committee News

New Executive Members

Welcome New Executive Members! The executive has several new faces and position changes to report!

Tere Mullin, Co-president

Please read Tere's introduction in Presidents' Remarks (page 6) and Focus On (page 10).

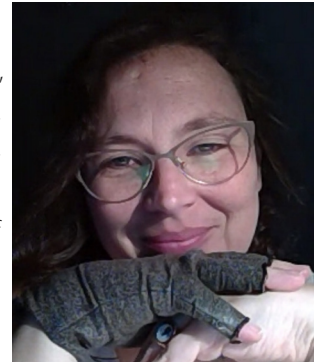
Christine Dudgeon, Website administrator

I have been indexing for about 18 years and have been a member of ISC/SCI for almost that long. My first ever indexing project is ironically the only one that lists my name as indexer on the copyright page. I like to spend time hiking the local trail network and occasionally mountain biking (although only on the easy trails).

Jolanta Komornicka, Central region co-rep

Hello, all! Upon abandoning academia, I became an indexer after realizing sitting in my attic trying to write my book was quite lonely, and the pandemic wasn't helping. So I decided a better life choice was to sit in my attic and write the indexes to other people's books—a far less lonely choice thanks to the amazing community that comprises ISC/SCI. I haven't regretted a moment of my time as an indexer, not least because of the amazing people I've met along the way. I'm excited to be joining Ronnie Seagren as co-representative for the Central (Ontario) region. I do

other things, however, than sit in my attic and alternate between my book and others' books. For example, I also play Dungeons & Dragons in my attic (thank you pandemic + Zoom). When I break free of my dormer, I love hiking along the Bruce Trail and sitting around the campfire.



Jolanta Komornicka. Photo provided by J. Komornicka.

Matthew MacLelan, B.C. regional rep

I came across indexing as a profession via Caroline Helmeczi, also a member of ISC/SCI. The concept of becoming an indexer fermented in my brain for a few years and in April of 2021 I began studying indexing via correspondence with Kari Kells. Shortly after I joined ISC/SCI and have greatly enjoyed participating in the regional/national chats, the TIDE committee, and especially last year's conference. I mostly index scholarly texts in the humanities, and my own academic background was in visual art and culture, critical theory, and post-structuralism. Outside of indexing, I enjoy spending time in the kitchen (mostly canning these days), and enjoying quiet walks as a break from the current index. I received such a warm welcome when I joined the society I look forward to extending that gesture to other indexers in the BC region as the regional representative.



Photo provided by Alex Peace.

*L to R top: Tere Mullin, Alex Peace
L to R bottom: Matthew MacLelan, Jessica McLeod.*

Focus on: Tere Mullin

by Siusan Moffat

How long have you been indexing?

I completed my first paying job in early February 2021 and have been indexing full-time since then.

How long have you been a member of ISC/SCI?

I joined the Society in the summer of 2020 after completing a college work placement that involved indexing. I really enjoyed attending meetings and felt at home with the ISC/SCI community right away. I'm now an executive committee member and an active volunteer.

Where did you get your indexing training?

I completed the University of California Berkeley indexing course in the summer of 2020.

Which indexing software do you use?

I use Cindex.

What did you do before you started your indexing career?

Where to begin? My work and educational background are quite varied. I envy those people who've always known what they wanted to do with their lives, obtained the training they need and moved straight ahead. I am not one of those people! I've worked with intellectually disabled adults; I've taught English abroad; I worked as a dental technician for a few years; I've finished furniture and worked in art galleries and book stores and in records management. It's only now, as an indexer, that I feel I've finally found what I'm supposed to be doing.

Do you see those things as having any relationship to indexing?

I'm not sure any of my prior employment relates directly to indexing, but I find myself able to draw upon my varied background in terms of subject knowledge. I've always been inquisitive and eager to learn about all kinds of different things, and I think that curiosity and willingness to do a bit of extra research help me to be a better indexer.

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

When I first learned about indexing as a career, I couldn't believe I'd never considered it before. As an



Photo provided by Siusan Moffat.

analytical thinker, a reader, and a detail-oriented person, I knew indexing would suit me. It really is my dream job, and I feel so fortunate to be doing it.

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

I love making things, and I'm trying to get back into oil painting at the moment. I'd like to try basket weaving, making stained glass, and maybe wood carving. Also, my partner keeps telling me I should write a horror movie script, because I love scary movies and I'm always making up little stories . . . but we'll see about that!

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

A few years ago I was in a job that made me really unhappy. The work environment was unhealthy and abusive. I'd been there a few years, and it was taking its toll on me. I spent almost all my free time looking for another job, desperate to leave, but just wasn't having any luck. Finally I went in to work one day and, without really thinking about what I was doing, walked into my employer's office and gave my notice. It was surreal, almost like I was having an

out-of-body experience. I didn't have a plan or any savings, and I was on my own. I knew it was nuts, but I think I also knew that I'd figure it out because I wouldn't have any other choice. The months following that were turbulent, but I've never regretted what I did that day.

Is there anything you would like to share about yourself that people would never in a million years guess?

A few people might already know that I have synesthesia, which (for me) means that when I hear sounds I see them as well. Also, I love pigeons . . . and I once won a year's worth of Gouda!

You mean the cheese? I'm sure the readers would love to hear that story.

The cheese, yes. Well, I was grocery shopping one day and someone came on the store's intercom to announce this cheese-winning contest, and I thought, "Why not?" I couldn't believe it when they announced my name, since I hardly ever win things. I even had my picture taken for the store flyer. In case you're wondering, they didn't present me with a mountain of cheese; they gave me a booklet of coupons entitling me to a block of Gouda a month for the next 12 months.

What other sorts of things do you like to do?

I enjoy doing anything creative, such as painting and knitting. I also love to spend time in the woods. I try to go for a walk in the woods every day.

What is the most interesting index you have ever worked on?

I worked on a book called *Every Household Its Own Government: Improvised Infrastructure, Entrepreneurial Citizens, and the State in Nigeria*, which I found very

thought-provoking. I knew little about Nigeria prior to working on this project, nor had I thought much about the role infrastructure can play in people's lives. It really opened my eyes to what some people have to go through to obtain basic necessities. I might not have picked up this book if I came across it at my local bookstore. That's what's so great about indexing.

What index was the most fun to work on?

I recently completed an index for a large archaeology text, which I very much enjoyed. Not only was the subject fun to read about but the structure of the text meant I had to strategize and problem-solve in organizing the index. I enjoy those kinds of challenges.

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

I'm grateful to have finally made my way to indexing. I'm also really grateful for ISC/SCI and the broader indexing community. It's difficult to imagine being an indexer without also being part of this community. In particular, ISC/SCI has been an invaluable source of knowledge, learning opportunities, and support.

Do you have any advice specifically for new indexers?

One suggestion I have is to put time into learning about how to run a small business. That was an area I had no previous knowledge of when I started indexing, and admittedly it was a little intimidating. But I think that if you want your indexing career to grow, thinking of it as a business is essential.

I also recommend taking on any textbook projects that come your way. Textbooks are great for newer indexers, since they tend to be well structured and they're a really good way to broaden your subject knowledge.

Announcements

NIRC Announcement, March 12, 2022

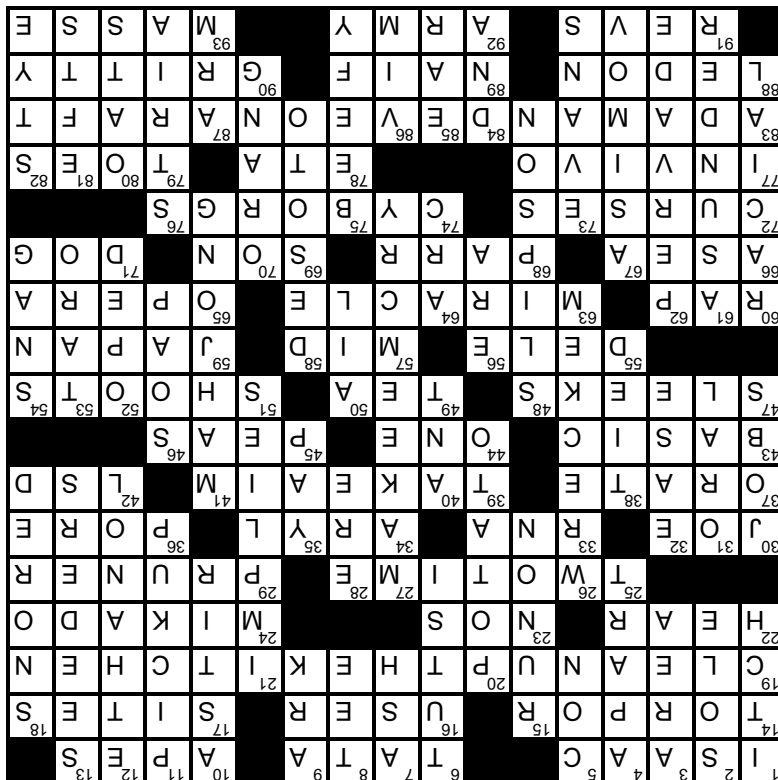
The New Indexer Resources Committee (NIRC) is happy to announce the launch of its New Indexer Resources page.

The New Indexer Resources page is accessible via the ISC/SCI website, indexers.ca, and provides answers to frequently asked questions (FAQs), as well as links to external resources. New and aspiring indexers will find a wealth of information on topics such as client relations, money management, software, taxes, and much more.

Content on the page will continue to grow as FAQs are added, and visitors are encouraged to submit their own questions and/or answers if they so wish. Our hope is that the page evolves based on users' needs.

While the NIRC began as an ad hoc initiative, we've come to realize how much potential this committee has in helping those starting out. The NIRC would like to become a standing committee, and we'd love to have your help. We need volunteers! If you're interested in joining us, please reach out to NIRC@indexers.ca.

Crossword Solution



Diner Lingo, Solution

Used by waiters and cooks as a memorable way to communicate orders, diner lingo was common from the 1920s to the 1970s, especially in the United States. Water might be called "Adam's ale," "city juice," or "dog soup." Milk was called "baby juice," "moo juice," "cow juice," or "Sweet Alice." A hot dog was variously known as a "bow-wow," a "bun pup," "tube steak," a "groundhog," or a "Coney Island."

Announcements

Volunteers Needed

Alexandra Peace

Thank you as always to all the volunteers who devote time and energy to the Society. We all benefit greatly from it.

Conference 2023 Committee

Yes, unbelievable as it is, we are starting to think about next year! And—cross your fingers, nose, and toes—it might even be in person. This is a committee of six people who each have their own tasks but also come together to make decisions as a collective. Team players are particularly welcome to apply. You do need to have attended past conferences.

Conference 2023 Scholarships Committee

Along with the excitement of an in-person conference comes the realization that we need to start counting our pennies. The Society thinks that attending the conference is important for the career of a new indexer, so we are subsidizing some travel expenses. If you think you will not be applying for this scholarship, please help us decide who will! This is an ad hoc committee, so its duties will be finished before the conference has begun.

New Indexer Resource Committee (NIRC)

This is a brand-spanking-new committee. It started as an ad hoc committee but its members have requested that it become a standing committee. Natch, we need a few volunteers for this. If you feel creative and enjoy writing, this is the job for you. Conversely, if you (like me) can't write your way out of a paper bag but enjoy editing and proofreading, the committee needs you too! This is a good volunteer position for either an experienced or a new indexer.

Social Media Committee

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

Webinar Committee

We have a webinar coordinator and someone else with good ideas. However, the committee could use a nuts-and-bolts person to help think about registration forms, payment options, and such. If you like these sorts of details, the committee would be grateful for your contributions. We could also use a webinar host—someone to welcome the presenter, and so forth.

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, so we form an ad hoc committee to do the research and come back with a recommendation. It's great if we can find Society members who are not on the executive committee to belong to these committees. If you would like to help somehow and 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 that particular committee might work for you.

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

Editing Indigenous Content: The Importance of Cultural Sensitivity and Respect

Ronnie Seagren¹

The indexers who were at the Winnipeg conference in 2018 had the luxury of hearing the late Gregory Younging speak. As the author of *Elements of Indigenous Style*, he had lots to say about how to handle words and concepts related to Indigenous Peoples. His work has significantly affected how some of us index such content. So I was delighted to see that Editors Toronto was hosting a talk by Kaitlin Littlechild last month. These notes are from her talk and presentation. Here's her bio:



[Kaitlin Littlechild](#), as an Indigenous editor, provides culturally sensitive fiction and non-fiction editing for Indigenous authors and non-Indigenous authors writing about Indigenous Peoples. She possesses an understanding of the need to accurately reflect Indigenous voices in a way that is truthful and respectful. She approaches these works with the appropriate lenses of cultural sensitivity and cultural knowledge, and with an understanding of the unique narrative style. By engaging with Indigenous writers and working collaboratively, Kaitlin ensures that the final product respects Indigenous cultural protocols and values.

What is Indigenous style?

Indigenous style reflects Indigenous realities as they are perceived by Indigenous Peoples. Says Drew Hayden Taylor, "By letting settlers tell our stories, they control how the public views us. The Native experience is filtered through a non-Native consciousness, and therefore inaccurate and flawed."² Kaitlin added that you want perspectives from the *inside*, not from the *outside*. The goal is **respect**. You have to ask. Go to the communities in question if needed.

Capitalization

Kaitlin introduced Gregory Younging, then moved on to capitalization. Indigenous style uses more capitalization than conventional. The purpose is to incorporate Indigenous protocols.

Identities	Institutions	Collective Rights
Aboriginal	Chief	Indigenous Land
First Nations	Creator	Indigenous Title
First Peoples	Elder	Indigenous Territory
Indigenous	Indigenous Voice	Indigenous Right
Inuit/Inuuk/Inuk	Nations	Status Indian
Métis	Protocols (cultural)	Treaty Right
Survivor	Traditional Knowledge / Oral Tradition	Numbered Treaties e.g. Treaty No. 6

She explained how to handle a term that isn't in *Elements of Indigenous Style*:

- Look for similar or parallel terms and capitalize accordingly. Example: *oral history* > capitalize, using the same treatment as for Oral Tradition.
- Consider whether the term is related to Indigenous identity, institutions, or collective rights. Example: *knowledge holder*, *knowledge keeper* > capitalize, using the same treatment as for Elder.
- Ask the author or the Indigenous Peoples centred by the content to understand the term from their perspective. Example: *Residential School* vs *residential school*.

Younging's book isn't laid out like a conventional style guide. It's more about reaching a certain level of understanding. For example, *Survivor* is capped out of respect. You can never say "an Inuit" or "Inuit people" because *Inuk* is for one person, *Inuuk* is the plural for two people, and *Inuit* is the plural for three or more people.

There's some divide on *residential school*; lowercasing is most common unless it's the proper name of a school. The respect goes to the *Survivor*. But it's all about the queries, knowing when to ask.

The following paragraph is from a book Kaitlin edited and her comment to the author:

"In this chapter, I also take you back to 1980 through a tale (yet unpublished) of my unconventional family's life on our **Reserve** and about a time when Nature herself

was so much more present than now in our ways of thinking and living.”

Comment to author: Reserve was changed to lowercase throughout to reflect usage as described in Gregory Younging’s *Elements of Indigenous Style*. Please let me know if you feel strongly that it should remain capitalized.

The author disagreed. When she was growing up, the reserve was her community, and she felt it should be capped.

Questions:

Younging says that Indigenous Peoples should be capitalized. What about “Indigenous people,” as in “Indigenous people in the southwest U.S. tend to do x.” When possible, I suggest a change to the name of the nation, but sometimes several are referred to and/or the names of the nations are unclear.

Which leads to two more questions:

Would you use “Nation” or “nation” in the second sentence above?

Or would you use “First Nation” and “First Nations”?

Indigenous Peoples—that’s the term used for peoples in Canada collectively or worldwide collectively. It’s generally preferred because it shows respect and recognizes there isn’t just one group of people. The term includes First Nations, Indigenous, Inuit, and Métis. However, “Indigenous people” is commonly used in mainstream culture because they are thought of as all the same—which of course they are not. The term eclipses their diversity and distinctness within Canada and around the world. However, Indigenous Peoples often talk about themselves as “Indigenous people” when speaking casually.

Capitalize *Nation* and each *Nation*. *First Nations* is a Canada-specific term; the United States has its own terms, though of course the nations weren’t always separate before borders were drawn. You must know whether the context is Canadian or American.

Positionality of the author

Kaitlin suggests that authors explain their own positionality and how they use terms, but as an editor, she has to address those terms. One Indigenous author whom Kaitlin edited for wrote this:

In this work, we frequently used these words, “savages” and “Indians”; they do not carry with them the charge that they have taken on today. Generally, when it comes to Indians, we use terms indifferently, like “Indigenous,” “Native,” “First Peoples,” or “First Nations,” to avoid the weight of repetition.

Savages and *Indians* have always been highly charged terms, but they are a part of history. As an editor, she takes the time to examine each and every time the term is used. In historical books, for example, she needs to give this attention. Does it reflect a key part of history as it happened or is its use gratuitous? We can’t erase this history, because it runs the risk of history’s repeating itself. These are the “icky” words, but she looks at each instance. She leaves the term if it contributes to how life was at the time but uses the modern term if the old term serves no purpose. *Indigenous*, *Native*, *First Peoples*, and *First Nations* are not interchangeable.

Examples from her editing

Here are other paragraphs Kaitlin has edited:

1. Champlain detained one of the accused ... He informed the Innu Chiefs assembled at the Habitation that, until justice is served, his men will shoot any Indian who approaches without consent.
2. The names of lakes and river basins, the landscapes and reliefs, places linked to life events, sacred sites from mythical stories ... everything held meaning for the so-called barbarians.

Maintain to reflect historical context or update to modern respectful term?

In the first example, “Indian” reflects the historical context at the time. In the second case, “so-called barbarians,” she suggested it be changed because it contributes nothing to the text and doesn’t reflect any specific part of history. It’s simply a gratuitous use of racist terminology.

These paragraphs are from fiction she’s edited:

An unease crept over him. He tried out his best reassuring smile on Kate but her expression remained wooden. **That was the nature of Native Americans**, taciturn. He needn’t read anything into that.

The strong breeze off the mountain kept them chilled enough to stay huddled around the campfire, despite the smoke. He turned to Henry, who was supposed to convene this **pow wow**, but the crew chief appeared still

in a daze, eyes fluttering aimlessly.

In the first example, Kaitlin suggested changing the term. The character Kate is Canadian, so she left the male character's stereotyping because it contributed to his development as a racist in the story. She left in small actions and thoughts that weren't as offensive as some but helped portray him, but using a Canadian term. In the second example, the meeting wasn't a powwow but a meeting. A powwow is a sacred gathering, but use of the term has crept into general business and casual language. Here it wasn't necessary for the character's development, so she changed it to "meeting."

My rawhide jacket, hemp leggings and roughshod boots must scream "**gone native**," but I didn't care. He might judge me, but it mattered not one iota.

Three men stood in the clearing. Two were **braves**. I recognized the markings of my **tribe** from **powwows** my father took me to long ago.

A homemade style of dress being called "native" serves no purpose in the story. There's no need to veer into this level of racist language. Always beware of this word. In the second example Kaitlin changed "braves," an offensive term for warriors and hunters, and the story lost nothing. She also changed "tribe," a term usually used in the United States—though in Canada *band* often has negative connotations, except when used by Indigenous communities—to "Nation." *Powwow* is used correctly, so it gets to stay.

Using footnotes

There are many spellings for terms and often no agreement on spelling. *Teepee* or *tipi*? *Powwow* or *pow wow*? You need to check with the author or the community in question, and maybe add a footnote such as "This is the preferred spelling of **x**." A footnote might also be necessary for icky historical language: "The modern terminology would be **y**."

This approach moves us forward to reconciliation: this is how it was, this is our ideal now, and this is how we're bridging the gap. In the introduction the author can explain how language is handled in the book. It's how we're moving toward a more respectful Indigenous voice.

Inappropriate possessives

This paragraph was written by a respected Indigenous leader and author.

"This is a story of me, of my Seawi Clan, and of my Wendat people. It is also a story of Canada and, as such, is an exploration into the historical and future significance of Canada's deeper Native soul in the world context."

Don't use:

- Canada's Indigenous Peoples
- Our Indigenous Peoples
- The Indigenous Peoples of Canada

Use:

- Indigenous Peoples in Canada
- Indigenous Peoples in what is now Canada/land now known as Canada

Canada doesn't own the Native soul or Indigenous peoples. A slight change to the wording shows respect. The better phrases are clunkier than the original words—things we would often edit to tighten—but they respectfully reflect Indigenous voices. There's no easy way around it.

The importance of word choice such as tense

The use of the past tense makes assumptions that aren't appropriate. It implies that Indigenous Peoples no longer exist as distinct cultures, that they no longer practise their cultural traditions, and that they have been assimilated into mainstream Canada.

Indigenous Peoples *tell* (not "told") sacred stories. The past tense here is offensive because it suggests that it's no longer true. There's been a huge resurgence in Indigenous content and prominence of the Indigenous voice. It is its own genre of writing—still distinct, still diverse, still recovering its voice.

The past tense could be useful for some practice that's no longer happening, but that's rare. Have that conversation with your author. What was their intention? It's hard to question someone's positionality, especially when it's their writing. You have to go back to the people in question. There is no cut-and-dried answer; it's context-specific and context-dependent. Recognize when you can't make the decision yourself. You have to listen to their point, even if you don't agree with it.

Sometimes an author will refuse to give prominence to the Indigenous voice. "It's not the language currently used in my discipline, and my credibility will be undermined." That's unfortunate. Your job is to make the best possible case for changing the language.

Explaining your changes

You have to explain why you made the changes. A publisher wanted to know how she had deviated from their standard style, and this is what Kaitlin wrote:

The following is a description of the approach taken to editing this manuscript. Due to the nature of the subject matter, several style decisions deviate from standard procedure. In many cases, style decisions were made according to the guidelines in Gregory Younging's *Elements of Indigenous Style* or in consultation with the author, in particular as they pertain to terminology and capitalization.

In the spirit of maintaining the author's voice and the storytelling style of this piece, I have retained his use of long complex sentences, often with an abundance of commas and the use of passive voice. The longest and most complex were reworked for readability but we found that shortening many of them made the narrative feel stilted and sacrificed the unique flow of the text. The author and I worked to ensure that they were nonetheless understandable.

I deviated from the usual convention of starting dialogue on a new line with a change of speaker. In this case, dialogue is not being used as a back-and-forth exchange between characters. Instead, it is being used as a storytelling device (a reflection of a common oral practice when speaking with Elders) that weaves the story together. In order to preserve that and maintain the close feeling that these exchanges are meant to represent, multiple speakers are present in a single paragraph.

The author has added a section on terminology to the beginning of the book and uses a variety of terms to describe Indigenous Peoples. Each term used has been discussed to ensure that it is being used consciously and purposefully.

Indigenous storytelling is often circular, non-linear. Indigenous style and voice should always win over contemporary style when there's a contradiction.

Indigenous languages aren't "foreign" but original; they were here first, so Indigenous words shouldn't be italicized. Often, for the reader's eye, they end up in italics anyway, unfortunately.³

First Nation is always used in the name of a specific community, such as *Westbank First Nation*. *First Nations* is the adjective and is always plural.

For medical terms, you have to find a respectful way to express them without undermining their official meaning. For example, for a term such as "opioid use disorder," Kaitlin would call the author, where possible, to discuss both sides: how not to pathologize while using the medical term, and how the author wants to handle this.

Use the positionality statement or a footnote to say why you're lowercasing a word such as *western*. If your author feels strongly about it, respect that and explain it.

Indexing

I asked a question about indexing, though I realize it's not always been the approach that indexers would take. Kaitlin responded that she hadn't thought about possibly reflecting Indigenous capitalization of terms such as *Survivor* (of a residential school, for example) in the index itself, following Younging.

I also asked her, for indexing a book with "icky" historical terms or where you can't change the wording to more respectful uses, what she thought about including both sets of terms, by using either parentheses (glosses) or cross-references from contemporary terms. Wouldn't that be helpful for people reading this book in the future? She thought for a moment and replied that she hasn't seen this when she's checked some indexes, but thinks it would be a useful and respectful approach.

Learning more

To learn more, she suggested that editors and indexers read material written by Indigenous authors so they can learn to recognize Indigenous voices and their positionality. Various style guides are emerging. The University of Alberta just put out a guide for [how to cite conversations with Elders](#) and the transmission of traditional knowledge, giving Elders a place of prominence among other systems of knowledge in the references.⁴ She encouraged us to broaden our horizons and our resources, including [Canadian history books by Indigenous authors](#).⁵

On social media, some of the best voices are Indigenous authors and journalists on Twitter. Check CBC Indigenous, Twitter, and so on to feel the Indigenous pulse in order to understand the topics of prominence—what people consider important.

Notes

1. This summary is based on notes from an Editors Toronto meeting, 22 February 2022. (Editors Toronto is the local branch of Editors Canada.)

2. Drew Hayden Taylor, "What Is Indigenous?" in *Geographical Society of Canada, The Indigenous Peoples Atlas of Canada* (Toronto: Canadian Geographic, 2018).

3. I have italicized certain English words here for easy reading.

4. Kelsey Kropinski, "Citing Indigenous Elders and Knowledge Keepers," *University of Alberta Library News*, 27 January

2022, <https://news.library.ualberta.ca/blog/2022/01/27/citing-indigenous-elders-and-knowledge-keepers/>

5. "Canadian History Books by Indigenous Authors," *Raven Reads*, 23 June 2018, <https://ravenreads.org/en-us/blogs/news/canadian-history-books-by-indigenous-authors>.

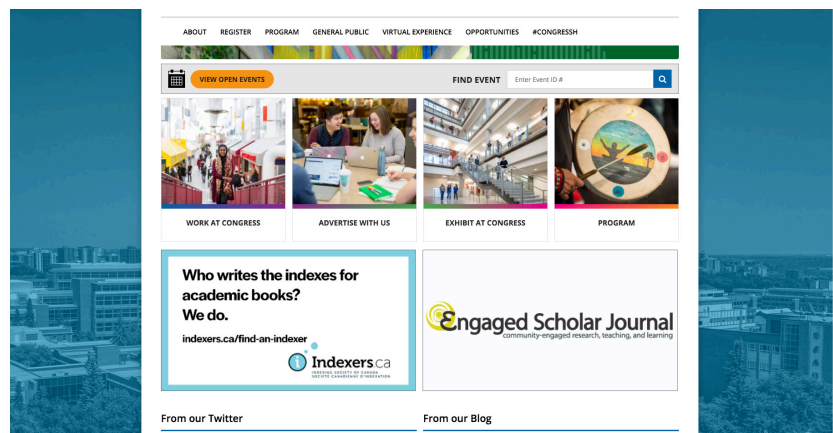
Announcements

Congress of the Humanities Advertisement

This year, we decided to once again advertise on the Congress of the Humanities website.

This advertising will expose the Society to people involved in this area of scholarly publishing and to those who may need our services in the future: PhD candidates who are early in their career but may publish later!

<https://www.federationhss.ca/en/congress/congress-2022/open-programming>



The Indexer

The International Journal of Indexing

Have your say...

Forty years on from a similar request in the April 1982 issue of *The Indexer*, we are running an online survey looking at how people find content in the journal. We need your help in evaluating the access points to the vast amount of material in *The Indexer* so that we can determine the journal's future direction.

This is a **survey with a difference**... we want you to enjoy doing it! It includes several fun exercises to help you explore options for finding content in back issues of the journal. These are optional, but we hope you will have a go at them.

Visit <https://www.theindexer.org/> for more information and a link to the online survey.

Contact the Editor, Mary Coe, if you have any questions: editor@theindexer.org

Closing date 31 May 2022

<https://www.liverpooluniversitypress.co.uk/journals/id/87>



Contracts and Implied Licence

Donald Howes

Introduction

In my previous article in the *Bulletin*, I demonstrated that Canadian freelance indexers are the first holders of copyright on the indexes they create.¹ In order to protect the economic and moral rights granted by the *Copyright Act*,² it is important to have a written contract with a client.³ Otherwise there is a risk that, in the case of a dispute over the use of the index, a client may invoke an *implied licence*.

Intellectual Property Contracts

Cameron and Borenstein discuss the content of an IP (intellectual property) licence agreement in detail, but the general framework of such an agreement is

- identification of the parties
- recitals
- definitions
- licence grant
- compensation
- obligations of the parties
- term and termination
- conflict resolution
- other common clauses⁴

Your contract should also address moral rights. These rights (unlike economic rights) cannot be assigned, but they can be waived. Each contract should contain a clause that clearly asserts your moral rights.

Any contract you use should be reviewed by a legal professional with experience in Canadian intellectual property law.

Implied Licences

Absent a contract specifying licensing terms, how are allowable actions of the client determined? This usually occurs through an implied licence. Implied licences have existed in contract law for some time, although they have only more recently begun to be applied to copyright issues.⁵

Newman gives two rationales for the assumption that an implied licence exists:

One is that the conduct, taken in context, supports a factual inference that the owner actually (subjectively)

intended to grant consent. The other holds that whether or not the owner actually had this subjective intent, the conduct is objectively such as to justify others in drawing and relying on that inference.⁶

As implied licences apply to copyright, they will most commonly be what Mysoor terms “licences implied by custom.”⁷ This type of implied licence can arise when “a practice, course of dealing, or a line of conduct (‘practice’) becomes a custom because the members of the relevant trade, business, or profession engage in it voluntarily, repeatedly, consistently, and universally in such a way that they begin to recognise it as binding.”⁸ She identifies three ways in which a custom-based licence may arise:

[First,] where there is a pre-existing contract, into which a custom-based licence is implied. This includes cases where there is a concluded contract in relation to a copyright work and, for the consideration received, a licence may be implied to enable the doing of a certain act.

Secondly, where a custom-based licence can be implied on its own as a bare licence. This includes cases where there is no pre-existing contract or any other relationship between the parties, but a licence is nevertheless implied if no consideration is built into the practice underlying the custom.

Thirdly, the content of the custom itself determines whether the licence is a contractual or a bare licence. This includes situations where a practice may have developed, requiring the licence to be always in exchange for consideration.⁹

Case law that illustrates the attempted use of a custom-based implied licence can be found in *Robertson v. Thomson Corp.*¹⁰ Heather Robertson was a freelance author who brought suit against the Thomson Corporation (publisher of *The Globe & Mail*) when two articles she had previously published in the *Globe* were reproduced in online databases without her permission and without recompense.¹¹

The defendants held that they had an implied licence to reproduce the articles electronically: “The Publishers asserted a number of defences, including an implied contractual right or an implied licence to reproduce the articles” (para 20).

D'Agostino notes that the defendants "relied on their 'custom' to justify digital reproduction of the authors' works without their permission or due payment."¹² She also groups *Robertson* with several other cases from Europe and the United States where

there were no written contracts; only key terms such as the submission date and word count were agreed upon. And so, in all these cases, the agreements were oral and new use rights were not addressed. Freelancers argue that they receive no notice, give no consent, and obtain no payment for the exploitation of their works through these new digital uses. Publishers maintain that there is no difference between the media; in any event, because of contracts previously made with their freelancers they can exploit new uses of such works through an implied licence.¹³

While the Court held that *Robertson* retained copyright in her articles and that Thomson had no right in law to reproduce the articles,¹⁴ it declined to rule on whether there was an implied licence that granted the publishers the right to digitally reproduce the articles, saying, "There was conflicting evidence before the motions judge regarding the scope of such an alleged implied licence. The content of these licences is a live issue that should go to trial, as ordered by the motions judge" (para. 57).

A trial was scheduled for September 2009, but in August the defendants, while admitting no liability, agreed to an \$11 million settlement of the class action.¹⁵ Tellingly, the settlement contained a digital reproduction clause for all those freelancers who had entered a claim in the class action. There was clearly no wish on Thomson's part to test the validity of the implied licence in court.

The potential existence of an implied licence becomes an issue only if you have a dispute with a client over their use of your copyrighted work and that client asserts an implied licence to cover their use. If the dispute escalates to litigation, the validity of the assertion will be decided by the court. The best way to avoid this is to have a contract with your client that clearly states the rights you are assigning them and the conditions that apply to those assigned rights. The contract should clearly state that you reserve all other rights.

Resolving Disputes

If a dispute does arise with a client, either over a contract clause or through assertion of an implied licence, there are four types of dispute resolution. They are

- negotiation
- mediation or arbitration

- litigation
- informal negotiation

In order to avoid the time and expense involved in formal action, it is best to attempt to resolve the dispute with your client through an informal negotiation. In many cases it should be possible to resolve your differences satisfactorily.

Mediation/Arbitration

Mediation or arbitration is usually included in an IP contract as an alternative to litigation, rather than as a stepping stone to it. The complexity of the provisions for arbitration is a matter for negotiation with the client.¹⁶ As Cameron and Borenstein state, "One of the benefits of using mediation, arbitration or other alternative dispute resolution procedures is that the parties may tailor a dispute resolution mechanism to their needs taking into account the importance of the technology and the extent to which they are prepared to go in resolving disputes."¹⁷

In situations where the dispute is cross-border—for example, the client resides in a country other than Canada where there are differing intellectual property laws—mediation/arbitration provides a cost-effective way of resolving the issue.¹⁸

Litigation

When all else fails, litigation may be a viable option. Generally, litigation is pursued if you as the licensor wish to seek injunctive relief to halt an infringement of your intellectual property rights. Be aware that you can pursue litigation in either the provincial or federal courts; where to file suit should be discussed with your counsel.¹⁹ Litigation, however, can be costly in both time and money, and the outcome is not guaranteed.

The *Robertson* case is a good example of a lengthy litigation process. It first appeared in the Ontario Superior Court of Justice in 1999,²⁰ was certified as a class action in 2001,²¹ and reached the Ontario Court of Appeal in 2004.²² It was taken up by the Supreme Court of Canada in 2006 and returned to trial for determination of the validity of the alleged implied licence. A settlement was reached in 2009, before trial. The whole process had taken 10 years.

Conclusions

In order to avoid the potential for a dispute over intellectual property, indexers should develop a clear and comprehensive intellectual property contract that they use with every client. This contract should state what

economic rights are being assigned to the client, the terms governing that assignment, and reserve all other economic rights. Additionally, the contract should clearly assert your moral rights.

Acknowledgements

I would like to thank Dr. Graham J. Reynolds (Associate Professor & Associate Dean, Research and International, Peter A. Allard School of Law, University of British Columbia) and Dr. Michael Geist (Professor, Faculty of Law, University of Ottawa), both of whom provided help and information that was critical for the development of this article. 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. His website is www.dhindexing.ca. He can be reached by email at dwhowes@shaw.ca.

Notes

1. Donald Howes, "Canadian Copyright Law and Indexing," *ISC/SCI Bulletin* 43, no. 3 (Winter 2021): 19–23, <https://tinyurl.com/mr2hnpz3>.

2. Copyright Act, R.S.C., 1985, c. C-42.

3. There are numerous templates for copyright (and general IP) agreements available online. If you use one, make sure it was written with reference to Canadian intellectual property law.

4. Donald M. Cameron and Rowena Borenstein, *Key Aspects of IP License Agreements* (Montreal: Ogilvie Renault, 2003), 6, www.jurisdiction.com/lic101.pdf.

5. Orit Afori, "Implied License: An Emerging New Standard in Copyright Law," *Santa Clara High Technology Law Journal* 25, no. 2 (2009): 276–77, <http://digitalcommons.law.scu.edu/chtlj/vol25/iss2/2>.

6. Christopher M. Newman, "What Exactly Are You Implying?: The Elusive Nature of the Implied Copyright License," *Cardozo Arts & Entertainment Law Journal* 32 (2014): 521, www.cardozoaelj.com/wp-content/uploads/2014/01/Newman-32-3.pdf. See *Netupsky et al. v. Dominion Bridge Co. Ltd.*, [1972] SCR 368, <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/4847/index.do>, in which the Supreme Court held that there was an implied licence that granted the defendant the right to modify and duplicate architectural plans supplied by the plaintiff.

7. Poorna Mysoor, *Implied Licences in Copyright Law* (Oxford: Oxford University Press, 2021), 142–68.

8. *Ibid.*, 142.

9. *Ibid.*, 142–43. As it applies to copyright, Merriam-Webster defines bare licence as "a license to use copyrighted material that does not confer an exclusive right to use the material." <https://www.merriam-webster.com/legal/bare%20license>.

10. *Heather Robertson v. The Thomson Corporation, Thomson Canada Limited, Thomson Affiliates, Information Access Company and Bell Globemedia Publishing Inc.*, [2006] 2 SCR 363, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2317/index.do>.

11. *Robertson*, paras. 11 and 13.

12. Giuseppina D'Agostino, "Healing Fair Dealing? A Comparative Copyright Analysis of Canada's Fair Dealing to U.K. Fair Dealing and U.S. Fair Use," *McGill Law Journal* 53, no. 2 (2008): 321n49, <https://lawjournal.mcgill.ca/wp-content/uploads/pdf/7046615-dAgostino.pdf>.

13. Giuseppina D'Agostino, "Canada's Robertson Ruling: Any Practical Significance for Copyright Treatment of Freelance Authors?" *Comparative Research in Law & Political Economy*, Research Paper No. 5 (2007): 4, <https://digitalcommons.osgoode.yorku.ca/clpe/230/>.

14. *Robertson*, para 1.

15. *Heather Robertson v. Thomson Canada Limited, Thomson Affiliates, Information Access Company and Bell Globemedia Publishing Inc.*, [2009] 96-CU-110595CP, https://kmlaw.ca/wp-content/uploads/2015/07/061719_JUDGMENT_12aug09.pdf.

16. Cameron and Borenstein (30–31) provide examples of the types of arbitration provisions that may be included in an IP contract.

17. *Ibid.*, 31.

18. Michael Erdle, "Effective Practices' for Resolution of Intellectual Property Disputes," *slaw.ca*, 2013, <https://www.slaw.ca/2013/08/14/effective-practices-for-resolution-of-intellectual-property-disputes/>. See also WIPO Arbitration and Mediation Center, <https://www.wipo.int/amc/en/index.html>.

19. Alan Macek, "Where Should You Launch Your Intellectual Property Case?" *slaw.ca*, 2014, <https://www.slaw.ca/2014/01/07/where-should-you-launch-your-intellectual-property-case/>. See also the Federal Courts Act, R.S.C., 1985, c. F-7, s. 20(1), <https://laws-lois.justice.gc.ca/eng/acts/f-7/>.

20. *Robertson v. Thomson Corp.*, [1999] CanLII 14768 (ON SC), <https://www.canlii.org/en/on/onsc/doc/1999/1999canlii14768/1999canlii14768.html>.

21. *Robertson v. Thomson Corp.*, [2001] CanLII 28353 (ON SC), <https://www.canlii.org/en/on/onsc/doc/2001/2001canlii28353/2001canlii28353.html>.

22. *Robertson v. Thomson Corp.*, [2004] CanLII 32254 (ON CA), <https://www.canlii.org/en/on/onca/doc/2004/2004canlii32254/2004canlii32254.html>.

Membership

ISC/SCI MEMBERSHIP REPORT, MARCH 20, 2022

Julia White, Membership Secretary

As of March 20, 2022, we have 130 memberships. Since the previous report in December, twelve new members have joined or rejoined.

Within Canada	107
British Columbia	19
Alberta	12
Saskatchewan	5
Manitoba	0
Ontario	51
Quebec	12
New Brunswick	2
Nova Scotia	5
Prince Edward Island	1
Newfoundland and Labrador	0

Outside Canada	23
Australia	1
India	1
United Kingdom	1
United States	20

Membership types

Individual	121
Basic	39
Listed	76
Student	2
Emeritus	4
Institutional	9
British Columbia	1
Alberta	1
Saskatchewan	1
Ontario	4
Outside Canada	2

New Members

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

Gillian Akenson, Basic; Kingston, ON
Natanya Belle de Smit, Student; Pointe Claire, QC
Alex Benmerrouche, Basic Trial; Saskatoon, SK
Mercedes Brian, Basic; Wolfville, NS
Moirá Calder, Basic; Edmonton, AB
Fenrir Cerebellion, Basic Trial; Chilliwack, BC
Mieke de Vries, Basic Trial; Shawnigan Lake, BC
Helmut Filacchione, Listed; Murfreesboro, TN, USA
Greg Fisher, Listed; Montreal, QC
Mamta Jha, Listed; Noida, Uttar Pradesh, India
Ashley Lavadinho, Basic Trial; Stoney Creek, ON
Sheila Ryan, Basic; Beavercreek, OR, USA

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!

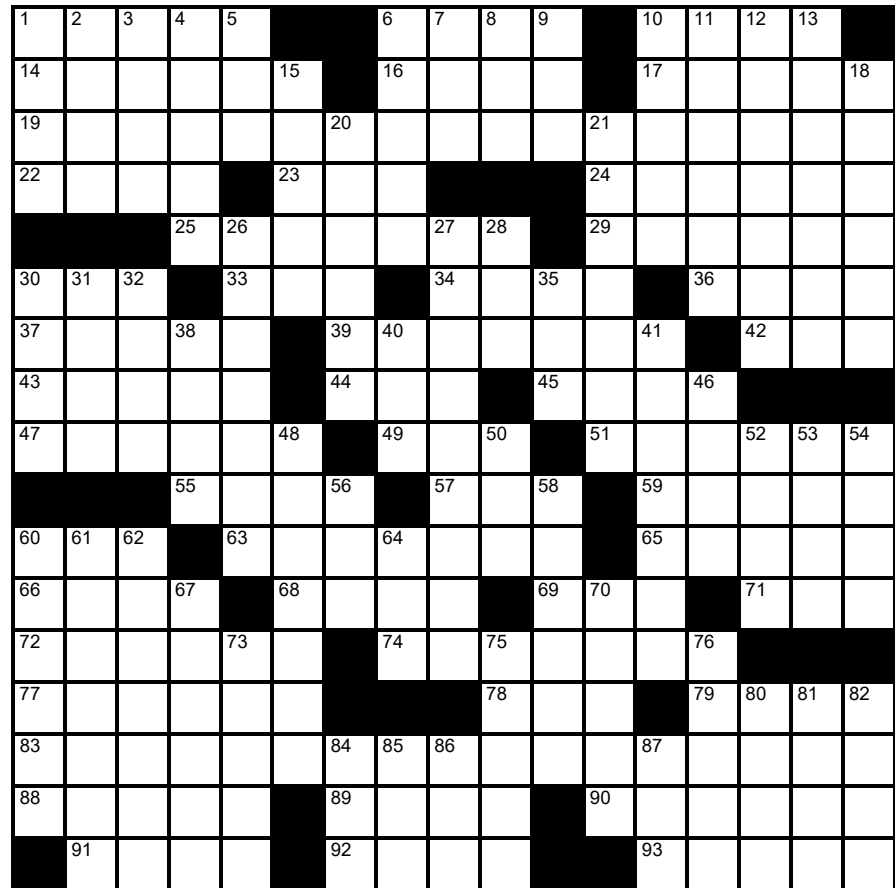
Diner Lingo by Heather Ebbs

Across

1. Author of *Foundation*, to pals
6. "Cheerio!"
10. Simians
14. Lethargy
16. Operator
17. Places
19. *Hash
22. Get wind of
23. Discouraging words
24. Light example of 65 Across, with *The*
25. Cheat on
29. Hedger
30. *Coffee
33. Genetic initials
34. Radical chemical
36. Tiny opening
37. Speechify
39. Prepare for the shot
42. Acid
43. Alkaline
44. Loneliest number
45. Carrots' partner
47. Smooths
49. **"A spot with a twist" is this with lemon
51. *Eats, ___ and Leaves*
55. Remove from MS
57. Season opener?
59. Setting for 24 Across
60. Sheet type
63. Whip type?
65. 24 Across is a light one
66. In the Red?
68. Catharine ___ Traill
69. Junior
71. *Cracker
72. Oaths
74. Bionic humans
77. Within a living body
78. Flight info
79. Little piggies
83. *Two eggs on toast
88. Enticed
89. Babe in the woods
90. Plucky
91. Guns
92. General assembly?
93. Communications Minister under Mulroney

Down

1. Rash reaction
2. Bottom fish?
3. Rug type



4. Separately
5. Jailbird
6. Rwandan people
7. ___ Wednesday
8. Driver's aid
9. Deluge refuge
10. Up and about
11. Truck type
12. Alcohol
13. Planters
15. Sentence type
18. Sawed logs
20. *Murphy
21. Suggests
26. *Scramble the eggs
27. *Add onions
28. Before in time
30. Classified information?
31. Exam type
32. Comfort
35. Jabber
38. Bound
40. Picnic pest
41. Tile game
46. Wet bar?
48. Slides into (as clothes)
50. Feel sick
52. Newspaper page
53. Poi source
54. Glitch
56. Big time
58. Old Chrysler type
60. Genetic
61. In pieces
62. Permeate
64. Circle segment
67. Author of *Foundation*, to indexers
70. Type of 10 Across
73. *Why Didn't They Ask ___* (Christie)
75. Robust
76. Parallel lines
80. Breakfast cereal
81. New newts
82. Eye sore
84. Genetic initials
85. Ring bearer, maybe
86. Energy
87. Pitcher's asset

The Indexer

The International Journal of Indexing

Volume 40.1
(March 2022)

Editorial

Mary Coe

Articles

The book index: child of letters, tool of knowledge, weapon of deconstruction
Michele Combs

Indexing The Indexer, Part 1. Lost in the forest: navigating the journal's indexes
Ann Kingdom

Indexing in the educational publishing industry: moving the index to the next level
Deon Du Preez Schutte

Quoting on book indexing projects
Max McMaster

Modern US standards for indexes of documents
Pilar Wyman and Judi Gibbs

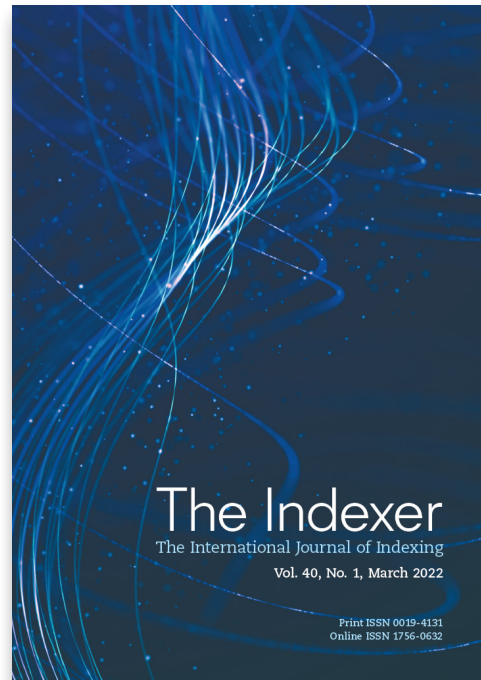
Conference Reports

Society of Indexers online conference 2021: 'Boosting Your Indexing Business'
Ann Kingdom

Indexing societies connect virtually in times of COVID-19
Pierke Bosschieter and Caroline Diepeveen

Forty years ago

The Indexer forty years ago (April 1982)
Hazel K. Bell



Did you know that the indexes to the journal are available on *The Indexer* website?

Search for content by category or using the author, title, and subject indexes.

Visit www.theindexer.org/indexes/

You can also search for content in the journal via the LUP website or through Scopus.