



Country Report Canada

Annual report to the IFLA CLM committee
Helsinki Finland 2012

Copyright

New legislation

In Canada the *Copyright Act* was amended by Bill C-11.
Education was added as a non-infringing use under fair dealing;
Parody and satire were added as a non-infringing uses under fair dealing;
Library preservation was amended to allow for preservation in anticipation of obsolete formats
TPMs were introduced without carve outs for non-infringing uses with the exception for uses for people with perceptual disabilities – however such uses could not “unduly impair” the TPM.

Legal matters

Revision/changes in existing law or regulations

New legislation

Trade agreements

Canada was admitted to the TPP discussions

Law cases

There were 5 important cases decided by the Supreme Court of Canada:

Alberta (Education) v. Canadian Copyright Licensing Agency, 2012 SCC 37.

The Supreme Court ruled that copies of short extracts of works for classroom use were covered by the fair dealing exception.

Society of Composers, Authors and Music Publishers of Canada et al. v. Bell Canada, et al

The Supreme Court ruled that free music downloads (between 30-90 second excerpts) were a fair dealing use and do not infringe copyright.

Entertainment Software Association v. Society of Composers, Authors and Music Publishers of Canada, 2012 SCC 34

The Supreme Court ruled that internet downloads are not “communications” and are not entitled to royalties. The Court also held that the *Copyright Act* must be read in a technologically neutral manner and that the delivery medium is not the basis for assessment of royalties.

Rogers Communications Inc. v. Society of Composers, Authors and Music Publishers of Canada, 2012 SCC 35

The Supreme Court ruled unanimously that communication to the public takes place through on-demand, point-to-point transmissions of works, even when the transmission is not public.

Re:Sound v. Motion Picture Theatre Association of Canada

The Supreme Court ruled unanimously that sound recordings that are integral to movie soundtracks are not to be regarded as sound recordings.

Lobby activities

Canadian Library Association was active in all phases of the development of the new copyright legislation including an appearance before the Senate, after Parliament's third reading of Bill C-11.

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