Copyright

New legislation

The Copyright Modernization Act (Bill C-11) came into force in November 2012 and significantly amended the Canadian Copyright Act (R.S.C., 1985, c. C-42). This new Act expands the fair dealing exception and specifically folds in the educational use of copyrighted materials within the ambit of the statute. In its September 1st 2012 edition, The Economist characterized Bill C-11 as “setting a new standard for permissiveness”.

Legal Matters

New legislation

Bill C-56 was introduced in March 2013. Should it come into force in its current iteration, this Bill will harmonize Canadian legislation with the Anti-Counterfeiting Trade Agreement (“ACTA”). ACTA is a multinational treaty designed to establish both international standards for the enforcement of IP rights and a new international governing body.

Law cases

Teva Canada Ltd. v. Pfizer Canada Inc., 2012 SCC 60

In this important patent case, the Supreme Court of Canada ruled in favour of a generic drug manufacturer. This judgement has already had an impact on the Canadian pharmaceutical market.

Molo Moko v. Ebay Canada Ltd., 2013 QCCS 856

In this ruling a Quebec court rejected a contractual requirement that all disputes involving EBay be adjudicated in California. Quebec is a Civil law jurisdiction.

Keatley Surveying Ltd. v. Teranet Inc., 2012 ONSC 7120

In this ruling, an Ontario court found that a format conversion is not a “translation” and is therefore not an infringement of copyright.

Advocacy/Lobbying activities

In November 2012, the Association of Universities and Colleges of Canada (AUCC) adopted a “fair dealing” policy: http://www.mun.ca/copyright/Fair_Dealing_Policy_CA.pdf

Strategic plans for the future

The recent Canadian Supreme Court rulings summed up by Victoria Owen in the IFLA Country Report Canada filed in Helsinki last year have proven to be a serious setback for licencing agencies.
Canadian Universities are actively organizing to take advantage of the new legal framework defined both by Bill C-11 and the Copyright Pentalogy of the Canadian Supreme Court.

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