



Country Report Canada

Annual report to the IFLA CLM committee
Gothenborg Sweden 2010

Copyright

Revision of copyright law

- The Canadian Government held a series of consultations in the summer and fall of 2009 with regards to updating its copyright legislation (www.copyrightconsultation.gc.ca). Parties were invited to submit comments via the Internet site and a series of meetings were held, some by invitation only, others were open (“town hall” style).
- The Industry Canada (a ministry of the Federal Government) also held consultations about a “Digital Economy Strategy” in the Spring and Summer 2010 (www.digitaleconomy.gc.ca). Although these did not deal with copyright directly, many voiced opinions about access to public sector information (PSI) and crown copyright in general.

New legislation

- On June 2, 2010, the Honourable Tony Clement, Minister of Industry, and the Honourable James Moore, Minister of Canadian Heritage and Official Languages, announced the introduction of the Copyright Modernization Act (www.balancedcopyright.gc.ca). The stated goal of this act is to harmonize Canadian Copyright legislation with international treaties. On the good side, it opens the application of Fair Dealing to education, satire and parody as well as introducing a new exception for posting “user-generated content” on the Internet. On the bad side (as of first reading), the provisions for digital locks override all exceptions and fair dealing. The Government has indicated that the Bill will be submitted to three readings in Parliament, but it is yet unclear which Committee it will be submitted to.

Levies

- The Copyright Board of Canada (an administrative tribunal) issued a ruling on the public education (K-12) collective license for English Canada. The Board adopted a “middle ground” tariff, taking the average of the per-FTE (Full Time Equivalent) cost proposed by Access Copyright and the Council of Ministers of Education, Canada (CMEC), which excludes Quebec. CMEC has appealed the verdict to the Federal Court.
- Negotiations are under way for the post-secondary education tariff between Access Copyright and the Association of Universities and Colleges of Canada (AUCC), which excludes Quebec.

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