



**Government
of Canada**

**Gouvernement
du Canada**

Copyright Modernization Act

Presentation to the Legislative Committee on Bill C-32

November 25, 2010

Canada

Overall approach

- *“To encourage new ideas and protect the rights of Canadians whose research, development and artistic creativity contribute to Canada’s prosperity, [the Government] will strengthen laws governing intellectual property and copyright.”*

– Speech from the Throne, March 2010

- We are modernizing Canada’s *Copyright Act* to better address the challenges and opportunities presented by the digital age
- Clear copyright rules support creativity, innovation, economic growth and jobs
- Our approach must be fair and balanced, reflecting the public interest

Key objectives of the Bill

- Through this legislation, the Government will:
 - Modernize the *Copyright Act*, bringing it in line with advances in technology and current international standards
 - Address the interests of Canadians; from those who create content to the consumers who will benefit from it
 - Ensure that copyright law is forward-looking and flexible, will help protect and create jobs, stimulate our economy, and attract new investment to Canada
 - Introduce technological neutrality, so that the law is more adaptable to a constantly evolving technology environment while ensuring appropriate protections

Modernize the Copyright Act, bringing it in line with advances in technology and current international standards

- This Bill will bring the *Copyright Act* in line with the international standard for copyright in the digital age, as set out in the WIPO Internet Treaties
- It will institute new rights...
 - The distribution right, to control the unauthorized distribution of copyright material
 - The making available right, the exclusive right to offer copyright material over the Internet
 - Moral rights and a clear reproduction right for performers, to put them on equal footing with other creators
- ...and new protections
 - Prohibit the circumvention of “digital locks”, with public interest and competition exceptions and a specific carve out for cell phones
 - Prohibit the removal of rights management information such as digital watermarks
 - Increase the term of protection for performers and producers to 50 years from the year of publication
 - Harmonize the rights of photographers with other creators, with an exception for private use of commissioned photographs

Address the interests of Canadians; from those who create content to the consumers who will benefit from it

- This Bill helps those who create content protect their works
 - New provisions to target online “enablers” – those who knowingly, wilfully enable the large-scale infringement of copyright
 - The “notice and notice” regime ensures that ISPs will help curb piracy by requiring them to notify their subscribers when copyright owners detect infringing activities

- It also recognizes the interests of consumers and Canadians
 - New consumer exceptions for time shifting, format shifting, backup copying, and creating “user-generated content” (i.e. mash-ups)
 - New measures will help the perceptually disabled gain access to adapted works
 - Canadians will not face unreasonable penalties for minor infringements of copyright
 - Parody and satire as new purposes for which fair dealing can apply

Ensure that copyright law is forward-looking and flexible, will help protect and create jobs, stimulate our economy, and attract new investment

- This Bill will support education and skills development...
 - By adding education as a new purpose for which fair dealing can apply
 - By expanding education exceptions in ways that recognize the potential that technology offers Canadian students
- ...it will support innovation
 - By allowing software companies to undertake reverse engineering, security testing and encryption research in order to develop new products and software solutions
 - By allowing reproductions to be made as part of a technological process, such as enabling content to be viewed on a smartphone
 - By supporting broadcasters' development of digital operations, and harmonizing the treatment of small cable systems with that of larger players
- ...and it will foster the growth of the Internet
 - By limiting the liability for ISPs and search engines to the extent they act as neutral intermediaries

Introduce technological neutrality, so that the law is adaptable to a constantly evolving technology environment while ensuring appropriate protections

- For consumers
 - Time-shifting, format shifting and back-up copies for legally acquired material will be allowed, with no restriction on format, medium or device
- For educational institutions
 - Exceptions will allow the latest technologies, including podcast lessons, Smartboards in the classroom, and the digital delivery of course materials
 - Exceptions to permit live or on-demand distance learning
 - Exceptions to enhance the range of material used in educational institutions, including audio-visual works, broadcast programs and publicly available material on the Internet
- For libraries and archives
 - Inter-library loans may be delivered in digital format, collections may be archived in alternate formats before their existing technology becomes obsolete
- To protect creators' ability to advance new digital business models, users may not circumvent digital locks
- Introduce a requirement for a parliamentary review of the *Copyright Act* every five years

For more information

- Please visit our website at www.balancedcopyright.gc.ca