



Country report Canada

Annual report to the IFLA CLM committee
Singapore 2013

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.

Mofo 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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