



## CANADIAN COPYRIGHT MODERNIZATION ACT: NEW RIGHTS AND RULES

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Several changes have been brought to copyright law and practice in Canada through the proclamation into force on November 7 of most of the *Copyright Modernization Act*, which was given Royal Assent in June 2012

The amended version of the Act brings several modifications to copyright law in Canada and can be considered in certain cases to promote innovation.

Under the new Act, third-party software companies can undertake activities related to software interoperability, error correction, reverse engineering, security testing and encryption research in order to develop new products and software solutions, without being afraid of infringing copyrights of others.

The amended Act specifies that temporary, technical and incidental digital reproductions made as part of a technical process, such as cached transmissions over the Internet, do not necessarily constitute copyright infringement.

The new Act prohibits the sale or import of tools or services to enable hacking of software access controls like digital locks and proposes relevant penalties.

At the consumer level, users are allowed to record their favourite TV shows for later viewing, transfer music from a CD or other media to a digital device, and create a mash-up to post on social media platforms.

The fair dealing exception in Canada is expanded. For example, teachers, educators or other people linked to an educational institution can use publicly available material from the Internet for educational or training purposes.

The order in the Canada Gazette mentions that two aspects of the Act have not yet entered into force, including sections referring to international copyright treaties and provisions related to infringement exemptions for providers of network services. These last changes have to wait for the development of new detailed regulations.

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A full-text copy of the Copyright Modernization Act is available at [http://lois-laws.justice.gc.ca/eng/AnnualStatutes/2012\\_20/](http://lois-laws.justice.gc.ca/eng/AnnualStatutes/2012_20/). Do not hesitate to contact us if you have questions on a specific impact of this new Act on your activities.



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