

## Publisher's Note

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### **ROBIC CANADIAN COPYRIGHT ACT AN- NOTATED**

**Release No. 4, April 2022**

#### **Publisher's Special Release Note 2021**

The pages in this work were reissued in December 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the December 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

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This publication is a comprehensive reference work that provides guidance through annotation of the Act along with interpretation of case law and authorities. Special attention is given to software issues, the Copyright Board, and the interface between industrial designs, designs protected by copyrights and those not protected because of their functionality.

This release features updates to sections 27.1, 28, 28.01, 28.02, 28.03, 28.1, 28.2 and 29.

### Highlights

- **Moral Rights Infringement — Case Law — Canada —**  
There might be circumstances where a parent corporation may be liable for the actions of a wholly owned subsidiary on the basis that the parent is the alter ego of the subsidiary.: *Collett v. Northland Art Company Canada Inc*, 2018 CarswellNat 1294 (F.C.; 2018-03-07) Gleason J.
- **Nature of Right of Integrity— Case Law — Canada —**  
The Applicant argued that honour is based on self-perception, while reputation is adjudged by others, and noted that section 28.2 speaks to prejudice to honour or reputation. The Applicant also argued that significant weight should be given to the author's view whether prejudice has occurred.: *Thomson v. Afterlife Network Inc*, 2019 CarswellNat 1479 (F.C.; 2019-05-01) Kane J.
- **Nature of Right of Integrity— Case Law — Canada —**  
Moral rights involve a consideration of both the subjective views of the plaintiff and objective evidence. Moral rights are not, and cannot be, determined solely on the feelings or opinions of the creator of a work.: *Wiseau Studio, LLC v. Harper*, 2020 CarswellOnt 6031 (Ont. Sup. Ct.; 2020-04-23) Schabas J.

### ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases, Table of Statutes and Index are now in PDF with no searching and linking

- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages