

Table of Contents

COPYRIGHT ACT

SHORT TITLE

- 1 Short Title
 - § 1:1 Annotations—Introduction
 - § 1:2 —Constitutional Jurisdiction
 - § 1:3 —Legislation in Force in Canada Prior to the Act of 1921
 - § 1:4 —The Act of 1921 and Amendments
 - § 1:5 —The International Conventions: The *Berne Convention*, the *Universal Convention* and the *Rome Convention* on Neighbouring Rights
 - § 1:6 —Protection of Foreign Authors Prior to the Act of 1921

INTERPRETATION

SECTION 2. IN THIS ACT

- 2A1 “architectural work”
 - § 2A1:1 Annotations—Concept
 - § 2A1:2 —Distinction Between Plans and Structure
 - § 2A1:3 —Originality of the Architectural Work
 - § 2A1:4 —Case Law
- 2A2 “artistic work”
 - § 2A2:1 Annotations—Concept
 - § 2A2:2 —“. . . Paintings . . .”
 - § 2A2:3 —“. . . drawings . . .”
 - § 2A2:4 —“. . . sculpture . . .”
 - § 2A2:5 —“. . . works of artistic craftsmanship . . .”
 - § 2A2:6 —“. . . architectural work . . .”
 - § 2A2:7 —“. . . engravings . . .”
 - § 2A2:8 —“. . . photographs . . .”
 - § 2A2:9 —“. . . maps, charts, plans . . .”
- 2B1 “Berne Convention country”
 - § 2B1:1 Annotations
- 2B2 “Board”
 - § 2B2:1 Annotations
- 2B3 “book”
 - § 2B3:1 Annotations
- 2B4 “broadcaster”

- § 2B4:1 Annotations
- 2C1 “Canada-United States-Mexico Agreement”
- 2C2 “choreographic work”
 - § 2C2:1 Annotations
- 2C3 “cinematographic work”
 - § 2C3:1 Annotations
- 2C4 “collective society”
 - § 2C4:1 Annotations
- 2C5 “collective work”
 - § 2C5:1 Annotations—Concept
 - § 2C5:2 —Case Law
- 2C6 “commercially available”
- 2C7 “communication signal”
- 2C8 “compilation”
 - § 2C8:1 Annotations
 - § 2C8:2 —Case Law
- 2C9 “computer program”
 - § 2C9:1 Annotations
 - § 2C9:2 —Case Law
- 2C10 “copyright”
 - § 2C10:1 Annotations—The Origin of the Word “Copyright” Set Out in Section 3
- 2C11 “country”
- 2D1 “defendant”
- 2D2 “delivery”
- 2D3 “dramatic work”
 - § 2D3:1 Annotations—“Dramatic Work”
 - § 2D3:2 —“Any Piece for Recitation”
 - § 2D3:3 —“Choreographic Work or Mime”
 - § 2D3:4 —“The Scenic Arrangement or Acting Form of Which is Fixed in Writing or Otherwise”
- 2E1 “educational institution”
 - § 2E1:1 Annotations
- 2E2 “engravings”
 - § 2E2:1 Annotations
- 2E3 “every original literary, dramatic, musical and artistic work”
 - § 2E3:1 Annotations—Concept
 - § 2E3:2 —“. . . original . . .”
 - § 2E3:3 —Case Law
 - § 2E3:4 —The Concept of Originality: The Diversity and the Consistency of Judicial Solutions
- 2E4 “exclusive distributor”
 - § 2E4:1 Annotations
- 2H1 “Her Majesty’s Realms and Territories”
- 2I1 “infringing”

TABLE OF CONTENTS

- § 2I1:1 Annotations
- § 2I1:2 —“. . . in relation to a work in which copyright subsists. . .”
- § 2I1:3 —“. . . any copy. . .”
- § 2I1:4 —“. . . including any colourable imitation. . .”
- § 2I1:5 —“. . . made . . .”
- 2L1 “lecture”
 - § 2L1:1 Annotations
- 2L2 “legal representatives”
- 2L3 “library, archive or museum”
 - § 2L3:1 Annotations
- 2L4 “literary work”
 - § 2L4:1 Annotations—Notion
 - § 2L4:2 —Literary Merit is Not Important
 - § 2L4:3 —The Format of a Published Work May Resemble that of Another Without Infringing that Work
 - § 2L4:4 —News Items do Not Constitute Literary Works
 - § 2L4:5 —“. . . tables . . .”
 - § 2L4:6 —Compilations
 - § 2L4:7 —Translations
 - § 2L4:8 —Computer Programs
 - § 2L4:9 —Examples of Works Having Been Classified as Literary Works
- 2M1 “maker”
 - § 2M1:1 Annotations
- 2M2 “Minister”
- 2M3 “moral rights”
 - § 2M3:1 Annotations—The Concept in English Law
 - § 2M3:2 —The Concept in Canadian Law
- 2M4 “musical work”
 - § 2M4:1 Annotations—Concept
 - § 2M4:2 —Songs as Works of Joint Authorship or Compilation
 - § 2M4:3 —Arrangements
- 2P1 “perceptual disability”
- 2P2 “performance”
 - § 2P2:1 Annotations
 - § 2P2:2 —Concept as to “A Work in Which Copyright Subsists”
 - § 2P2:3 —Interpretation of the Definition
- 2P3 “performer’s performance”
 - § 2P3:1 Annotations
- 2P4 “photograph”
 - § 2P4:1 Annotations
- 2P5 “plaintiff”
- 2P6 “plate”
 - § 2P6:1 Annotations

- § 2P6:2 —Case Law
- 2P7 “premises”
- 2R1 “receiving device”
- 2R2 “Rome Convention country”
- § 2R2:1 Annotations
- 2S1 “sculpture”
- § 2S1:1 Annotations
- § 2S1:2 —Case Law
- 2S2 “sound recording”
- § 2S2:1 Annotations
- 2T1 “telecommunication”
- § 2T1:1 Annotations
- 2T2 “treaty country”
- § 2T2:1 Annotations
- 2U1 “UCC country”
- 2W1 “WCT country”
- § 2W1:1 Annotations
- 2W2 “work”
- § 2W2:1 Annotations—An Extensive Definition
- § 2W2:2 —“Original and Distinctive”
- 2W3 “work of joint authorship”
- § 2W3:1 Annotations—Concept
- § 2W3:2 —Case Law
- 2W4 “work of sculpture”
- 2W5 “WPPT country”
- 2W6 “WTO Member”

[SECTIONS 2.1 TO 2.7]

- 2.1(1) “Compilations”
- 2.1(2) “Idem”
- 2.11 “Definition of ‘maker’ ”
- 2.2(1) “Definition of ‘publication’ ”
- § 2.2(1):1 Annotations—Concept
- § 2.2(1):2 —“. . . available to the public . . . ”
- § 2.2(1):3 —“. . . the public performance or communication of a work . . . ”
- § 2.2(1):4 —“. . . the exhibition in public of an artistic work . . . ”
- 2.2(2) “Issue of photographs and engraving”
- § 2.2(2):1 Annotations
- 2.2(3) “Where no consent of copyright owner”
- § 2.2(3):1 Annotations
- 2.2(4) “Unpublished works”
- 2.3 “Telecommunication”

TABLE OF CONTENTS

2.4(1)	“Communication to the public by telecommunication”
2.4(1)(a)	“Part of the public”
§ 2.4(1)(a):1	Annotations
2.4(1)(b)	“Only providing the means”
§ 2.4(1)(b):1	Annotations
2.4(1)(c)	“Networks, programming undertakings”
§ 2.4(1)(c):1	Annotations
2.4(1.1)	“Communication to the public by telecommunication”
§ 2.4(1.1):1	Annotations
2.4(2)	“Regulations”
2.4(3)	“Exception”
2.5(1)	“What constitutes rental”
2.5(2)	“Motive of gain”
§ 2.5(2):1	Annotations
2.6	“Exclusive distributor”
§ 2.6:1	Annotations
2.7	“Exclusive licence”

PART I COPYRIGHT AND MORAL RIGHTS IN WORKS

3(1)	“Copyright in works”
3(1)(a)	“To translate a work”
3(1)(b)	“To convert a dramatic work”
3(1)(c)	“To convert a non-dramatic work by way of performance”
3(1)(d)	“To make any record”
3(1)(e)	“To adapt a work as a cinematographic work”
3(1)(f)	“To communicate the work by telecommunication”
3(1)(g)	“To present an artistic work at a public exhibition”
3(1)(h)	“Rental of a computer program”
3(1)(i)	“Rental of a sound recording”
3(1)(j)	“Transfer of ownership of tangible object”
3(1)	“And to authorize any such acts”
§ 3(1):1	Annotations—Concept
§ 3(1):2	—Interpretation of Section 3(1)
§ 3(1):3	—“. . . sole right to produce . . .”
§ 3(1):4	—“. . . or reproduce the work . . .”
§ 3(1):5	—“. . . or any substantial part thereof . . .”
§ 3(1):6	—“. . . in any material form whatever . . .”
§ 3(1):7	—“. . . to perform . . . in public . . .”
§ 3(1):8	—“. . . if the work is unpublished to publish the work. . .”
§ 3(1)(a):1	—To Translate the Work
§ 3(1)(b):1	—To Convert a Dramatic Work
§ 3(1)(c):1	—To Convert a Non-Dramatic Work by Way of Performance
§ 3(1)(d):1	—To Make Any Record

- § 3(1)(e):1 —To Adapt a Work as a Cinematographic Work
- § 3(1)(f):1 —To Communicate the Work by Telecommunication
- § 3(1)(h):1 —Rental of a Computer Program
- § 3(1)(i):1 —Rental of a Sound Recording
- § 3(1)(j):1 —Transfer of Ownership of Tangible Object
- § 3(1):9 —The Right to Authorize
- 3(1.1) “Simultaneous fixing”
 - § 3(1.1):1 Annotations
- 3(1.2) “Interpretation”
- 3(1.3) “Restriction”
- 3(1.4) “Networks, programming undertakings”
- 3(1.41) “Regulations”
- 3(1.5) “Exception”
- 3(2) “Rental of computer programs”
- 3(3) “Idem”
- 3(4) “Telecommunication to the public”
- 4 [Repealed by S.C. 1997, c. 24, s. 4.]

WORKS IN WHICH COPYRIGHT MAY SUBSIST

- 5(1) “Conditions for subsistence of copyright”
 - § 5(1):1 Annotations—Application
- 5(1.01) “Protection for older works”
 - § 5(1.01):1 Annotations
- 5(1.02) “Limitation”
- 5(1.03) “Application of subsections (1.01) and (1.02)”
- 5(1.1) “First publication”
- 5(1.2) “Idem”
 - § 5(1.2):1 Annotations
- 5(2) “Minister may extend copyright to other countries”
 - § 5(2):1 Annotations
- 5(2.1) “Copyright extended to Universal Copyright Convention countries”
- 5(3) “Copyright in records and contrivances”
- 5(4) “Nature of copyright”
- 5(5) “What constitutes rental”
- 5(6) “Idem”
- 5(7) “Reciprocity protection preserved”

TERM OF COPYRIGHT

- 6 “Term of copyright”
 - § 6:1 Annotations
- 6.1(1) “Anonymous and pseudonymous works”
- 6.1(2) “Identity of author commonly known”
 - § 6.1(2):1 Annotations

TABLE OF CONTENTS

- 6.2(1) “Anonymous and pseudonymous works of joint authorship”
- 6.2(2) “Identity of author commonly known”
- 7(1) “Term of copyright in certain posthumous works”
- 7(2) “Application of subsection (1)”
 - § 7(2):1 Annotations
- 7(3) “Transitional provision”
- 7(4) “Transitional provision”
- 8(1) “Reproduction of work after death of author”
- 8(2) “Regulations”
- 9 “Cases of joint authorship”
 - § 9(1):1 Annotations
- 10 “Term of copyright in photographs”
- 11 “Term of copyright in records, perforated rolls, etc.”
- 11.1 “Cinematographic works”
- 12 “Where copyright belongs to Her Majesty”
 - § 12:1 Annotations

OWNERSHIP OF COPYRIGHT

- 13(1) “Ownership of copyright”
 - § 13(1):1 Annotations
 - § 13(1):2 —Concept
 - § 13(1):3 —Author: The Individual Expressing His Thoughts
 - § 13(1):4 —No Copyright in Ideas
 - § 13(1):5 —Author of a Work Reproducing Oral Conversation or an Improvisation
- 13(2) “Engraving, photograph or portrait”
- 13(3) “Work made in the course of employment”
 - § 13(3):1 Annotations—Concept
 - § 13(3):2 —Works Created Within the Framework of a Contract of Service
 - § 13(3):3 —Collaboration on a Newspaper
- 13(4) “Assignments and licences”
 - § 13(4):1 Annotations—Concept
 - § 13(4):2 —Distinction Between Assignment of Copyright and Transfer of Property on a Physical Object
 - § 13(4):3 —“. . . grant any interest in the right . . .”
 - § 13(4):4 —“. . . wholly . . . for the whole term of the copyright . . .”
 - § 13(4):5 —“. . . either wholly or partially . . .”
 - § 13(4):6 —“. . . either generally or subject to limitations . . .”
 - § 13(4):7 —“. . . and either for the whole term of the copyright or any other part thereof . . .”
 - § 13(4):8 —“. . . no assignment . . . is valid unless it is in writing . . .”

- § 13(4):9 —“. . . or by the owner’s duly authorized agent”
- § 13(4):10 —The Seizability of Copyright Rights
- § 13(4):11 —Copyright Rights and Securities
- 13(5) “Ownership in case of partial assignment”
 - § 13(5):1 Annotations
- 13(6) “Assignment of right of action”
 - § 13(6):1 Annotations
- 13(7) “Exclusive licence”
 - § 13(7):1 Annotations
- 14(1) “Limitation where author is first owner of copyright”
 - § 14(1):1 Annotations—Reversion of Copyright
 - § 14(1):2 —Condition: The Author Must Be the First Owner
- 14(2) “Restriction”
 - § 14(2):1 Annotations
- 14(3) “Ownership in case of partial assignment”
- 14.01(1) “Performer’s rights (post-WTO performances)”
- 14.01(2) “Interpretation”
- 14.01(3) “Restriction”
- 14.01(4) “Performer’s rights (pre-WTO performances)”
- 14.01(5) “Term of performer’s rights”
- 14.01(6) “Assignment of right by performer”
- 14.01(7) “Limitation”

MORAL RIGHTS

- 14.1(1) “Moral rights”
 - § 14.1(1):1 Annotations
- 14.1(2) “No assignment of moral rights”
 - § 14.1(2):1 Annotations
- 14.1(3) “No waiver by assignment”
 - § 14.1(3):1 Annotations
- 14.1(4) “Effect of waiver”
 - § 14.1(4):1 Annotations
- 14.2(1) “Term”
 - § 14.2(1):1 Annotations
- 14.2(2) “Succession”
- 14.2(3) “Subsequent succession”
 - § 14.2(3):1 Annotations

**PART II COPYRIGHT IN PERFORMERS’
PERFORMANCES, SOUND RECORDINGS AND
COMMUNICATION SIGNALS AND MORAL RIGHTS IN
PERFORMERS’ PERFORMANCES**

PERFORMERS’ RIGHTS

TABLE OF CONTENTS

COPYRIGHT

- 15(1) “Copyright in performer’s performance”
- 15(1.1) “Copyright in performer’s performance”
 - § 15(1.1):1 Annotations
- 15(2) “Conditions”
- 15(2.1) “Conditions for copyright”
- 15(2.2) “Conditions for copyright”
- 15(3) “Publication”
- 15(4) “Publication”
- 16 “Contractual arrangements”
 - § 16:1 Annotations
- 17(1) “Cinematographic works”
 - § 17(1):1 Annotations
- 17(2) “Right to remuneration”
- 17(3) “Application of subsection (2)”
- 17(4) “Exception”
- 17.1(1) “Moral rights”
- 17.1(2) “No assignment of moral rights”
- 17.1(3) “No waiver by assignment”
- 17.1(4) “Effect of waiver”
- 17.2(1) “Application and term”
- 17.2(2) “Succession”
- 17.2(3) “Subsequent succession”

RIGHTS OF SOUND RECORDING MAKERS

- 18(1) “Copyright in sound recordings”
- 18(1.1) “Copyright in sound recordings”
- 18(2) “Conditions for copyright”
- 18(2.1) “Conditions for copyright”
- 18(2.2) “Conditions for copyright”
- 18(3) “Publication”
- 18(4) “Publication”

PROVISIONS APPLICABLE TO BOTH PERFORMERS AND SOUND RECORDING MAKERS

- 19(1) “Right to remuneration — Canada”
 - § 19(1):1 Annotations
- 19(1.1) “Right to remuneration — Rome Convention country”
 - § 19(1.1):1 Annotations
- 19(1.2) “Right to remuneration — WPPT country”
- 19(2) “Royalties”
 - § 19(2):1 Annotations
- 19(3) “Division of royalties”
- 19.1 “Deemed publication — Canada”

- 19.2 “Deemed publication — WPPT country”
- 20(1) “Conditions — Canada”
- 20(1.1) “Conditions — Rome Convention country”
- 20(1.2) “Conditions — WPPT country”
 - § 20(1.2):1 Annotations
- 20(2) “Exception — Rome Convention country”
- 20(2.1) “Exception — WPPT country”
- 20(3) “Exception”
- 20(4) “Application of section 19”

RIGHTS OF BROADCASTERS

- 21(1) “Copyright in communication signals”
 - § 21(1):1 Annotations
- 21(2) “Conditions for copyright”
- 21(3) “Exception”

RECIPROCITY

- 22(1) “Reciprocity”
- 22(2) “Reciprocity”
- 22(3) “Application of Act”
- 22(4) “Application of Act”

TERM OF RIGHTS

- 23(1) “Term of copyright — performer’s performance”
- 23(1.1) “Term of copyright — sound recording”
- 23(1.2) “Term of copyright — communication signal”
- 23(2) “Term of right to remuneration”
- 23(3) “Application of subsections (1) to (2)”
- 23(4) “Berne Convention countries, Rome Convention countries,
WTO Members”
- 23(5) “Where term of protection expired”

OWNERSHIP OF COPYRIGHT

- 24 “Ownership of copyright”
- 25 “Assignment of rights”
 - § 25:1 Annotations

PERFORMERS’ RIGHTS — WTO COUNTRIES

- 26(1) “Performer’s performance in WTO country”
- 26(2) “Where country joins WTO after Jan. 1, 1996”
- 26(3) “Performer’s performances before Jan. 1, 1996”
- 26(4) “Where country joins WTO after Jan. 1, 1996”
- 26(5) “Term of performer’s rights”
- 26(6) “Assignment of rights”

TABLE OF CONTENTS

26(7) “Limitation”

**PART III INFRINGEMENT OF COPYRIGHT AND
MORAL RIGHTS AND EXCEPTIONS TO
INFRINGEMENT**

INFRINGEMENT OF COPYRIGHT

GENERAL

- 27(1) “Infringement generally”
 - § 27(1):1 Annotations—Infringement in Relation to a Work in Which Copyright Subsists
 - § 27(1):2 —Concept
 - § 27(1):3 —Infringement of the Right to Authorize
 - § 27(1):4 —Infringer May Not Invoke the Protection of the Law
 - § 27(1):5 —Infringer’s Ignorance Irrelevant
 - § 27(1):6 —Good Faith Does Not Justify Infringement
 - § 27(1):7 —Absence of Commercial Use Irrelevant
 - § 27(1):8 —Infringement of Performing Rights and the Right to Communicate a Work Publicly
 - § 27(1):9 —Infringement of Rights to Produce or Reproduce
 - § 27(1):10 —Infringement of the Right to Publish a Work
 - § 27(1):11 —Territorial Jurisdiction
- 27(2) “Secondary infringement”
 - § 27(2):1 Annotations
- 27(2.1) “Clarification”
- 27(2.11) “Secondary infringement — exportation”
- 27(2.12) “Exception”
- 27(2.2) “Secondary infringement related to lesson”
- 27(2.3) “Infringement — provision of services”
- 27(2.4) “Factors”
 - § 27(2.4):1 Annotations
- 27(3) “Knowledge of importer”
 - § 27(3):1 Annotations
- 27(4) “Plates”
 - § 27(4):1 Annotations
- 27(5) “Public performance for profit”
 - § 27(5):1 Annotations

PARALLEL IMPORTATION OF BOOKS

- 27.1(1) “Importation of books”
- 27.1(2) “Secondary infringement”
- 27.1(3) “Limitation”

- 27.1(4) “Exclusive distributor”
 - § 27.1(4):1 Annotations
- 27.1(5) “Notice”
- 27.1(6) “Regulations”
 - § 27.1(6):1 Annotations
- 28 “Report in newspaper of political speech no infringement”
- 28.01 “Retransmission”
- 28.02 “Infringement of performer’s rights”
- 28.03 “Certain right and interests protected”

MORAL RIGHTS INFRINGEMENTS

- 28.1 “Infringement generally”
 - § 28.1:1 Annotations
- 28.2(1) “Nature of right of integrity”
 - § 28.2(1):1 Annotations—Concept
 - § 28.2(1):2 —Application in Canadian Law
- 28.2(2) “Where prejudice deemed”
 - § 28.2(2):1 Annotations
- 28.2(3) “When work not distorted, etc.”
 - § 28.2(3):1 Annotations

EXCEPTIONS

- § III:1 Annotations

FAIR DEALINGS

- § III:2 Annotations
- 29 “Research, private study, etc.”
 - § 29:1 Annotations
- 29.1 “Criticism or review”
 - § 29.1:1 Annotations—Source and Author’s Name
 - § 29.1:2 —Fair Dealing
 - § 29.1:3 —Review
 - § 29.1:4 —Criticism
- 29.2 “News reporting”
 - § 29.2:1 Annotations

NON-COMMERCIAL USER-GENERATED CONTENT

- 29.21(1) “Non-commercial user-generated content”
- 29.21(2) “Definitions”
 - § 29.21(2):1 Annotations

REPRODUCTION FOR PRIVATE PURPOSES

- 29.22(1) “Reproduction for private purposes”
- 29.22(2) “Meaning of ‘medium or device’ ”

TABLE OF CONTENTS

- 29.22(3) “Limitation — audio recording medium”
- 29.22(4) “Limitation — destruction of reproductions”

FIXING SIGNALS AND RECORDING PROGRAMS FOR LATER LISTENING OR VIEWING

- 29.23(1) “Reproduction for later listening or viewing”
- 29.23(2) “Limitation”
- 29.23(3) “Definitions”

BACKUP COPIES

- 29.24(1) “Backup copies”
 - § 29.24(1):1 Annotations
- 29.24(2) “Backup copy becomes source copy”
- 29.24(3) “Destruction”

ACTS UNDERTAKEN WITHOUT MOTIVE OF GAIN

- 29.3(1) “Motive of gain”
 - § 29.3(1):1 Annotations
- 29.3(2) “Cost recovery”
 - § 29.3(2):1 Annotations

EDUCATIONAL INSTITUTIONS

- 29.4(1) “Reproduction for instruction”
- 29.4(2) “Reproduction for examinations, etc.”
- 29.4(3) “If work commercially available”
 - § 29.4(3):1 Annotations
- 29.5 “Performances”
 - § 29.5:1 Annotations
- 29.6(1) “News and commentary”
- 29.6(2) “Royalties for reproduction and performance”
- 29.7(1) “Reproduction of broadcast”
- 29.7(2) “Royalties for reproduction”
- 29.7(3) “Royalties for performance”
- 29.8 “Unlawful reception”
- 29.9(1) “Records and marking”
- 29.9(2) “Regulations”
- 30 “Literary collections”
 - § 30:1 Annotations
- 30.01(1) “Meaning of ‘lesson’ ”
- 30.01(2) “Application”
- 30.01(3) “Communication by telecommunication”
- 30.01(4) “Participation by telecommunication”
- 30.01(5) “Reproducing lessons”
- 30.01(6) “Conditions”

- 30.02(1) “Exception — digital reproduction of works”
- 30.02(2) “Exception”
- 30.02(3) “Conditions”
- 30.02(4) “Restriction”
- 30.02(5) “Restriction”
- 30.02(6) “Deeming provision”
- 30.02(7) “Maximum amount that may be recovered”
- 30.02(8) “No damages”
- 30.03(1) “Royalties — digital reproduction agreement”
- 30.03(2) “Royalties — tariff”
- 30.04(1) “Work available through Internet”
- 30.04(2) “Conditions”
- 30.04(3) “Non-application”
- 30.04(4) “Non-application”
- 30.04(5) “Non-application”
- 30.04(6) “Regulations”

LIBRARIES, ARCHIVES AND MUSEUM

- 30.1(1) “Management and maintenance of collection”
- 30.1(2) “Limitation”
- 30.1(3) “Destruction of intermediate copies”
- 30.1(4) “Regulations”
- 30.2(1) “Research or private study”
- 30.2(2) “Copies of articles for research, etc.”
- 30.2(3) “Restriction”
- 30.2(4) “Conditions”
- 30.2(5) “Patrons of other libraries, etc.”
- 30.2(5.01) “Deeming”
- 30.2(5.02) “Limitation regarding copies in digital form”
- 30.2(5.1) “Destruction of intermediate copies”
- 30.2(6) “Regulations”
- 30.21(1) “Copying works deposited in archive”
- 30.21(2) “Notice”
- 30.21(3) “Conditions for copying of works”
- 30.21(3.1) “Condition for providing copy”
- 30.21(4) “Regulations”
- 30.21(5) “Where copyright owner cannot be found”
- 30.21(6) “Notice”
- 30.21(7) “Posthumous works”

**MACHINES INSTALLED IN EDUCATIONAL INSTITUTIONS,
LIBRARIES, ARCHIVES AND MUSEUMS**

- 30.3(1) “No infringement by educational institution, etc.”
- 30.3(2) “Application”
 - § 30.3(2):1 Annotations

TABLE OF CONTENTS

- 30.3(3) “Order”
- 30.3(4) “Agreement with copyright owner”
- 30.3(5) “Regulations”

LIBRARIES, ARCHIVES AND MUSEUMS IN EDUCATIONAL INSTITUTIONS

- 30.4 “Application to libraries, etc. within educational institutions”

LIBRARY AND ARCHIVES OF CANADA

- 30.5 “Permitted acts”

COMPUTER PROGRAMS

- 30.6 “Permitted acts”
- 30.61(1) “Interoperability of computer programs”
- 30.61(2) “No limitation”

ENCRYPTION RESEARCH

- 30.62(1) “Encryption research”
- 30.62(2) “Limitation”
- 30.62(3) “Limitation — computer program”

SECURITY

- 30.63(1) “Security”
- 30.63(2) “Limitation”
- 30.63(3) “Limitation — computer program”
 - § 30.63(3):1 Annotations

INCIDENTAL INCLUSION

- 30.7 “Incidental use”
 - § 30.7:1 Annotations

TEMPORARY REPRODUCTIONS FOR TECHNOLOGICAL PROCESSES

- 30.71 “Temporary reproductions”
 - § 30.71:1 Annotations

EPHEMERAL RECORDINGS

- 30.8(1) “Ephemeral recordings”
 - § 30.8(1):1 Annotations
- 30.8(2) “Record keeping”
- 30.8(3) “Right of access by copyright owners”
- 30.8(4) “Destruction”
- 30.8(5) “Royalties”

- 30.8(6) “Archive”
- 30.8(7) “Definition of ‘official archive’ ”
- 30.8(8) “Application”
- 30.8(9) “Telecommunications by networks”
- 30.8(10) “Limitations”
- 30.8(11) “Definition of ‘programming undertaking’ ”
- 30.9(1) “Ephemeral recordings — broadcasting undertaking”
 - § 30.9(1):1 Annotations
- 30.9(2) “Record keeping”
- 30.9(3) “Right of access by copyright owners”
- 30.9(4) “Destruction”
- 30.9(5) “Royalty”
- 30.9(6) “Application”
- 30.9(7) “Definition of ‘broadcasting undertaking’ ”

RETRANSMISSION

- 31(1) “Interpretation”
 - § 31(1):1 Annotations
- 31(2) “Retransmission of local and distant signals”
 - § 31(2):1 Annotations
- 31(3) “Regulations”
 - § 31(3):1 Annotations

NETWORK SERVICES

- § III:3 Annotations
- 31.1(1) “Network services”
- 31.1(2) “Incidental acts”
- 31.1(3) “Conditions for application”
- 31.1(4) “Hosting”
- 31.1(5) “Condition for application”
- 31.1(6) “Exception”

PERSONS WITH PERCEPTUAL DISABILITIES

- 32(1) “Reproduction in alternate format”
- 32(2) “Limitation”
- 32(3) “Limitation”
- 32.01(1) “Print disability — outside Canada”
- 32.01(2) “Available in other country”
- 32.01(3) “Marrakesh Treaty country”
- 32.01(3.1) “Not Marrakesh Treaty country”
- 32.01(4) “Royalty”
- 32.01(5) “If copyright owner cannot be located”
- 32.01(6) “Reports”
- 32.01(7) “Regulations”

TABLE OF CONTENTS

- 32.01(8) “Meaning of ‘print disability’ ”
- 32.02 “Definition of non-profit organization”

STATUTORY OBLIGATIONS

- 32.1(1) “No infringement”
- 32.1(1)(a) “Disclosure of records”
- 32.1(1)(b) “Disclosure of personal information”
- 32.1(1)(c) “Reproduction for deposit”
- 32.1(1)(d) “Copy to comply with the Broadcasting Act”
- 32.1(2) “Limitation”
- 32.1(3) “Destruction of fixation or copy”

MISCELLANEOUS

- 32.2(1) “Permitted acts”
- 32.2(1)(a) “Where the author is not owner”
 - § 32.2(1)(a):1 Annotations
- 32.2(1)(b) “Architectural work and work permanently situated in a public place”
 - § 32.2(1)(b):1 Annotations
- 32.2(1)(c) “Publication of a report of a lecture delivered in public”
 - § 32.2(1)(c):1 Annotations
- 32.2(1)(d) “Recitation of reasonable extract”
- 32.2(1)(e) “Report of political speech”
- 32.2(1)(f) “Use of a photograph or portrait”
- 32.2(2) “Further permitted acts”
 - § 32.2(2):1 Annotations
- 32.2(3) “Further permitted acts”
 - § 32.2(3):1 Annotations

INTERPRETATION

- 32.3 “No right to equitable remuneration”

COMPENSATION FOR ACTS DONE BEFORE RECOGNITION OF COPYRIGHT OF PERFORMERS AND BROADCASTERS

- 32.4(1) “Certain rights and interests protected”
- 32.4(2) “Compensation”
- 32.4(3) “Limitation”
- 32.5(1) “Certain rights and interests protected”
- 32.5(2) “Compensation”
- 32.5(3) “Limitation”
- 32.6 “Certain rights and interests protected”

**COMPENSATION FOR ACTS DONE BEFORE RECOGNITION OF
COPYRIGHT OR MORAL RIGHTS**

- 33(1) “Certain rights and interests protected”
- 33(2) “Compensation”
- 33.1(1) “Certain rights and interests protected”
- 33.1(2) “Compensation”
- 33.2(1) “Certain rights and interests protected”
- 33.2(2) “Compensation”

PART IV REMEDIES

§ IV:1 Annotations

CIVIL REMEDIES

INFRINGEMENT OF COPYRIGHT AND MORAL RIGHTS

- 34(1) “Copyright”
 - § 34(1):1 Annotations—Concept
 - § 34(1):2 —“Remedies . . . that are or may be conferred by law for the infringement of a right”
 - § 34(1):3 —Evidence of Infringement
 - § 34(1):4 —“. . . by way of injunction . . .”
 - § 34(1):5 —Accounts
- 34(2) “Moral rights”
 - § 34(2):1 Annotations
 - § 34(2):2 —Case Law
- 34(3) “Costs”
 - § 34(3):1 Annotations
- 34(4) “Summary proceedings”
 - § 34(4):1 Annotations
- 34(5) “Practice and procedure”
 - § 34(5):1 Annotations
- 34(6) “Actions”
 - § 34(6):1 Annotations
- 34(7) “Meaning of ‘application’ ”
- 34.1(1) “Presumptions respecting copyright and ownership”
 - § 34.1(1):1 Annotations
- 34.1(1)(a) “Unless contrary proved, work shall be presumed to be a work in which copyright subsists”
 - § 34.1(1)(a):1 Annotations
- 34.1(1)(b) “Author presumed to be owner of the copyright”
 - § 34.1(1)(b):1 Annotations
- 34.1(2) “Where no grant registered”
- 34.1(2)(a) “If a name purporting to be that of . . .”
 - § 34.1(2)(a):1 Annotations

TABLE OF CONTENTS

34.1(2)(b)	“If a name other than the author’s is indicated on the work”
§ 34.1(2)(b):1	Annotations
34.1(2)(c)	“If the name of the maker of the cinematographic work appears”
§ 34.1(2)(c):1	Annotations
35(1)	“Liability for infringement”
§ 35(1):1	Annotations
§ 35(1):2	—Damages
§ 35(1):3	—Exemplary Damages
§ 35(1):4	—Just and Proper Proportion of Profits Made from the Infringement
35(2)	“Proof of profits”
§ 35(2):1	Annotations
§ 35(2):2	—Application
36(1)	“Protection of separate rights”
36(2)	“Where copyright owner to be made party”
36(3)	“Owner’s liability for costs”
36(4)	“Apportionment of damages, profits”
37	“Concurrent jurisdiction of Federal Court”
38(1)	“Recovery of possession of copies, plates”
§ 38(1):1	Annotations—Concept
38(2)	“Powers of court”
38(3)	“Notice to interested persons”
38(4)	“Circumstances court to consider”
38(5)	“Limitation”
§ 38(5):1	Annotations
38.1(1)	“Statutory damages”
§ 38.1(1):1	Annotations
38.1(1.1)	“Infringement of subsection 27(2.3)”
38.1(1.11)	“Deeming — infringement of subsection 27(2.3)”
38.1(1.12)	“Infringements not involved in proceedings”
38.1(1.2)	“No other statutory damages”
§ 38.1(1.2):1	Annotations
38.1(2)	“If defendant unaware of infringement”
§ 38.1(2):1	Annotations
38.1(3)	“Special case”
§ 38.1(3):1	Annotations
38.1(4)	“Limitation — certain acts”
§ 38.1(4):1	Annotations
38.1(4.1)	“Acts for the purposes of subsection (4)”
38.1(5)	“Factors to consider”
§ 38.1(5):1	Annotations
38.1(6)	“No award”
38.1(7)	“Exemplary or punitive damages not affected”

- § 38.1(7):1 Annotations
- 38.2(1) “Maximum amount that may be recovered”
- 38.2(2) “Agreements with more than one collective agency”
- 38.2(3) “Application”
- 39(1) “Injunction only remedy when defendant not aware of copyright”
 - § 39(1):1 Annotations—Concept
 - § 39(1):2 —The Work Need Not Be Registered Immediately After Its Creation
 - § 39(1):3 —Ignorance of Copyright Does Not Signify Ignorance as to the Owner of the Copyright
 - § 39(1):4 —Ignorance May Not Be Pleaded When Infringement Continues After the Reception of a Notice from the Owner of Copyright
- 39(2) “Exception where copyright registered”
 - § 39(2):1 Annotations
- 39.1(1) “Wide injunction”
 - § 39.1(1):1 Annotations
- 39.1(2) “Application of injunction”
 - § 39.1(2):1 Annotations
- 40(1) “No injunction in case of a building”
 - § 40(1):1 Annotations
- 40(2) “Certain remedies inapplicable”
- 41 “Definitions”
 - § 41:1 Annotations
- 41.1(1) “Prohibition”
 - § 41.1(1):1 Annotations
- 41.1(2) “Circumvention of technological protection measure”
- 41.1(3) “No statutory damages”
- 41.1(4) “Services, technology, device or component”
- 41.11(1) “Law enforcement and national security”
- 41.11(2) “Services”
- 41.11(3) “Technology, device or component”
- 41.12(1) “Interoperability”
- 41.12(2) “Services”
- 41.12(3) “Technology, device or component”
- 41.12(4) “Sharing of information”
- 41.12(5) “Limitation — technology”
- 41.12(6) “Limitation — information”
- 41.12(7) “Non-application”
- 41.12(8) “Non-application”
- 41.12(9) “Non-application”
- 41.121(1) “Diagnosis, maintenance and repair”
- 41.121(2) “For greater certainty”
- 41.121(3) “Non-application”

TABLE OF CONTENTS

41.13(1)	“Encryption research”
41.13(2)	“Non-application”
41.13(3)	“Technology, device or component”
41.14(1)	“Personal information”
41.14(2)	“Services, technology, device or component”
41.15(1)	“Security”
41.15(2)	“Services”
41.15(3)	“Technology, device or component”
41.15(4)	“Non-application”
41.16(1)	“Persons with perceptual disabilities”
41.16(2)	“Services, technology, device or component”
41.17	“Broadcasting undertakings”
41.18(1)	“Radio apparatus”
41.18(2)	“Services or technology, device or component”
41.18(3)	“Definitions”
41.19	“Reduction of damages”
41.2	“Injunction only remedy”
41.21(1)	“Regulations”
41.21(2)	“Regulations”
	§ 41.21(2):1 Annotations
41.22(1)	“Prohibition — rights management information”
41.22(2)	“Removal or alteration of rights management information”
41.22(3)	“Subsequent acts”
41.22(4)	“Definition of ‘rights management information’ ”
41.23(1)	“Protection of separate rights”
	§ 41.23(1):1 Annotations—Concept
	§ 41.23(1):2 —Case Law
41.23(2)	“Copyright owner to be made party”
	§ 41.23(2):1 Annotations
41.23(3)	“Owner’s liability for costs”
41.23(4)	“Apportionment of damages, profits”
41.24	“Concurrent jurisdiction of Federal Court”
	§ 41.24:1 Annotations—Concept
	§ 41.24:2 —Sources of the Basic Rules in Copyright
	§ 41.24:3 —Territorial Jurisdiction

PROVISIONS RESPECTING PROVIDERS OF NETWORK SERVICES OR INFORMATION LOCATION TOOLS

41.25(1)	“Notice of claimed infringement”
	§ 41.25(1):1 Annotations
41.25(2)	“Form and content of notice”
41.25(3)	“Prohibited content”
41.26(1)	“Obligations related to notice”
41.26(2)	“Fees related to notices”

- § 41.26(2):1 Annotations
- 41.26(3) “Damages related to notices”
- 41.26(4) “Regulations — change of amounts”
- 41.27(1) “Injunctive relief only — providers of information location tools”
 - § 41.27(1):1 Annotations
 - 41.27(2) “Conditions for application”
 - 41.27(3) “Limitation”
 - 41.27(4) “Exception”
 - 41.27(4.1) “Factors — scope of injunction”
 - § 41.27(4.1):1 Annotations
 - 41.27(4.2) “Limitation”
 - 41.27(5) “Meaning of ‘information location tool’ ”

CRIMINAL REMEDIES

- 42(1) “Offences”
 - § 42(1):1 Annotations—Concept
 - § 42(1):2 —Interpretation of the Word “Knowingly”
 - § 42(1):3 —Interpretation of “By Way of Trade Exposes or Offers for Sale”
 - § 42(1):4 —Interpretation of “Distribute”
 - § 42(1):5 —Interpretation of “Infringing Copies”
 - § 42(1):6 —Penalty
- 42(2) “Possession and performance offences”
- 42(2.1) “Punishment”
- 42(3) “Power of court to deal with copies or plates”
 - § 42(3):1 Annotations
- 42(3.01) “Notice”
- 42(3.1) “Circumvention of technological protection measure”
- 42(3.2) “Offence — infringement related to rights management information”
- 42(3.3) “Punishment”
- 42(3.4) “Definition of ‘rights management information’ ”
- 42(4) “Limitation period”
- 42(5) “Parallel importation”
- 43(1) “Infringement in case of dramatic, operatic or musical work”
- 43(2) “Change or suppression of title or author’s name”
 - § 43(2):1 Annotations

LIMITATION OR PRESCRIPTION PERIOD

- 43.1(1) “Limitation or prescription period for civil remedies”
 - § 43.1(1):1 Annotations
- 43.1(2) “Restriction”
 - § 43.1(2):1 Annotations

TABLE OF CONTENTS

IMPORTATION AND EXPORTATION

INTERPRETATION

44 “Definitions”

PROHIBITION AND DETENTION BY CUSTOMS OFFICER

PROHIBITION

44.01(1) “Prohibition on importation or exportation”

44.01(2) “Exception”

REQUEST FOR ASSISTANCE

44.02(1) “Request for assistance”

44.02(2) “Information in request”

44.02(3) “Validity period”

44.02(4) “Security”

44.02(5) “Update”

MEASURES RELATING TO DETAINED COPIES

44.03 “Provision of information by customs officer”

44.04(1) “Provision of information to pursue remedy”

44.04(2) “Detention”

44.04(3) “Notice of proceedings”

44.04(4) “Continued detention”

44.05(1) “Restriction on information use — section 44.03”

44.05(2) “Restriction on information use — subsection 44.04(1)”

44.05(3) “For greater certainty”

44.06 “Inspection”

44.07(1) “Liability for charges”

44.07(2) “Exception — paragraph (1)(a)”

44.07(3) “Exception — paragraph (1)(c)”

44.07(4) “Joint and several or solidary liability”

44.07(5) “Exception”

NO LIABILITY

44.08 “No liability”

POWERS OF COURT RELATING TO DETAINED COPIES

44.09(1) “Application to court”

44.09(2) “Minister’s consent”

44.09(3) “Customs Act”

44.09(4) “Continued detention”

44.09(5) “Security”

- 44.1(1) “Damages against copyright owner”
- 44.1(2) “Damages awarded to copyright owner”
- 44.1(2.1) “Who may apply”
- 44.1(3) “Order of court”
- 44.1(4) “How application made”
- 44.1(5) “Court may require security”
- 44.1(6) “Application for directions”
- 44.1(7) “Minister may allow inspection”
- 44.1(8) “Where applicant fails to commence an action”
- 44.1(9) “Where court finds in plaintiff’s favour”
- 44.1(10) “Other remedies not affected”

PROHIBITION RESULTING FROM NOTICE

- 44.11 “Importation of certain copyright works prohibited”

COURT-ORDERED DETENTION

- 44.12(1) “Power of court”
- 44.12(2) “Who may apply”
- 44.12(3) “Order of court”
- 44.12(4) “How application made”
- 44.12(5) “Security”
- 44.12(6) “Application for directions”
- 44.12(7) “Minister may allow inspection”
- 44.12(8) “If applicant fails to commence action”
- 44.12(9) “If court finds in plaintiff’s favour”
- 44.12(10) “Other remedies not affected”
- 44.2(1) “Importation of books”
- 44.2(2) “Who may apply”
- 44.2(3) “Limitation”
- 44.2(4) “Application of certain provisions”
- 44.3 “Limitation”
- 44.4 “Importation of other subject-matter”
- 45(1) “Exception”
- 45(2) “Satisfactory evidence”

PART V ADMINISTRATION

COPYRIGHT OFFICE

- 46 “Copyright Office”
- 47 “Powers of Commissioner and Registrar”
- 48 “Registrar”
- 49 “Duties of Commissioner and Registrar”
- 50 “Other duties of Registrar”
- 51 “Repealed”

TABLE OF CONTENTS

- 52 “Control of business and officials”
- 53(1) “Register to be evidence”
- 53(2) “Owner of copyright”
 - § 53(2):1 Annotations
- 53(2.1) “Assignee”
- 53(2.2) “Licensee”
 - § 53(2.2):1 Annotations
- 53(3) “Admissibility”

REGISTRATION

- 54(1) “Register of Copyrights”
- 54(2) “Entries by authors, etc.”
- 54(3) “Single entry sufficient”
- 54(4) “Indices”
- 54(5) “Inspection and extracts”
- 54(6) “Former registration effective”
- 54(7) “Subsisting copyright”
- 55(1) “Copyright in works”
 - § 55(1):1 Annotations
- 55(2) “Application for registration”
 - § 55(2):1 Annotations
- 56(1) “Copyright in subject-matter other than works”
- 56(2) “Application for registration”
- 56.1 “Recovery of damages”
- 57(1) “Registration of assignment or licence”
 - § 57(1):1 Annotations
- 57(2) “Repealed”
- 57(3) “When assignment or licence is void”
 - § 57(3):1 Annotations
- 57(4) “Rectification of Register by the Court”
 - § 57(4):1 Annotations
- 58(1) “Execution of instruments”
- 58(2) “Execution of instruments”
- 58(3) “Seals to be evidence”
- 58(4) “Other testimony”

FEES

- 59 “Fees regulation”

PART VI MISCELLANEOUS PROVISIONS

SUBSTITUTED RIGHT

- 60(1) “Subsistence of substituted right”
 - § 60(1):1 Annotations

- 60(2) “Where author has assigned the right”
- 60(3) “Definition of ‘author’ ”
- 60(4) “Works made before this Act in force”

CLERICAL ERRORS

- 61 “Clerical errors do not invalidate”

REGULATIONS

- 62(1) “Regulations”
- 62(2) “Rights saved”
- 63 “No copyright unless under this Act”

INDUSTRIAL DESIGNS AND TOPOGRAPHIES

- 64(1) “Interpretation of ‘article’, ‘design’, ‘useful article’ and ‘utilitarian function’ ”
 - § 64(1):1 Annotations—Concept
 - § 64(1):2 —Case Law
- 64(2) “Non-infringement re certain designs”
 - § 64(2):1 Annotations
- 64(3) “Exception”
 - § 64(3):1 Annotations
 - § 64(3):2 Annotations
 - § 64(3):3 Annotations
 - § 64(3):4 Annotations
 - § 64(3):5 Annotations
 - § 64(3):6 Annotations
 - § 64(3):7 Annotations
- 64(4) “Idem”
- 64.1(1) “Non-infringement re useful article features”
 - § 64.1(1):1 Annotations
- 64.1(2) “Exception”
- 64.2(1) “Application of Act to topographies”
- 64.2(2) “Computer programs”
- 64.2(3) “Definitions”
- 65 “Adherence to Convention of Berne”
 - § 65:1 Annotations

PART VII COPYRIGHT BOARD

- 66(1) “Establishment”
 - § 66(1):1 Annotations
- 66(2) “Service”
- 66(3) “Chair”
- 66(4) “Tenure”
- 66(5) “Re-appointment”

TABLE OF CONTENTS

66(6)	“Prohibition”
66(7)	“Members deemed public service employees”
66.1(1)	“Duties of Chair”
66.1(2)	“Absence or incapacity of Chair”
66.1(3)	“Duties of Vice-chair”
66.2	“Remuneration and expenses”
66.3(1)	“Conflict of interest prohibited”
66.3(2)	“Termination of conflict of interest”
66.4(1)	“Staff”
66.4(2)	“Idem”
66.4(3)	“Technical assistance”
66.5(1)	“Concluding matters after membership expires”
66.5(2)	“Decisions”
	§ 66.5(2):1 Annotations
66.501	“Fair and equitable”
66.502	“Informal and expeditious”
	§ 66.502:1 Annotations
66.503	“For greater certainty”
66.504(1)	“Case manager”
66.504(2)	“Powers”
66.504(3)	“Deemed direction or order of Board”
66.504(4)	“Delegation”
66.51	“Interim decisions”
	§ 66.51:1 Annotations
66.52	“Variation of decisions”
	§ 66.52:1 Annotations
66.6(1)	“Regulations”
66.6(1.1)	“Case management”
66.6(2)	“Publication of proposed regulations”
66.6(3)	“Exception”
66.7(1)	“General powers, etc.”
	§ 66.7(1):1 Annotations
66.7(2)	“Enforcement of decisions”
66.7(3)	“Procedure”
66.7(4)	“Effect of variation of decision”
66.71	“Distribution, publication of notices”
	§ 66.71:1 Annotations
66.8	“Studies”
66.9(1)	“Report”
66.9(2)	“Tabling”
66.91(1)	“Regulations”
66.91(2)	“Regulations regarding time”
66.91(3)	“Inconsistency or conflict”
	§ 66.91(3):1 Annotations
	§ 66.91(3):2 —Concept of Collective Administration

§ 66.91(3):3 —Operations in Relation to the Public Performance
of Musical Works Before the 2019 Amendments

PART VII.1 COLLECTIVE ADMINISTRATION OF COPYRIGHT

§ VII.1:1 Annotations

COLLECTIVE SOCIETIES

- 67(1) “Filing of proposed tariffs”
 - § 67(1):1 Annotations
- 67(2) “Mandatory filing for certain royalties”
- 67(3) “Entering into agreements”
 - § 67(3):1 Annotations
- 67.1 “Designation of collective society — paragraph 19(2)(a)”
- 67.1(2) “Where no previous tariff”
- 67.1(3) “Effective period of tariff”
- 67.1(4) “Prohibition of enforcement”
- 67.1(5) “Publication of proposed tariffs”
- 67.2 “Requests regarding repertoire”
 - § 67.2:1 Annotations
- 67.3 “Continuation of rights”

TARIFFS

PROPOSED TARIFFS

- 68 “Filing”
 - § 68:1 Annotations
- 68(2) “Criteria and factors”
- 68(3) “Certification”
- 68(4) “Publication of approved tariffs”
- 68.1(1) “Form and content”
- 68.1(2) “Minimum effective period”
- 68.1(3) “Definition of ‘advertising revenues’ ”
- 68.1(4) “Preferential royalty rates”
- 68.1(5) “Regulations”
- 68.2 “Publication and notification”
- 68.2(2) “Proceedings barred if royalties tendered or paid”
- 68.2(3) “Continuation of rights”
- 68.3(1) “Filing of objection”
- 68.3(2) “Time for filing objection”
- 68.3(3) “Copy to collective society”
- 68.4(1) “Reply to objection”
- 68.4(2) “Copy to be provided”

TABLE OF CONTENTS

WITHDRAWAL OR AMENDMENT OF PROPOSED TARIFF

- 69 “Request to withdraw or amend”
 - § 69:1 Annotations
- 69(2) “Radio performances in places other than theatres”
- 69(3) “Expenses to be taken into account”
- 69(4) “Board may make alternations”
- 69.1(1) “Approval by Board”
- 69.1(2) “For greater certainty”

APPROVAL OF TARIFFS

- 70(1) “Approval”
 - § 70(1):1 Annotations
- 70(2) “Factors — performances of musical works and sound recordings”
- 70(3) “Small cable transmission system”
- 70(4) “Small retransmission systems”
- 70(5) “For greater certainty”
- 70(6) “No discrimination”
- 70(7) “Regulations”
- 70.1 “Publication of approved tariff”
- 70.11 “Public information”
- 70.12 “Tariff or agreement”

[HEADING REPEALED BY S.C. 2018, C. 27, S. 296.]

- 70.13(1) “Filing the proposed tariffs”
- 70.13(2) “Where no previous tariff”
- 70.14 “Application of certain provisions”
- 70.15(1) “Certification”
- 70.15(2) “Application of certain provisions”
- 70.16 “Distribution, publication of notices”
- 70.17 “Prohibition of enforcement”
- 70.18 “Continuation of rights”
- 70.19 “Where agreement exists”
- 70.191 “Agreement”

[HEADING REPEALED BY S.C. 2018, C. 27, S. 296.]

- 70.2(1) “Application to fix amount of royalty, etc.”
- 70.2(2) “Fixing royalties, etc.”
- 70.3(1) “Agreement”
- 70.3(2) “Idem”
- 70.4 “Effect of Board decision”

[HEADING REPEALED BY S.C. 2018, C. 27, S. 296.]

- 70.5(1) “Definition of ‘Commissioner’ ”
- 70.5(2) “Filing agreement with the Board”
- 70.5(3) “Idem”
- 70.5(4) “Access by Commissioner”
- 70.5(5) “Request for examination”
- 70.6(1) “Examination and fixing of royalty”
- 70.6(2) “Idem”
- 70.61-70.67 “Royalties for Retransmission”
- 70.7 “Owners Who Cannot Be Located”
- 70.8 “Board may determine compensation”

FIXING OF ROYALTY RATES IN INDIVIDUAL CASES

- 71(1) “Application to fix”
 - § 71(1):1 Annotations
- 71(2) “Fixing royalties, etc.”
- 71(3) “Application of subsections 70(2) and (3)”
- 71(4) “For greater certainty”
 - § 71(4):1 Annotations
- 71(5) “Copy of decision and reasons”
- 71(6) “Definition of ‘user’ ”
- 71.1 “Agreement”

SPECIAL RULES RELATED TO ROYALTY RATES

- 72(1) “Special royalty rates”
- 72(2) “Wireless transmission systems”
- 72(3) “Community systems”
- 72(4) “Effect of paying royalties”
- 72(5) “Definition of ‘advertising revenues’ ”
- 72(6) “Regulations”
 - § 72(6):1 Annotations
- 72.1(1) “Radio performances in places other than theatres”
 - § 72.1(1):1 Annotations—Adoption of This Section
 - § 72.1(1):2 —Interpretation of This Section
 - § 72.1(1):3 —Gramophone Performance
- 72.1(2) ”Expenses to be taken into account”

EFFECTS RELATED TO TARIFFS AND FIXING OF ROYALTY RATES

PERMITTED ACTS AND ENFORCEMENT

- 73 “Effect of fixing royalties”
 - § 73:1 Annotations
- 73(2) “No discrimination”

TABLE OF CONTENTS

- 73(3) “Publication of approved tariffs”
- 73.1 “Order — compliance with terms and conditions”
- 73.2 “Continuation of rights”
- 73.3 “Proceedings barred — tariff”
 - § 73.3:1 Annotations
- 73.4 “Approval of request made under section 69”
- 73.5(1) “Effect of fixing of royalties”
 - § 73.5(1):1 Annotations
- 73.5(2) “Authority during application”

EFFECTS OF AGREEMENT

- 74 “No application”
- 74(2) “Regulations”

CLAIM BY COPYRIGHT OWNER — PARTICULAR ROYALTIES

- 75(1) “Claims by non-members”
 - § 75(1):1 Annotations
- 75(2) “Payment to non-members”
- 75(3) “Exclusion of other remedies”
- 75(4) “Measures”

EXAMINATION OF AGREEMENTS

- 76(1) “Definition of ‘Commissioner’ ”
 - § 76(1):1 Annotations
- 76(2) “Filing agreement with the Board”
- 76(3) “Non-application of section 45 of Competition Act”
- 76(4) “Access by Commissioner”
- 76(5) “Request for examination”
- 76.1(1) “Examination and fixing of royalty”
- 76.1(2) “Copy of decision and reasons”

PART VII.2 CERTAIN APPLICATIONS TO BOARD

OWNERS WHO CANNOT BE LOCATED

- 77(1) “Circumstances in which licence may be issued by Board”
 - § 77(1):1 Annotations
 - § 77(1):2 —Published Work
- 77(2) “Conditions of licence”
 - § 77(2):1 Annotations—Published Work
- 77(3) “Payment to owner”
- 77(4) “Regulations”

**COMPENSATION FOR ACTS DONE BEFORE RECOGNITION OF
COPYRIGHT OR MORAL RIGHTS**

- 78(1) “Board may determine compensation”
- 78(2) “Limitation”
- 78(3) “Interim orders”

PART VIII PRIVATE COPYING

INTERPRETATION

- 79 “Definitions”
 - § 79:1 Annotations
 - § 79:2 Annotations

COPYING FOR PRIVATE USE

- 80(1) “Where no infringement of copyright”
 - § 80(1):1 Annotations
- 80(2) “Limitation”
 - § 80(2):1 Annotations

RIGHT OF REMUNERATION

- 81(1) “Right of remuneration”
 - § 81(1):1 Annotations
- 81(2) “Assignment of rights”

LEVY ON BLANK AUDIO RECORDING MEDIA

- 82(1) “Liability to pay levy”
 - § 82(1):1 Annotations
- 82(2) “No levy for exports”
- 83(1) “Filing of proposed tariffs”
- 83(2) “Filing of proposed tariff”
- 83(3) “Form and content”
- 83(4) “Minimum effective period”
- 83(5) “Publication”
- 83(6) “Copy of objection”
- 83(7) “Reply”
- 83(7.1) “Copy to objector”
- 83(8) “Approval”
- 83(8.1) “Terms and conditions”
- 83(8.2) “Designation”
- 83(9) “Publication of approved tariffs”
- 83(10) “Continuation of rights”
- 83(11) “Authors, etc., not represented by collective society”
- 83(12) “Exclusion of other remedies”

TABLE OF CONTENTS

- 83(13) “Powers of Board”
83(14) “Single proposed tariff”

DISTRIBUTION OF LEVIES PAID

- 84 “Distribution by collecting body”
85(1) “Reciprocity”
85(2) “Reciprocity”
85(3) “Application of Act”
85(4) “Application of Act”

EXEMPTION FROM LEVY

- 86(1) “Where no levy payable”
86(2) “Refunds”
86(3) “If registration system exists”

REGULATIONS

- 87 “Regulations”

CIVIL REMEDIES

- 88(1) “Right of recovery”
88(2) “Failure to pay royalties”
 § 88(2):1 Annotations
88(3) “Order directing compliance”
 § 88(3):1 Annotations
88(4) “Factors to consider”
 § 88(4):1 Annotations

PART IX GENERAL PROVISIONS

- 89 “No copyright, etc., except by statute”
 § 89:1 Annotations
 § 89:2 —Case Law
90 “Interpretation”
 § 90:1 Annotations
91 “Adherence to Berne and Rome Conventions”
92 “Review of Act”

[SCHEDULE]

- Schedule I
Schedule II
Schedule III

**CERTIFICATION OF COUNTRIES GRANTING EQUAL COPYRIGHT
PROTECTION NOTICE MADE UNDER THE *COPYRIGHT ACT***

COPYRIGHT REGULATIONS

DEFINITION OF LOCAL SIGNAL AND DISTANT SIGNAL REGULATIONS

DEFINITION OF “SMALL RETRANSMISSION SYSTEMS” REGULATIONS

DEFINITION OF “SMALL CABLE TRANSMISSION SYSTEM” REGULATIONS

RETRANSMISSION ROYALTIES CRITERIA REGULATIONS

PROGRAMMING UNDERTAKING REGULATIONS

REPRODUCTION OF FEDERAL LAW ORDER

REGULATIONS ESTABLISHING THE PERIOD WITHIN WHICH OWNERS OF COPYRIGHT NOT REPRESENTED BY COLLECTIVE SOCIETIES CAN CLAIM RETRANSMISSION ROYALTIES

DEFINITION OF “WIRELESS TRANSMISSION SYSTEM” REGULATIONS

REGULATIONS DEFINING “ADVERTISING REVENUES”

LIMITATION OF THE RIGHT TO EQUITABLE REMUNERATION OF CERTAIN ROME CONVENTION COUNTRIES STATEMENT (REPEALED)

STATEMENT LIMITING THE RIGHT TO EQUITABLE REMUNERATION OF CERTAIN ROME CONVENTION OR WPPT COUNTRIES

CINEMATOGRAPHIC WORKS (RIGHT TO REMUNERATION) REGULATIONS

BOOK IMPORTATION REGULATIONS

EXCEPTIONS FOR EDUCATIONAL INSTITUTIONS, LIBRARIES, ARCHIVES AND MUSEUMS REGULATIONS

REGULATIONS PRESCRIBING NETWORKS (COPYRIGHT ACT)

AN ACT TO AMEND THE COPYRIGHT ACT

EDUCATIONAL PROGRAM, WORK AND OTHER SUBJECT-MATTER RECORD-KEEPING REGULATIONS

BANKRUPTCY AND INSOLVENCY ACT

AN ACT RESPECTING THE CRIMINAL LAW

Table of Cases

TABLE OF CONTENTS

Index