

Copyright reform is on its way. Get practical information on where the law is likely to end up... and its implications.

Understanding Bill C-32: *Copyright Modernization Act*

Bill C-32 contains highly contentious changes with major implications for both copyright holders and institutional and individual users of information. Join the discussion on the key issues, including:

- Does the Bill sufficiently address an increasingly complex and globalized copyright environment? Does it achieve Ottawa's goal of "balanced change"?
- To what degree does it harmonize Canadian law with international conventions?
- How will it affect the interests and rights of copyright holders and the public?
- Will the Bill sufficiently control and deter online "pirate" sites?
- Has the right approach been adopted concerning the use of "digital locks"?
- What will the new rights of performers and makers of sound recordings mean for broadcasters and other users of performers' work?
- How will the responsibilities of internet service providers (ISPs) be affected?
- What are the most significant new exceptions to liability for copyright infringement, and who can take advantage of them?
- What will be the impact of extending the fair dealing exception to parody, satire, and education?
- How will the availability of statutory damages for infringement change?
- Which amendments are most likely/foreseeable as the Bill moves towards passage?

Chair

John S. McKeown, Cassels Brock & Blackwell LLP



DATE & TIME

Wednesday, November 17, 2010
8:45 a.m. - 4:30 p.m. EDT/EST

LOCATION

Osgoode Professional
Development Centre
1 Dundas St. W., 26th Floor
Toronto, ON

Webcast
Available



Understanding Bill C-32: *Copyright Modernization Act*

Are you ready for all the changes that will affect copyright holders and users of copyrighted material?

Make no mistake: the 120+ pages of Bill C-32 represent a major reform of Canada's copyright law, aimed at bringing it fully into the digital age – an age of “mash-ups”, peer-to-peer (P2P) networks, online YouTube parodies “gone viral”, instant global proliferation of information at the click of a mouse, and a “revolution of rising expectations” on the part of information users worldwide. While it's still uncertain when the reforms will be passed, reform is inevitable. Now is the time to learn what it means.

This *Osgoode Professional Development* National Forum on Bill C-32 and the issues involved in copyright reform brings a roster of distinguished experts together. Through their discussion (supported by a binder of accompanying materials), you'll get practical information and insight into where the law is most likely to end up and what the implications will be.

If you or your clients have a stake in the outcome of Bill C-32, you should not miss this important program.

Register now by visiting www.osgoodepd.ca, calling 416.597.9724 or 1.888.923.3394, emailing opd-registration@osgoode.yorku.ca or faxing 416.597.9736.

Chair

John S. McKeown, Cassels Brock & Blackwell LLP

Faculty

Casey Chisick
Cassels Brock & Blackwell LLP

Mark K. Evans
Smart & Biggar/Fetherstonhaugh

Prof. Ysolde Gendreau, Faculty of Law
Université de Montréal

Sunny Handa
Blake, Cassels & Graydon LLP

Roanie Levy
General Counsel, Director
Policy & External Affairs, Access Copyright

John S. McKeown
Cassels Brock & Blackwell LLP

Richard T. Pfohl
General Counsel
The Canadian Recording Industry Association

Barry B. Sookman
McCarthy Tétrault LLP

Ken Thompson
Director & Counsel, Copyright and
Broadband Law, Rogers Communications Inc.

Grace A. Westcott
Westcott Law

Who Should Attend?

- In-house counsel
- IP lawyers
- Corporate/commercial lawyers with an interest in copyright/IP issues
- Senior managers/executives in companies that hold, license or otherwise deal with copyright assets

8:00 Registration and Continental Breakfast

8:45 Opening Remarks from the Chair

9:00 The Scope of Copyright Reform and How It Will Impact You, Your Clients and Other Stakeholders

John S. McKeown, Cassels Brock & Blackwell LLP

- The scope of the changes, who will be affected, and what's likely to happen next
- The impact of the international harmonization of copyright, the potential implementation of ACTA, and the fact of a minority government

9:35 File Sharing and Secondary Infringement

**Richard T. Pfohl, General Counsel
The Canadian Recording Industry Association**

Under C-32, those who provide Internet/digital network services to enable copyright infringement may be infringers.

- How does the Bill facilitate enforcement by copyright owners vs. sites that enable infringement?
- Are the changes necessary? What tools already exist to pursue companies that profit from file-sharing? How will the Bill better allow your company/client to protect valuable IP assets?
- Arguments that will have to be made — and met — in cases of alleged infringement
- Pitfalls for companies that provide information location tools and online services

10:15 Refreshment Break

10:30 The Emerging Picture on Network Services'/Internet Service Providers' Liability for Copyright Infringement

Casey Chisick, Cassels Brock & Blackwell LLP

- Aiming to limit liability by means of a "notice and notice" system vs. the US or European systems
- ISPs' duty to notify possibly infringing users
 - does the duty require surveillance inconsistent with users' privacy rights?
- The practical impact on all stakeholders – how will this affect the advice/arguments of counsel?
- Preserving the symbiotic relationship between information providers and ISPs/network services
- Balancing ISPs' desire to limit liability, and rightsholders' need to monetize content

11:15 New Rights for Performers and Makers of Sound Recordings

**Ken Thompson, Director & Counsel
Copyright and Broadband Law, Rogers Communications Inc.**

The Bill proposes to extend a performer's copyright to include the sole right to make a sound recording available by telecommunication and to transfer ownership thereof in the form of a tangible object.

- WIPO treaties as a basis for the new performers' rights
- The impact of these rights on musicians and on broadcasters and other users of performances of music
- New collectives and additional payments?
- The future of performers' rights in audiovisual works

11:45 Luncheon

12:45 Online Learning and Related Exceptions to Infringement for Educational and Research Institutions

**Roanie Levy, General Counsel
Director Policy & External Affairs, Access Copyright**

The Bill will broaden the exceptions available to institutions such as universities, libraries, archives and museums.

- Impact on writers and other rightsholders
- Has the Bill struck the correct balance between competing interests? Are amendments foreseeable?

1:15 Changes Affecting Ownership of Copyright in Photographs and Commissioned Artwork

Grace A. Westcott, Westcott Law

Under C-32, a photographer or painter of a commissioned work will become the first copyright owner.

- How will this impact the marketplace?
- Will it be rendered nugatory by assignments and licenses?
- The commissioning party's rights to "non-commercial" or "private" use

1:30 Fair Dealing and Related New Exceptions

Barry B. Sookman, McCarthy Tétrault LLP

Bill C-32 proposes to extend the exception for fair dealing for purposes of education, parody or satire. New exceptions will cover a variety of cases, including non-commercial user-generated content, backup copies, and computer programs. How will the new exceptions apply? With what impact?

2:30 Refreshment Break

2:40 How the Bill Will Affect the Availability of Statutory Damages

Mark K. Evans, Smart & Biggar/Fetherstonhaugh

- Overview of recent caselaw on statutory damages; how effective is the existing regime?
- New limitations on liability for "non-commercial" infringement
- "Commercial" vs. "non-commercial" in borderline cases
- Proportionality – relating damages to the actual scale of infringement
- Risks for subsequent copyright owners
- A Canadian-made reasonable compromise between non-commercial infringers and copyright owners?

Agenda [Cont'd]

3:15 Taking Advantage of New Measures to Provide Protection and Remedies Against Circumventing Technological Protection Measures (TPMs) and Digital Rights Management (DRM)

Sunny Handa, Blake, Cassels & Graydon LLP

- How C-32 comes to grip with hackers, TPM and DRM measures
- Addressing charges that the Bill goes too far
- Comparison with the US approach under the DMCA
- Relation to WIPO treaty provisions
- DRM – anti-piracy, or anti-competition?
- DRM as a potential threat to privacy interests
- How “effective” must TPM be under the bill? Can you lose protection if you’re hacked?

3:45 The New Sole Distribution Right Relating to Copyrighted “Tangible Objects”

Prof. Ysolde Gendreau, Faculty of Law
Université de Montréal

- What are the practical consequences of the new right?
- What are the definitional problems?
- Does the proposal incorporate the concept of “exhaustion of rights”?
- The possibility of multiple IP rights in the same object being distributed

4:30 Program Ends

Registration

Please complete all registrant information.

Register me for: Understanding Bill C-32: Copyright Modernization Act

I will attend: On site Via webcast (single viewer)

I am unable to attend. Please send me information about ordering program materials.

Name: _____

Title: _____

Firm/Company: _____

Practice Area: _____

Address: _____

City: _____ Prov: _____ Postal Code: _____

Telephone: _____ Fax _____

Email: _____

Add me to your mailing list

Delete me from your mailing list

If you do not wish to be contacted by e-mail, indicate here

Priority Service Code
(from mailing label below)

1	0	2	6	0	L
---	---	---	---	---	---

Fee Per Delegate

\$695 plus 13% HST for a total of \$785.35. Fees include attendance, program materials, continental breakfast, lunch and break refreshments.

Group discounts are available for both on site and webcast participants.

Visit www.osgoodepd.ca for details. Please inquire about financial assistance and CLE credits.

OPD Searchable e-Binder now available! Contact us for more information.

CLE Credits

Approved in accordance with the requirements of the **LSUC Certified Specialist** program (pending), **Barreau du Québec, BC CPD** and **NY CLE Board** (for transitional and non-transitional lawyers). **Note:** NY CLE Credits are not available for webcast participants. BC CPD webcast participants must contact us for further information.

Payment Options

Cheque enclosed (payable to York University — GST# R119306736)

Bill my credit card: VISA Mastercard

Card# _____ Expiry: _____

Signature: _____ Payment amount: \$ _____

Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less \$50 administration fee) is available if a cancellation request is received in writing 14 days prior to the program date. No other refund is available.

Date & Time

Wednesday, November 17, 2010
8:45 a.m. - 4:30 p.m. EDT/EST

Please arrive a half hour early for sign-in and material pick-up.

Dress is business casual.

Location

**Osgoode Professional Development
Downtown Toronto Conference Centre**

1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3

Public CLE Seminars

Customized CLE Programs

Skills Training & Certification

ITAW

Part-time LLM

OSGOODE

OSGOODE HALL LAW SCHOOL
YORK UNIVERSITY

Professional Development
CLE

4 Convenient Ways to Register

1. **MAIL** your registration form to:
Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3
2. **ONLINE** at
www.osgoodepd.ca
3. **FAX** your registration to
416.597.9736
4. **CALL US** at 416.597.9724
or 1.888.923.3394