

CALL/ACBD (Copyright Committee)

Annual Report 2021 - 22

May 2022 – Virtual

Committee Chair(s): James Bachmann and Susannah Tredwell

Members: N/A

Activities and initiatives that the committee has completed during this past year:

James Bachmann replaced George Tsiakos as co-chair.

CALL/ACBD had acted as an intervener in *York University v. Canadian Copyright Licensing Agency* ("Access Copyright"). On July 30, 2021 the Supreme Court of Canada released its unanimous decision in *York*, finding that the Access Copyright tariff was not mandatory, but declined to issue a declaration on fair dealing guidelines because "there is no live dispute between the parties." Kim Nayer was interviewed by Michael Geist about the *York* decision on his Law Bytes podcast.

In August 2021 CALL/ACBD filed for leave to intervene in *Society of Composers, Authors and Music Publishers of Canada, et al. v Entertainment Software Association, et al.* (SCC case number 39418) and leave was granted. The case deals with subsection 2.4(1.1) of the Copyright Act, the "making available provision", which came into force in 2012, and this is the first time the Supreme Court will have considered this provision. SOCAN is arguing that "the act of making available itself may attract a licence fee" and this has implications far beyond the music industry. Kim Nayer represented CALL/ACBD at the SCC. A decision has not yet been released.

We proposed a session for the 2022 Annual CALL/ACBD Conference but it was not accepted.

We continue to monitor developments in Canadian copyright and licencing. We polled our members about providing input on the recent federal consultation on "a Modern Copyright Framework for AI and the Internet of Things", but did not submit anything.

James Bachmann is the CALL/ACBD representative on the CFLA Copyright Committee and the CFLA Copyright Committee Crown Copyright Working Group.

Activities and initiatives that the committee hopes to tackle for the next business year:

Susannah will be stepping down as co-chair in May so we are looking for a replacement.

The Committee is looking at arranging a webinar on the subject of copyright issues related to digital rights management and fair dealing.