The duration of copyright protection in Canada is extended to 70 years as of December 30, 2022

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Author

Alain Y. Dussault

Partner, Lawyer Partner, and Trademark Agent

On June 23, 2022, Bill C-19 received Royal Assent. The bill was introduced by the Honourable Chrystia Freeland, Deputy Prime Minister and Minister of Finance, and resulted in amendments to the *Copyright Act*[1] that will come into force on December 30, 2022, further to an order in council issued earlier this week.

Bill C-19, or *An Act to implement certain provisions of the budget tabled in Parliament on April 7, 2022, and other measures*, was tabled on April 28, 2022, by the federal government following the release of the 2022 budget. This bill essentially follows up on the commitments the government made in its annual budget.

In the 2022 budget, the federal government said it wanted to make changes to the *Copyright Act*. It announced a legislative amendment to meet its obligation under the Canada-United-States-Mexico Agreement (CUSMA) to extend the general term of copyright protection from 50 years to 70 years after the death of the author. Like the United States and Mexico, Canada has committed to a copyright protection term that is not less than the life of the author, plus 70 years following the natural person's death.

Section 6 of the *Copyright Act* currently stipulates that copyright protection lasts for the author's lifetime and an additional 50 years after their death. The section will now read as follows:

Except as otherwise expressly provided by this Act, the term for which copyright subsists is the life of the author, the remainder of the calendar year in which the author dies, and a period of 70 years following the end of that calendar year. [emphasis added].

The term of copyright is also extended to 70 years after the death of the author or the last surviving

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co-author in the case of posthumous works and collaborations.

Finally, Bill C-19 clarifies that legislative amendments to the *Copyright Act* do not reactivate copyrights that expired before the effective date of the amendments.

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[1] RSC 1985, c C-42.

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