

Nouvelles de l'ALAI CANADA

July
2014

2014 ANNUAL GENERAL MEETING PRESIDENT'S REPORT

To the members of ALAI Canada

It is my pleasure to deliver to you today the report on our association's activities since the last annual general meeting, which took place on 24 April 2013. I will report on our activities – national and international – and management of ALAI Canada.

National Activities

Amendments to the *Copyright Act*, introduced in 2012, led to a number of events in 2013. For example, there was the debate at the Copyright Board regarding the right to access, as well as legal and quasi-legal debates around the issue of fair dealing for educational purposes. Also in 2013, Claude Robinson's battle to have his copyright recognized reached the Supreme Court of Canada.

Since the last annual general meeting, ALAI has offered its members an interesting variety of activities, both related and unrelated to these subjects. First, immediately after the annual general meeting of 24 April 2013, we heard from the Honourable Michel Bastarache on judicial reviews of copyright rulings. Then, lawyer Louis Cloutier told us about copyright issues with video games in "Avocat en jeux vidéo: Le droit d'auteur et ses enjeux au quotidien." Finally, David Nimmer, an eminent authority on American copyright, gave a talk called "Replay TV – That 70s Show."

Early in 2014, Pierre Trudel, a professor at the faculty of law at the Université de Montréal, presented a talk called "Quotas culturels et droit d'auteur face à l'internet." In February, ALAI and AJAVA jointly organized a roundtable on the Robinson case. The panellists were lawyer Vivianne De Kinder, professor Daniel Gardner of the Faculty of Law at Université Laval, and Jean-Philippe Mikus, a partner at the law firm Fasken Martineau. Radio-Canada journalist Christian Latreille acted as moderator. This activity drew a full house, and I would like to thank the president of AJAVA, Martin Lavallée, for joining us in this fruitful collaboration. Most recently, Han-Ru Zhou, a professor at the Faculty of Law at the Université de Montréal, gave a talk about the principle of Crown immunity and copyright.

In Toronto, the Robinson case was the subject of a presentation in March by Ysolde Gendreau, professor at the Faculty of Law at the Université de Montréal, and Barry Sookman, of McCarthy Tétrault.

Last October, professor Nicolas Binctin (Université de Poitiers) gave a talk in Quebec City titled “La traduction contractuelle des modèles économiques d’exploitation des œuvres,” in collaboration with the Centre d’études en droit économique of the Faculty of Law at Université Laval.

I would like to express my thanks to everyone who was involved in the organization of these activities. I am very proud of ALAI’s dynamic activities program, and it is thanks to these people that we can continue to offer all of these activities and draw such high-quality speakers.

In particular, I am grateful to Catherine Bergeron, who has been chair of the conference committee since 2010, as well as an active board member. For all these years, we have been able to count on an excellent organizer, always available, good-humoured, and ready to meet the challenge presented by organization of activities at a reasonable cost to the public. Thank you, Catherine.

Catherine has told us that she has decided to step down as chair of the conference committee so that she can concentrate on other projects. Jean-Philippe Paré, of the BAnQ, who is already very involved in the organization, has agreed to replace her. Thank you, Jean-Philippe. I am confident that organization of our activities will continue to be in good hands.

International Activities

As the Canadian branch of ALAI, ALAI Canada attended the annual congress, which took place in September 2013 in Cartagena Colombia, with the theme “Dissemination and Management of Works of Authorship on the Internet.” Two of our members participated in panel discussions: Hélène Messier of Copibec and Ysolde Gendreau, professor in the Faculty of Law at the Université de Montréal.

During the congress, I had the privilege of presenting Montreal’s proposal to host the ALAI international congress in 2018. Our proposal was accepted, and we are now in the budget formulation stage. It is my firm intention to make this event a success on every front: program, quality of speakers, and reception of our guests. I hope that this event will faithfully reflect ALAI and its members: creative, urban, trend-setting, interested, and open to the world.

Finally, 2013 was also marked by ALAI’s participation in an important case that will be heard at the U.S. Supreme Court: *American Broadcasting Companies et al. v. Aereo, Inc.* ALAI is a member of a group of international associations and professors who intervened as *amici curiae* to remind the Court of the existence of international treaties to which the United States is a signatory. The case involves deciding whether a service that retransmits television signals to thousands of paying subscribers via Internet is executing a public performance of these broadcasts. The case will be heard on 22 April.

Management

Now, let's turn to management of ALAI Canada. During the past year, Anne Godbout resigned from the board of directors and was replaced by Caroline Rioux, president of CMRRA, as representative for the Toronto region.

You have received documents by e-mail regarding ALAI's change of status due to amendments to the federal statute governing non-profit organizations. We are grateful to Hélène Messier and Georges Azzaria, who took charge of bringing ALAI into compliance with the new regime. Shortly, Prof. Azzaria will give a more detailed presentation of the new regulations that we must adopt. But let me tell you a bit about the effect that this change of regime has on the composition of ALAI's board of directors. Adoption of the new regulation will have the effect of "resetting the clock to zero" with regard to the board of directors; this means that all board members will have to be re-elected for terms of different durations.

In addition, Cindy Bélanger has informed us of her desire not to return as a board member. I would like to take advantage of this opportunity to thank Cindy for her significant contribution to ALAI's activities and management for a number of years as member of the conference committee as well as secretary and then treasurer of our association.

We will elect a replacement for Ms. Bélanger during the vote that will take place later in the agenda. All other members have informed us of their desire to continue serving on the board, and we will confirm their positions unless someone wishes to run against them. We will propose to elect Ysolde Gendreau, Georges Azzaria, and Aidan O'Neill for a one-year term; Catherine Bergeron, Hélène Messier, and Caroline Rioux for a two-year term; and Jean-Philippe Paré, Marianne Proulx, and Gaëlle Beauregard for a three-year term.

I extend my sincere gratitude to all members of the board of directors. I would also like to thank our administrative secretary, Gisèle Chabot, without whom ALAI Canada would not function so smoothly.

2014

Our next speaker, for spring 2014, will be Danielle Dicaire on 21 May, who will talk about the concept of the literary character in Canadian copyright, using the pretext of the American ruling in the case involving the estate of Arthur Conan Doyle (*Klinger v. Conan Doyle Estate Ltd.*). It should be an interesting evening! The invitation will follow shortly.

I would like to invite those who are interested in getting involved in organizing our speaker series and/or proposing subjects to write to ALAI or talk to me later today. We are always attentive to members' requests, so if there are subjects that interest you, share your ideas with us, even if they aren't yet fully developed!

Finally, this year ALAI's annual congress will take place in Brussels, Belgium, on 18–19 September with the theme “Moral Rights in the 21st Century – The Changing Role of Moral Rights in an Era of Information Overload.”

Thank you, and have a good evening!
Madeleine Lamothe-Samson

BOARD OF DIRECTORS

The ALAI Canada board of directors is now composed as follows:

Georges Azzaria, Université Laval, administrator
Gaëlle Beauregard, Pharmascience, administrator
Catherine Bergeron, Robic, administrator
Ysolde Gendreau, Université de Montréal, outgoing president
Madeleine Lamothe-Samson, Norton Rose Fulbright Canada, president
Hélène Messier, Copibec, secretary
Aidan O'Neill, Fasken Martineau, Dumoulin, administrator
Jean-Philippe Paré, BAnQ, administrator
Marianne Proulx, Cirque du Soleil, administrator
Caroline Rioux, Canadian Musical Reproduction Rights Agency, administrator

MEMBERS

ALAI Canada welcomes the following new members:

AUDET, Sylvain	Copyright Board (Ontario)
BOURGOUIN, Lucie	Permission Inc.
CLARKSON, Lisa	Radio-Canada (Ontario)
FAIZI, Asma	SOCAN
FRANCOEUR, Annie	Groupe Stingray Digital Inc.
HENRI, Simon	Permission Inc.
HORVATH, Jim	ValuQuest (Ontario)
KARAPETIAN, Astrik	Legault Joly Thiffault
McGUFFIN, Margaret	Musicians' Rights Organization Canada (MROC)
PROULX, Martin	Production J
RIOUX, Caroline	Canadian Musical Reproduction Rights Agency (CMRRA) (Ontario)
STANLEY, Colleen M.P.	Lawyer (Ontario)
SYRTASH, Veronica	Canadian Musical Reproduction Rights Agency (CMRRA) (Ontario)
ZATOWKANIUK, Marko	Copyright Board (Ontario)

Returning member:
LARIVÉE, Hélène Lawyer

ALAI INTERNATIONALE

This year, ALAI's annual congress will take place in Brussels, Belgium, on 18–19 September, with the theme “Moral Rights in the 21st Century – The Changing Role of Moral Rights in an Era of Information Overload.”

ACTIVITIES

You will receive regular updates on our speaker series. Please note that the talks are accredited by the Barreau du Québec for continuing education. Visit our website for more information: www.alai.ca.

TELL US YOUR NEWS

ALAI invites all members to tell us their news or make suggestions for new activities. You can send your news to: alaican@aei.ca.