

ALAI CANADA News

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30th Anniversary of ALAI CANADA



To celebrate its 30th anniversary, ALAI Canada held a conference at the Supreme Court of Canada last November. From left to right: Nelson Landry, former president of ALAI Canada; the Honourable Morris J. Fish, Justice, Supreme Court of Canada; Ysolde Gendreau, president of ALAI Canada; and Daniel Gervais, guest speaker and professor at Vanderbilt University.

Photograph: Daniel Gervais, author under sec. 10(2) of the *Copyright Act*.

ANNUAL GENERAL MEETING 2009 PRESIDENT'S REPORT

Dear ALAI Canada members:

It is my pleasure to deliver the report of our association's activities since the last annual general meeting, on March 26, 2008. Once again, the report will be about our activities - national and international - and the management of ALAI Canada.

The high point of ALAI Canada's national activities was its 30th anniversary, which was celebrated in the fall of 2008 with three events: the annual colloquium and two conferences, one in Toronto and the other in Ottawa.

The annual colloquium, which took place in Montreal on September 23, was the kick-off for the city's autumn-winter season of activities. Titled "Copyright Takes the Stage," it dealt with the protection of works whose main vocation is to be performed in public. Earlier in the year, there were lunches with speakers. On April 22, David Collier and Jay Kerr-Wilson talked to us about the main decisions of the Copyright Board in 2007. Professor André Lucas, of the Université de Nantes, came to talk about the French experience with P2P transmissions on May 21. After the annual colloquium, on November 21, Nathalie Chalifour explained a decision by the Quebec Court of Appeal on the protection of facts. On January 23, an author, Luc Gauthier, came to discuss the influence that readers may have on the writing of fiction. The last speaker before today was Christophe Geiger, of the Centre for International Intellectual Property Studies in Strasbourg, who talked about the relationship between copyright and fundamental rights in the European Union, on February 19. Altogether, we had a year that combined national and international subjects.

In Toronto, the subjects were just as varied. On May 13, Professor Willem Grosheide, of Utrecht University in the Netherlands, addressed the issue of "orphan works," the other name for works whose rights holders cannot be located. On June 18, David Collier and Jay Kerr-Wilson did a repeat of the presentation that they had given in Montreal in April. Another talk in June, on the 2nd, was given by Ian Ballon on copyright and Web 2.0 in American law. Following a U.S. court ruling on a dictionary derived from the Harry Potter novels, Grace Westcott reflected on exceptions to copyright and "fan fiction" on September 30. The

Toronto 30th anniversary event took place on November 20: a lecture at Osgoode Hall on three decades of progress in Canadian culture delivered by the president of Sothebys Canada, David Silcox, and a former publisher at McClelland & Stewart and Macmillan Canada, Douglas Gibson. On February 19, Roannie Levy, of the Access Copyright management society, explained the settlement made in the Google case in the United States and its impact on Canada. Richard Owens rounded out the year on March 26 with a talk on fair dealing.

The 30th anniversary provided an opportunity to organize a first ALAI Canada activity in Ottawa: a lecture given by Professor Daniel Gervais on copyright jurisprudence in the Supreme Court of Canada over the last 30 years. The event took place at the Supreme Court itself on November 17, and the participants were welcomed by the Honourable Morris Fish.

As the Canadian section of ALAI, ALAI Canada was present at the annual Study Days, which took place in 2008 in Dubrovnik, Croatia, October 6-8. The theme of the event, « Cultural Diversity: Its Effects on Authors and Performers in the Context of Globalization, » called out for Canadian participation in the programming. And so it was that I was the moderator for the session "Cultural Diversity: Safeguard Attempts in Free Trade Agreements and Safeguard Problems in Contracts," during which another Canadian was one of the speakers : Mireille Gagné, director of the Centre de musique canadienne au Québec, and founder and president of the International Network for Cultural Diversity. The topic of her presentation was cultural exemptions in free trade agreements.

Let us now turn toward the subject of the management of ALAI Canada. You have no doubt noticed that our association's Web site has been updated and contains more information. In addition, the board of directors has taken steps to have ALAI Canada's activities recognized by the Barreau du Québec for the continuing education programme. One member of the board, Michel Beauchemin, submitted his resignation due to general work overload. He was replaced by Hélène Messier of Copibec. Today's AGM marks the end of three mandates on the board of directors for members who will not renew for another term: Julie Lachance, who has chaired the conferences committee up to now; Sophie Gravel, who was responsible for the *ALAI Canada Newsletter*, who has served two three-year terms; and Daniel Gervais. I would like to extend sincere thanks to them for their active participation over these years. The collaboration of the other members of the board of directors has also

been valuable, and so my heartfelt gratitude goes to Cindy Bélanger (secretary), Nathalie Blais (treasurer), Marian Hebb (vice-chair and responsible for Toronto activities), Jean-Arpad Français (organizer, with Stéphane Caron, of the Ottawa event), and Jean-Philippe Mikus (outgoing chair). It is thanks to their devotion, and that of our administrative secretary, Gisèle Chabot, that ALAI Canada is able to serve its members.

Ysolde Gendreau

BOARD OF DIRECTORS

Following its annual general meeting, which took place in Montreal on April 7, 2009, ALAI Canada's board of directors is now composed as follows:

- Georges Azzaria, Université Laval, administrator
- Cindy Bélanger, Heenan Blaikie, secretary
- Nathalie Blais, Alliance Vivafilm, treasurer
- Sylvie Charron, lawyer, administrator
- Jean-Arpad Français, lawyer, administrator
- Ysolde Gendreau, Université de Montréal, chair
- Marian Hebb, Hebb & Sheffer, vice-chair
- Madeleine Lamothe-Samson, Ogilvy Renault, administrator
- Hélène Messier, Copibec, administrator
- Jean-Philippe Mikus, Fasken, Martineau, DuMoulin, outgoing chair

MEMBERS

ALAI Canada welcomes the following people as members:

- Gaëlle Beaugerard, student, Université de Montréal
- Mario Bouchard, Copyright Board of Canada
- Patrick Bourbeau, *La Presse*
- Sébastien Dubois, Astral Media Radio Inc.
- Pierre-Olivier Laporte, Ogilvy Renault
- Gilles McDougall, Copyright Board of Canada
- Jean-Philippe Paré, Bibliothèque et Archives nationales du Québec
- Louise Pradet-Jobin, Musée Nat. Beaux-arts Québec
- Jehan V. Valiquet, Groupe Editorial Musinfo
- Sabrina Zito, student, Université de Montréal

ALAI INTERNATIONAL

ALAI's annual congress took place this year in London June 14-18 with the title "From 1710 to Cyberspace - Celebrating 300 Years of Copyright and Looking to Its Future." All the information is found on the congress site at <http://www.alai2009.org/>

ACTIVITIES

You will be informed in September about our first autumn conferences. Please note that the conferences are accredited by the Barreau du Québec for continuing education. Visit our Web site 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.