

ALAI Canada News

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www.alai.ca

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ANNUAL GENERAL MEETING 2010 PRESIDENT'S REPORT

President's report on the ALAI Canada annual general meeting that took place in Montreal on Tuesday, April 13, 2010.

It is my pleasure to report on the activities of ALAI Canada for the year that began with the last annual general meeting, on April 7, 2009. In this report, I would like to tell you about our association's national and international activities and then discuss the management of ALAI Canada.

1. National activities

Among the national activities are activities that may be called monthly - that is, activities that took place in Montreal and Toronto -, and a one-time national activity that took place in Ottawa.

A. Montreal

Since our last AGM, five talks took place in Montreal. On May 13, 2009, Benoît Clermont, of Productions J, talked to us about the legal protection of television formats. After the summer, on September 22, 2009, the subject was the Quebec Superior Court ruling in the *Robinson v. Cinar* case. The guest speaker was Pierre-Emmanuel Moyse of McGill University's Faculty of Law. At a luncheon on October 14, Hélène Messier, lawyer with Copibec, moderated a discussion on the pros and cons of the Google settlement. The speakers were Valérie Lefebvre-Faucher, of Éditions Ecosociété, and André Racette, of the Union nationale des écrivains du Québec (UNEQ). The latest news on European copyright was the subject of the next event, on November 10, 2009. On this occasion, we listened to presentations by Valérie-Laure Benabou, a professor at Université Versailles St Quentin, and Till Kreutzer, a lawyer practising in Hamburg, Germany. The last lunchtime talk with a speaker took place on March

16, 2010. The speaker was Michel Deschamps, of McCarthy Tétrault in Montréal, who discussed sureties with regard to copyright.

B. Toronto

A similar number of activities were organized in Toronto by Marian Hebb. The Google settlement was addressed by our association for the first time on April 22, 2009; the speakers were Catherine A. Campbell, a lawyer, and Christopher Moore, a writer and historian. On June 3, 2009, Alex Cameron discussed issues affecting copyright and privacy. In the fall, on November 26, 2009, David Basskin, of the Canadian Private Copying Collective, spoke about the concept of technological neutrality and private copying. After the holidays, Paul Spurgeon, of SOCAN, talked about the exchange and sharing of digital files. Finally, on March 5, 2010, Frances Seghers, vice-president of Sony Pictures Entertainment, shared her views on the future of the entertainment industry.

C. Ottawa

On December 2, 2009, a special annual colloquium took place in Ottawa to mark the 20th anniversary of the creation of the Copyright Board of Canada. There were several presentations regarding the operation of the agency, its activities, and the principles that will guide its future. First, the legal concepts at stake concerning both "contents" and procedure were examined by Professor Jeremy De Beer, of the University of Ottawa Law Faculty's Common Law section, and by lawyers Gilles Daigle and Aidan O'Neill. Then, Professor Marcel Boyer and Gerry Wall discussed the relevant economic concepts. The Board's lawyer, Mario Bouchard, described the system for unlocatable copyright owners. Professor Pina D'Agostino, of Osgoode Hall Law School, discussed the impact of exceptions to copyright on the Board's decisions. The day ended with a roundtable on the future of collective

copyright management chaired by Roanie Levy, of Access Copyright. Members of the roundtable were Paul Spurgeon, of SOCAN, Mark Hayes, Oliver Metzger of Google, and Professor Ariel Katz of the University of Toronto Law Faculty. The proceedings of the colloquium will be published in the near future by Yvon Blais/Carswell.

2. International activities

As you know, ALAI Canada belongs to the vast network of the Association littéraire et artistique internationale, which, each year, organizes either a congress or study days. On June 14-17, 2009, ALAI held a congress in London, "From 1710 to Cyberspace," to mark the 300th anniversary of the Statute of Anne. Two members of the Canadian group were on the congress programme: Professor Pierre-Emmanuel Moyse took part in a panel on the historical influence of the Statute of Anne in civil law and common law countries, drawing on the example of Canada; and your president took part in a panel concerning collective copyright management and digital libraries.

3. Management of ALAI Canada

In 2009-10, the Barreau du Québec began to recognize our activities as continuing education activities. This means that whenever we hold an event, we apply for recognition to the Barreau so that participants can accumulate the hours required under the professional regulations.

There have been some changes to our board of directors. One member, Sylvie Charron, resigned; during the year, she completed her mandate at the Copyright Board of Canada and her position remains to be filled. Last year, Hélène Messier took over from Michel Beauchemin to complete his mandate. This mandate is now ending, and so there is a second seat to fill. The officers of the board of directors are Marian Hebb, the association's vice-president; Cindy Bélanger, secretary; and Nathalie Blais, treasurer. The other members are Madeleine Lamothe-Samson, who is now the head of the Montreal speakers committee; Georges Azzaria, professor at Université Laval in Quebec City; Jean-Arpad Français, an Ottawa lawyer; and Jean-Philippe Mikus, our former president. I would like to thank all board members for their support and dedication throughout the year. We must also acknowledge the conference

committee, which includes members who are not part of the board of directors, and whose role is essential to maintaining the vitality of ALAI Canada. Finally, I would like to highlight the constant and effective work of our administrative secretary, Gisèle Chabot, and express my deep gratitude for her contribution.

BOARD OF DIRECTORS

Following the last annual general meeting, the board of directors of ALAI Canada was composed as follows:

- Georges Azzaria, Université Laval, administrator
- Cindy Bélanger, Heenan Blaikie, secretary
- Catherine Bergeron, Léger, Robic, administrator
- Nathalie Blais, Cirque du Soleil, treasurer
- Jean-Arpad Français, lawyer, administrator (term ended October 2010)
- Ysolde Gendreau, Université de Montréal, president
- Marian Hebb, Hebb & Sheffer, vice-president
- Madeleine Lamothe-Samson, Ogilvy Renault, administrator
- Hélène Messier, Copibec, administrator
- Jean-Philippe Mikus, Fasken, Martineau, DuMoulin, outgoing president

MEMBERS

ALAI Canada welcomes the following persons as members:

- Iana Alexova, Centre de propriété intellectuelle
- Éric Baptiste, SOCAN
- Mélanie Bernier, Téléfilm Canada
- Agatha M. Booke, Bereskin & Parr
- Silviu Bursanescu, Fasken Martineau
- Marie-Josée Corbeil, Divertissement Subséquence
- Geneviève Côté, Frilance Musique
- Jean-Nicolas Delage, Fasken Martineau
- Ramsay Derry, Ramsay Derry Services inc.
- Danie Dubé, Télé-Québec
- Charles Gagnon-Pradier, lawyer
- Peter S. Grant, McCarthy Tétraut

- Virginia Jones, CMPDA
- Bernice Karn, Cassels Brock & Blackwell
- Marcus Klee, Osler Hoskin & Harcourt
- Claude Laflamme, Astral Medi Radio Inc.
- Isabelle Lafrance, BAnQ
- Diane Lamarre, APEM
- Évelyne Leblanc, student
- Stéphanie Moffatt, Gestion Mo'Fat Inc.
- Greg Moore, Goudreau Gage Dubuc
- Stéphane Moraille, Lussier & Khouzam
- Dan O'Brien, Actra National Office
- Jean-Philippe Rocheleau, Provençal
- Janice Seline, CARCC
- Ravi Shukla, Lang Michener
- Elizabeth Sinnott, Cassels Brock & Blackwell
- Évelyne St-Pierre, lawyer
- Toshi Takishita, SOCAN
- Maryse Tellier, Cirque du Soleil
- Martine Tremblay, La Presse
- Kerry Williams, Creative Legal

ACTIVITIES 2010

- January 27, 2010, Toronto: *Unauthorized File Sharing: Can it be stopped? Can it be monetized?* Paul Spurgeon, SOCAN
- March 5, 2010, Toronto: *What is the Digital Future for the Entertainment Industry? A Discussion of Global Opportunities and Challenges*, Frances Seghers, Sony Pictures Entertainment
- March 16, 2010, Montreal: *Les sûretés sur les droits d'auteur*, Michel Deschamps, McCarthy Tétrault
- April 13, 2010, Montreal: *Retour sur 2009: l'oeuvre de collaboration*, Georges Azzaria, Professor, Faculty of Law, Université Laval
- April 20, 2010, Toronto: *Judicial Review of the Copyright Board: The Impact of the Courts*, Peter S. Grant, McCarthy Tétrault
- June 1, 2010, Montreal: *Colloque Génération Copyright*
- June 21, 2010, Montreal: *Le projet de loi C-32: premières discussions*, Barbara Motzney, Department of Canadian Heritage; Gerard Peets, Industry Canada
- July 12, 2010, Ottawa: *Le projet de loi C-32: premières discussions*, Chantal Goupil,

Department of Canadian Heritage; Gerard Peets, Industry Canada; Ysolde Gendreau, Faculty of Law, Université de Montréal

- September 22, Toronto: *Bill C-32*, Barbara Motzney, Drew Olsen, Department of Canadian Heritage; Gerard Peets, Jean-Arpad Français, Industry Canada
- November 18, 2010, *Les défis de la gestion collective de la musique au Canada et ailleurs*, Éric Baptiste, SOCAN

ALAI INTERNATIONALE

ALAI's 2010 Study Days took place in Vienna September 9-11, on the issue of the term of protection. Ysolde Gendreau represented ALAI Canada, and Jean-Arpad Français and Gabriel van Loon contributed to writing the Canadian national report. You can find all the information at <http://studydays.alai.at>

The 2011 Study Days will be held in Dublin on June 30 and July 1, 2011, on the theme "Copyright - Boundaries and Interfaces"; "Droit d'auteur - Frontières et interfaces." We will keep you informed.

APPOINTMENT

The former president of ALAI Canada, Nelson Landry, has been appointed to the Copyright Board of Canada by Tony Clement, Minister of Industry. "I am happy to welcome Mr. Laundry to the Copyright Board," Minister Clement stated. "His experience and knowledge in the area of intellectual property will be great assets in helping the Commission to monitor the management of royalties and issuing of licences concerning copyright-protected products."

TELL US YOUR NEWS

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