

Copyright Update

The 2012 *Copyright Modernization Act* continues to be formalized, and the latest amendment—the Notice and Notice Regime—just came into force on January 2, 2015. The Notice and Notice Regime is a way of formalizing and legislating the way Internet service providers, web hosts, and search engine providers receive, respond to, and manage complaints of copyright infringement. Since the U of L hosts web content, we are obliged to comply with the Notice and Notice Regime described in new sections 41.25 and 41.26 of the Canadian *Copyright Act*.

The not-too-onerous regime is summarized in the Government of Canada’s *Backgrounder* of June 2014:

The Notice and Notice regime is a made-in-Canada solution and will legally require Internet intermediaries, such as ISPs and website hosts, to take certain actions upon receiving a notice of alleged infringement from a copyright owner.

Specifically, ISPs and hosts are required to forward notices, sent by copyright owners, to users whose Internet address has been identified as being the source of possible infringement. The intermediary must also inform the copyright owner once the notice has been sent.

The *Copyright Modernization Act* sets clear rules on the content of these notices.¹

The Notice and Notice Regime formalizes a procedure that most ISPs were already practicing voluntarily. It differs from the notice-and-takedown regime that is followed in the United States, in which infringers are blocked from accessing online content, or in France where infringers can have their Internet connection permanently disabled after three copyright infringements.²

In a nutshell, Notice and Notice involves three steps:

1. Receiving a notice about an alleged copyright infringement, in a standardized form and with complete information from the claimant.
2. Forwarding the notice to the individual responsible for the alleged infringement, and alerting the complainant that the notice has been sent.
3. Required record-keeping of these notices, so that they are available in the event of legal action.

How does this affect you? Hopefully it won’t, but you should be aware that if you notice someone is using your work in a way that is unacceptable under copyright law, there are steps that you can take. On the other hand, if you receive a notice that you are infringing copyright from the Copyright Office or any ISP or web host, you should pay attention to it, since it was initiated by the legal copyright holder of the material. It’s always a good idea to double-check your online materials for copyright compliance. The Copyright Office does *not* monitor for copyright infringements, but we would be happy to advise you in evaluating the copyright status of what you are posting online.

The Copyright Office has developed a procedure in order to comply this new Notice and Notice requirement. For more information, please refer to the Notice and Notice tab on our website: <http://www.uleth.ca/lib/copyright/>. As always, feel free to contact the Copyright Office with any questions at copyright@uleth.ca or 403-332-4472.

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¹ Government of Canada. (2014). *Backgrounder: Notice of Notice Regime*. <http://news.gc.ca/web/article-en.do?nid=858069>

² Geist, M. (2010). [The Government’s Standard Form Response to C-32 Letters](http://www.michaelgeist.ca/2010/06/mp-response-to-c-32/). <http://www.michaelgeist.ca/2010/06/mp-response-to-c-32/>