Message to McMaster Community Regarding the Notice and Notice Provisions of the New Copyright Modernization Act

Dear Copyright User,

Update: The Legal Landscape for Copyright Infringement in Canada has changed.

New Legislation. On January 2, 2015, the Copyright Modernization Act took effect and, with it, new mechanisms for copyright owners to address copyright infringement. One such mechanism is the “notice and notice” regime. It requires an internet service provider, in our case McMaster University, who receives notice from a copyright owner that one of its subscribers is allegedly hosting or sharing infringing material, to forward the notice to the subscriber and to keep a record of such relevant information as the identity of the alleged infringer. Failure to do so potentially exposes the University to civil damages.

What does this mean for you? If you are participating in the sharing of copyrighted material without proper authorization, you may receive an infringement notice. It is important to note that the notice is merely an allegation of infringement of copyright, it does not mean that you have infringed copyright or that you will be sued for copyright infringement. Receiving a notice does not impose an obligation on you that you must contact the organization sending the notice. Some notices may contain references to United States copyright fines and penalties but these do not apply in Canada. Finally, you should be aware that statutory damages for non-commercial infringement can be as much as $5,000.

So what can you do? Educate yourself on the Copyright Modernization Act. The Canadian government has published a Frequently Asked Questions (FAQ) page that provides some information about the new law and what it means if you receive a notice of alleged infringement: http://www.ic.gc.ca/eic/site/oca-bc.nsf/eng/ca02920.html. You can access the new law here: http://laws-lois.justice.gc.ca/eng/acts/C-42/page-49.html#h-56 (incorporated as s. 41.25 – 41.26 of the Copyright Act).

You can also explore alternative, legal options for obtaining copyrighted music, shows and movies.

If you have any questions about copyright infringement notices please contact cmanotice@mcmaster.ca

For all other questions regarding copyright at McMaster, please contact copyright@mcmaster.ca

Kind Regards,

Richard Godsmark

Director of Technology Innovation, Partnerships, and Risk Management
University Technology Services (UTS)
McMaster University

Email: godsmar@mcmaster.ca