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Canada Extends Term of Copyright in Works to Life of Author Plus 70 Years

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On June 23, 2022, after years of consultation and debate, the Parliament of Canada passed legislation to extend the term of copyright protection in literary, dramatic, musical, and artistic works from 50 years to 70 years after the end of the year of the author's death.

The move to a "life plus 70" term, which fulfils a key commitment made by Canada in the Canada-United States-Mexico Agreement (CUSMA), brings Canada in line with the vast majority of its major trading partners. That will allow Canada to meet its international obligations and create new investment and export opportunities for its creative industries. The change follows earlier extensions to the term of copyright in published sound recordings and performers' performances and in certain audiovisual works.

The necessary amendments to the Copyright Act, which were included in Bill C-19, the Budget Implementation Act, 2022, No. 1, will come into force on a date to be determined by the federal cabinet. Term extension will not be retroactive, which means that any works whose copyright expired on or before December 31, 2021, will remain in the public domain. Works that would have fallen into the public domain at the end of 2022, however, will remain subject to copyright protection for another 20 years, and all other existing and future works will benefit from the longer term.

For more information, including advice on how these amendments may affect your business, please contact any member of the Cassels Intellectual Property Group.

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