

# Copyright Update

## OLA SuperConference 2026

David Fewer  
Director & General Counsel, CIPPIC  
uOttawa



**CIPPIC**

Samuelson-Glushko Canadian  
Internet Policy and Public Interest  
Clinic



uOttawa

A photograph of a rectangular piece of bright green paper, folded into four quadrants by a vertical and a horizontal crease. The paper is laid flat, and the text "What I do" is printed in a clean, white, sans-serif font in the center. The background is a plain, light gray surface.

What I  
do

Public interest legal  
advocacy at the  
intersection  
of technology and law

# Outline

In the Courts

New Litigation

Parliament

Policy Developments

# In the Courts

Judicial  
Decisions

*Bell Media Inc v Macciachera,*  
2025 FC 1378

Copyright jail

*Nexus v. Krougly,*  
2025 ONSC 1346

Employment?

*McQuaig v Enbridge Gas Inc,*  
2025 FC 1439

Lack of standing:  
Employment

*Cavan Speciality Advertising Ltd.  
v. Les Promotions Universelles  
Inc., 2025 FC 205*

“Substantial Part”

# We Can Do It!



POST FEB. 15 TO FEB. 25

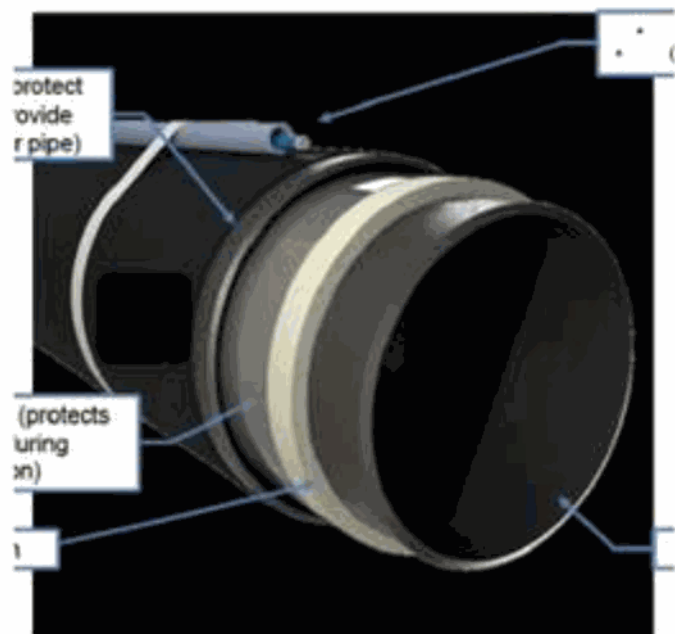
WAR PRODUCTION CO-ORDINATING COMMITTEE



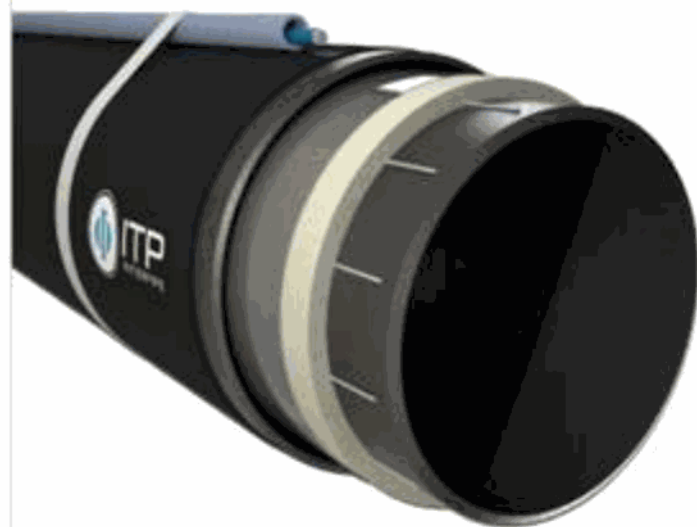
© Cavan Specialty Advertising

*ITP SA v. CNOOC Petroleum  
North America ULC,  
2025 FC 684*

*Title*



CNOOC image from its  
presentation to the AER



The ITP Image

*Bell Media Inc. v. John Doe 1*  
*(Soap2day),*  
2025 FC 133

"dynamic" site-blocking order.

*Voltage Pictures v Robert  
Salna, 2025 FCA 131*

FCA dismisses “reverse” class  
action as unworkable

*Hellboy Productions v Doe #1,*  
2025 FC 1766

Norwich, no copyright, bad  
evidence

Artificial Intelligence

Training Cases

## US Cases

*Bartz v. Anthropic PBC*, 3:24-cv-05417, (N.D. Cal.)

*Kadrey v. Meta Platforms, Inc.*, 3:23-cv-03417, (N.D. Cal.)

## EU Cases

*GEMA v OpenAI*, 42 O  
14139/24 (2025) (LG  
München I)

*Getty Images v. Stability AI*,  
[2025] EWHC 2863 (Ch)

# In the Courts

Waiting for the  
decision...

*395804 Ontario Ltd. (Blacklock's  
Reporter) v. Canada (Attorney General),  
2024 FC 829*

A-267-24

Circumvention and fair dealing

Court File No.

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July 08, 2024 08 juillet 2024			
Jacob Legault			
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**FEDERAL COURT**

B E T W E E N:

**SAMUELSON-GLUSHKO CANADIAN INTERNET POLICY AND PUBLIC  
INTEREST CLINIC**

APPLICANT

- and -

**ANKIT SAHNI**

RESPONDENT

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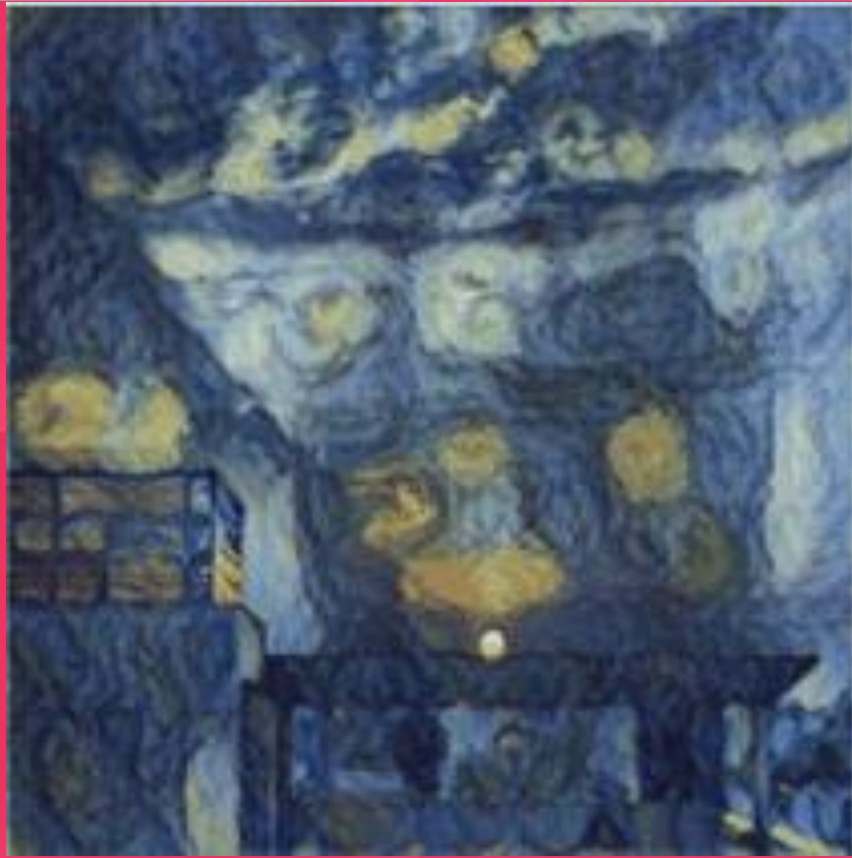
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**NOTICE OF APPLICATION**

*(Under Section 57(4) of the Copyright Act, R.S.C. 1985, c. C-42)*

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Court File No.

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**

**BETWEEN:**

*(Court Seal)*

TORONTO STAR NEWSPAPERS LIMITED, METROLAND MEDIA GROUP LTD., POSTMEDIA NETWORK INC., PNI MARITIMES LP, THE GLOBE AND MAIL INC./PUBLICATIONS GLOBE AND MAIL INC., CANADIAN PRESS ENTERPRISES INC./ENTREPRISES PRESSE CANADIENNE INC., and CANADIAN BROADCASTING CORPORATION/SOCIÉTÉ RADIO-CANADA

Plaintiffs

and

OPENAI, INC.; OPENAI GP, LLC; OPENAI, LLC; OPENAI STARTUP FUND I, LP; OPENAI STARTUP FUND GP I, LLC; OPENAI STARTUP FUND MANAGEMENT, LLC; OPENAI GLOBAL, LLC; OPENAI OPCO, LLC; OAI CORPORATION; and OPENAI HOLDINGS, LLC

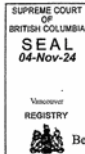
Defendants

**STATEMENT OF CLAIM**

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiffs. The Claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a Statement of Defence in Form 18A prescribed by the *Rules of Civil Procedure*, serve it on the Plaintiffs' lawyer or, where the Plaintiffs do not have a lawyer, serve it on the Plaintiffs, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this Statement of Claim is served on you, if you are served in Ontario.



Court File No. **VLC-S-S-247574**

No.  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

Between

CANADIAN LEGAL INFORMATION INSTITUTE

Plaintiff

and

1345750 B.C. Ltd., CLEARWAY MANAGEMENT LTD., ALISTAIR  
VIGIER doing business as CASEWAY AI, CASEWAY AI LEGAL  
LIMITED and JOHN DOE CORPORATION

Defendants

**NOTICE OF CIVIL CLAIM**

**This action has been started by the Plaintiff for the relief set out in Part 2 below.**

If you intend to respond to this action, you or your lawyer must

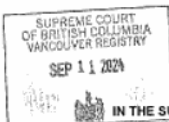
- (a) file a Response to Civil Claim in Form 2 in the above-named registry of this court within the time for Response to Civil Claim described below, and
- (b) serve a copy of the filed Response to Civil Claim on the Plaintiff.

If you intend to make a Counterclaim, you or your lawyer must

- (a) file a Response to Civil Claim in Form 2 and a Counterclaim in Form 3 in the above-named registry of this court within the time for Response to Civil Claim described below, and
- (b) serve a copy of the filed Response to Civil Claim and Counterclaim on the Plaintiff and on any new parties named in the Counterclaim.

**JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the Response to Civil Claim within the time for Response to Civil Claim described below.**

New Litigation  
Filed



S-246286

No. \_\_\_\_\_  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between

MICHAEL DEAN JACKSON

Plaintiff

and

OPENAI, INC., OPENAI, LP, OPENAI, LLC, OPENAI GP,  
LLC, OPENAI OPCO, LLC, OPENAI GLOBAL, LLC, OAI  
CORPORATION, LLC, OPENAI HOLDINGS, LLC, OPENAI  
STARTUP FUND I, LP, OPENAI STARTUP FUND GP I,  
LLC, OPENAI STARTUP FUND MANAGEMENT, LLC,  
MICROSOFT CORPORATION AND MICROSOFT CANADA  
INC.

Defendants

Brought under the *Class Proceedings Act*, RSBC 1996, c 50

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NOTICE OF CIVIL CLAIM

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This action has been started by the plaintiff for the relief set out in Part 2 below.

If you intended to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and



Court File No.

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**

**BETWEEN:**

*(Court Seal)*

TORONTO STAR NEWSPAPERS LIMITED, METROLAND MEDIA GROUP LTD., POSTMEDIA NETWORK INC., PNI MARITIMES LP, THE GLOBE AND MAIL INC./PUBLICATIONS GLOBE AND MAIL INC., CANADIAN PRESS ENTERPRISES INC./ENTREPRISES PRESSE CANADIENNE INC., and CANADIAN BROADCASTING CORPORATION/SOCIÉTÉ RADIO-CANADA

Plaintiffs

and

OPENAI, INC.; OPENAI GP, LLC; OPENAI, LLC; OPENAI STARTUP FUND I, LP; OPENAI STARTUP FUND GP I, LLC; OPENAI STARTUP FUND MANAGEMENT, LLC; OPENAI GLOBAL, LLC; OPENAI OPCO, LLC; OAI CORPORATION; and OPENAI HOLDINGS, LLC

Defendants

**STATEMENT OF CLAIM**

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiffs. The Claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a Statement of Defence in Form 18A prescribed by the *Rules of Civil Procedure*, serve it on the Plaintiffs' lawyer or, where the Plaintiffs do not have a lawyer, serve it on the Plaintiffs, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this Statement of Claim is served on you, if you are served in Ontario.



Court File No. **VLC-S-S-247574**  
No.  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

Between

CANADIAN LEGAL INFORMATION INSTITUTE

Plaintiff

and

1345750 B.C. Ltd., CLEARWAY MANAGEMENT LTD., ALISTAIR  
VIGIER doing business as CASEWAY AI, CASEWAY AI LEGAL  
LIMITED and JOHN DOE CORPORATION

Defendants

**NOTICE OF CIVIL CLAIM**

**This action has been started by the Plaintiff for the relief set out in Part 2 below.**

If you intend to respond to this action, you or your lawyer must

- (a) file a Response to Civil Claim in Form 2 in the above-named registry of this court within the time for Response to Civil Claim described below, and
- (b) serve a copy of the filed Response to Civil Claim on the Plaintiff.

If you intend to make a Counterclaim, you or your lawyer must

- (a) file a Response to Civil Claim in Form 2 and a Counterclaim in Form 3 in the above-named registry of this court within the time for Response to Civil Claim described below, and
- (b) serve a copy of the filed Response to Civil Claim and Counterclaim on the Plaintiff and on any new parties named in the Counterclaim.

**JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the Response to Civil Claim within the time for Response to Civil Claim described below.**

Court File No.

e-document		T-1717-24-ID 1
F	FEDERAL COURT	D
I	COUR FÉDÉRALE	É
L		P
E		O
D		S
	July 08, 2024	É
	08 juillet 2024	
Jacob Legault		
OTT		1

**FEDERAL COURT**

B E T W E E N:

**SAMUELSON-GLUSHKO CANADIAN INTERNET POLICY AND PUBLIC  
INTEREST CLINIC**

APPLICANT

- and -

**ANKIT SAHNI**

RESPONDENT

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**NOTICE OF APPLICATION**

*(Under Section 57(4) of the Copyright Act, R.S.C. 1985, c. C-42)*

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE NEW YORK TIMES COMPANY

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,  
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,  
OPENAI OP/CO LLC, OPENAI GLOBAL, LLC,  
OAI CORPORATION, LLC, and OPENAI  
HOLDINGS, LLC,

Defendants.

Civil Action No. \_\_\_\_\_

**COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiff The New York Times Company ("The Times"), by its attorneys Susman Godfrey LLP and Rothwell, Figg, Ernst & Manbeck, P.C., for its complaint against Defendants Microsoft Corporation ("Microsoft") and OpenAI, Inc., OpenAI LP, OpenAI GP LLC, OpenAI LLC, OpenAI OpCo LLC, OpenAI Global LLC, OAI Corporation, LLC, OpenAI Holdings, LLC, (collectively "OpenAI" and, with Microsoft, "Defendants"), alleges as follows:

**I. NATURE OF THE ACTION**

1. Independent journalism is vital to our democracy. It is also increasingly rare and valuable. For more than 170 years, The Times has given the world deeply reported, expert, independent journalism. Times journalists go where the story is, often at great risk and cost, to inform the public about important and pressing issues. They bear witness to conflict and disasters, provide accountability for the use of power, and illuminate truths that would otherwise go unseen. Their essential work is made possible through the efforts of a large and expensive organization that provides legal, security, and operational support, as well as editors who ensure their journalism meets the highest standards of accuracy and fairness. This work has always been important. But

Amended Notice of Civil Claim pursuant to r 6-1(1)(a).  
Notice of Civil Claim filed July 24, 2025.

No. S-255561  
Vancouver Registry



In the Supreme Court of British Columbia

**James Bernard MacKinnon**

Plaintiff

and

**NVIDIA Corporation**

Defendant

Brought under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

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**AMENDED NOTICE OF CIVIL CLAIM**

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This action has been started by the plaintiff for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (c) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (d) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

A bright yellow rectangular piece of paper is shown, folded both horizontally and vertically. The word "Parliament" is printed in a clean, white, sans-serif font, centered on the paper. The paper has a slight shadow and texture, suggesting it is a physical object.

Parliament

# Bill C-15

## *Canada Post Corp Act*

"Library Book Rate" repealed - ILL  
eliminate "Literature for the Blind" program

# Copyright Term Extension

Life plus 70

Public Domain won't grow again until  
2043

# Policy Developments

# WHAT WE HEARD REPORT

Consultation on Copyright  
in the Age of Generative  
Artificial Intelligence



Canada

# Innovation and Balance

Submission to the Government of  
Canada's Consultation on  
Copyright, AI, and IoT

Liwah Keller and  
Yuan Stevens

September 2021

# CREATIVITY & COPYRIGHT IN THE WORLD OF GEN-AI

*A Submission to the Government of Canada  
Consultation on Copyright in the Age of  
Generative Artificial Intelligence*

Abigail Kearney & Gareth Spanglett  
January 2024

# Government of Canada launches AI Strategy Task Force and public engagement on the development of the next AI strategy

From: [Innovation, Science and Economic Development Canada](#)

## News release

Public feedback and stakeholder engagement will inform strategy for Canada to be an AI leader

September 26, 2025 – Ottawa, Ontario

OPEN LETTER to the Minister of  
Artificial Intelligence and Digital  
Innovation from civil society  
organizations and individuals opposing  
“National Sprint” consultation on AI  
strategy



## Copyright Board Canada

### Key priorities

In 2023, the Board completed Phase 1 of its Modernization Initiatives, which resulted in a complete overhaul of its processes and internal policies with a view to increase the efficiency and transparency of its operations. Following on the path set over the last two years, in 2025-26, the Board will continue to work towards the objectives of Phase 2 of its Modernization Initiative. Specifically, the Board's top priorities for 2025-26 are as follows:

- Grow the Board's capacity as a marketplace facilitator;
- Continue sound management of the Board's case inventory;
- Maintain healthy organizational practices.

UNITED STATES COPYRIGHT OFFICE



## **COPYRIGHT AND ARTIFICIAL INTELLIGENCE** Part 1: Digital Replicas

A REPORT OF THE REGISTER OF COPYRIGHTS

JULY 2024



# CANADA STRONG

## BUDGET 2025

[View the budget →](#)

[Download the budget 📄](#)








## Protecting Artists' and Creators' Copyrights

Artists, particularly visual artists, are great contributors to Canada's cultural scene and among the lowest income earners in Canada despite their significant cultural contributions. An Artist's Resale Right provides the creators of original visual artwork with a royalty whenever their work is resold through an eligible sale, providing an additional income stream.

- ▶ In Budget 2025, the government announces its intent to amend the *Copyright Act* to create an Artist's Resale Right in Canada, ensuring Canadian visual artists benefit from future sales of their work.

CUSMA


Re-negotiations



**UNITED NATIONS  
DECLARATION ON  
THE RIGHTS OF  
INDIGENOUS  
PEOPLES**




United Nations



### *Article 31*

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the

22



right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.



Canadian Federation of Library Associations  
Fédération canadienne des associations de bibliothèques

**POSITION STATEMENT  
INDIGENOUS KNOWLEDGE IN CANADA'S COPYRIGHT ACT**

# CARL and CFLA Release New Guide on the Canadian Copyright Act for Accessible Content



*CDL*

*Controlled Digital  
Lending*

# Controlled Digital Lending of Library Books in Canada

*Partnership: The Canadian Journal of Library and Information Practice and Research*, vol. 17, no. 2, Dec. 2022, pp. 1-35, doi: <https://doi.org/10.21083/partnership.v17i2.7100>

33 Pages • Posted: 11 Feb 2022 • Last revised: 21 Jun 2023

[Christina de Castell](#)

Canadian Federation of Library Associations

[Joshua Dickison](#)

University of New Brunswick - Fredericton

[Trish Mau](#)

Burnaby Public Library

[Mark Swartz](#)

Queen's University; Canadian Association of Research Libraries

[Robert Tiessen](#)

University of Calgary

[Amanda Wakaruk](#)

University of Alberta Library and Museums

[Christina Winter](#)

University of Regina - Copyright and Scholarly Communications Librarian

Date Written: December 1, 2022



INTERNET ARCHIVE

**OPEN** LIBRARY

My Books

Welcome to Open Library



Read Free Library Books  
Online

Millions of books available  
through Controlled Digital  
Lending

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HACHETTE BOOK GROUP, INC.,  
ET AL.,

Plaintiffs,

- against -

INTERNET ARCHIVE, ET AL.,

Defendants.

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JOHN G. KOELTL, District Judge:

20-cv-4160 (JGK)

OPINION & ORDER

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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UMG RECORDINGS, INC, CAPITOL  
RECORDS, LLC, CONCORD BICYCLE  
ASSETS, LLC, CMGI RECORDED MUSIC  
ASSETS LLC, SONY MUSIC  
ENTERTAINMENT, and ARISTA MUSIC

Plaintiffs,

v.

INTERNET ARCHIVE, BREWSTER  
KAHLE, KAHLE/AUSTIN FOUNDATION,  
GEORGE BLOOD, and GEORGE BLOOD,  
L.P.

Defendant.

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Civil Action No. 23-cv-7133

**COMPLAINT**

TRIAL BY JURY DEMANDED

**Locked Out:**  
**Canadian Academic Libraries and the Impacts of  
TPMs on Digital Access**

Anthony D Rosborough\* & Katherine Silins\*\*

*Thank  
you!*