

20 MORE YEARS OF COPYRIGHT PROTECTION STARTING DECEMBER 30, 2022

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Further to our previous bulletins,[\[1\]](#),[\[2\]](#) and pursuant to a recently published [Order in Council](#) dated November 17, 2022 (the “**Order**”), the extension of general copyright protections from 50 years to 70 years after the life of the author (the “**Extension**”) shall come into force on December 30, 2022.

The Order provides as follows:

Her Excellency the Governor General in Council, on the recommendation of the Minister of Industry and the Minister of Canadian Heritage, under section 281 of the *Budget Implementation Act, 2022*, No. 1, chapter 10 of the Statutes of Canada, 2022, fixes December 30, 2022 as the day on which Division 16 of Part 5 of that Act comes into force.

For more information about the specific amendments to the *Copyright Act* (Canada) that were introduced in the *Budget Implementation Act, 2022*, No. 1, please click [here](#).

The Extension arose in the context of the *Canada-United States-Mexico Agreement* (CUSMA), which Canada signed onto in 2018, and better aligns Canada’s copyright protection term with those of our close trading partners including Mexico, the United States of America, and several European countries.

Note that the Extension will not apply retroactively to works whose copyright protections have already expired on or before December 30, 2022; these works will remain a part of the public domain.

To learn more about how this incoming amendment to our Canadian copyright laws may affect your business, contact a member of McMillan’s intellectual property team.

[1] [Changes to Canadian Copyright – Ranging from AI to IoT, to 20 Years Longer Protection, dated July 28, 2022.](#)

[2] [CANADA: Extension of Copyright Protection to Come into Effect in 2022, dated October 19, 2022.](#)

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A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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