

# Relevant Legislation

## Relevant Legislation for Scholars Portal

### 1. Policy Statement

Scholars Portal will comply with any provincial and federal legislation that is relevant to its operations, and actively monitors national and provincial legislation to ensure that it is aware of all relevant legislation.

### 2. Bill C-11 - to amend the Copyright Act - not yet passed

2.1. Paragraph 30.1(1)(c) of the Act is replaced by the following:

- (c) in an alternative format if the library, archive or museum of a person acting under the authority of the library, archive or museum considers that the original is currently in a format that is obsolete or is becoming obsolete, of that the technology required to use the original is unavailable or is becoming unavailable.

### 3. Copyright Act (R.S., 1985, c. C-42) \*-- Last amended on December 12, 2005

3.1. Provisions made for Fair Dealing in research or private study:

- **29.** Fair dealing for the purpose of research or private study does not infringe copyright.  
R.S., 1985, c. C-42, s. 29; R.S., 1985, c. 10 (4th Supp.), s.7; 1994, c. 47, s. 61; 1997, c. 24, s. 18.

3.2. Provisions made for Fair Dealing in criticism or review:

- **29.1** Fair dealing for the purpose of criticism or review does not infringe copyright if the following are mentioned:
  - (a) the source; and
  - (b) if given in the source, the name of the
    - (i) author, in the case of a work,
    - (ii) performer, in the case of a performer's performance,
    - (iii) maker, in the case of a sound recording, or
    - (iv) broadcaster, in the case of a communication signal.1997, c. 24, s. 18.

3.3. Provisions made for Libraries, Archives and Museums in management and maintenance of collection:

- **30.1** (1) It is not an infringement of copyright for a library, archive or museum or a person acting under the authority of a library, archive or museum to make, for the maintenance or management of its permanent collection or the permanent collection of another library, archive or museum, a copy of a work or other subject-matter, whether published or unpublished, in its permanent collection
  - (a) if the original is rare or unpublished and is
    - (i) deteriorating, damaged or lost, or
    - (ii) at risk of deterioration or becoming damaged or lost;
  - (b) for the purposes of on-site consultation if the original cannot be viewed, handled or listened to because of its condition or because of the atmospheric conditions in which it must be kept;
  - (c) in an alternative format if the original is currently in an obsolete format or the technology required to use the original is unavailable;
  - (d) for the purposes of internal record-keeping and cataloguing;
  - (e) for insurance purposes or police investigations; or
  - (f) if necessary for restoration.(2) Paragraphs (1)(a) to (c) do not apply where an appropriate copy is commercially available in a medium and of a quality that is appropriate for the purposes of subsection (1).  
1997, c. 24, s. 18; 1999, c. 31, s. 59(E).

3.4. Provisions made for Libraries, Archives and Museums in research or private study:

- **30.2** (1) It is not an infringement of copyright for a library, archive or museum or a person acting under its authority to do anything on behalf of any person that the person may do personally under section 29 or 29.1.  
(2) It is not an infringement of copyright for a library, archive or museum or a person acting under the authority of a library, archive or museum to make, by reprographic reproduction, for any person requesting to use the copy for research or private study, a copy of a work that is, or that is contained in, an article published in
  - (a) a scholarly, scientific or technical periodical; or
  - (b) a newspaper or periodical, other than a scholarly, scientific or technical periodical, if the newspaper or periodical was published more than one year before the copy is made.1997, c. 24, s. 18.

3.5. Provisions made for Libraries, Archives and Museums in copying of deposited works in an archive:

- **30.21** (1) It is not an infringement of copyright for an archive to make a copy, in accordance with subsection (3), of an unpublished work that is deposited in the archive.  
(2) When a person deposits a work in an archive, the archive must give the person notice that it may copy the work in accordance with this section.  
(3) The archive may only copy the work if
  - (a) the person who deposited the work, if a copyright owner, did not, at the time the work was deposited, prohibit its copying;
  - (b) copying has not been prohibited by any other owner of copyright in the work; and

(c) the archive is satisfied that the person for whom it is made will use the copy only for purposes of research or private study and makes only one copy for that person.

1997, c. 24, s. 18; 1999, c. 31, s. 60(E); 2004, c. 11, s. 21.

#### **4. (Copyright Act) Exceptions for Educational Institutions, Libraries, Archives and Museums Regulations (SOR/99-325) -- Last amended on May 18, 2008**

#### **5. Accessibility for Ontarians with Disabilities Act, 2005. (O. Reg 429/07) -- Last amended in 2009**

5.1. Provisions made for improved long-term accessibility standards in a particular industry or organization:

- 9.(2) Promptly after its establishment, each standards development committee shall determine the long-term accessibility objectives for the industry, sector of the economy or class of persons or organizations in relation to which the committee has responsibilities under subsection 8 (2), by identifying the measures, policies, practices and requirements that it believes should be implemented by the members of the industry, sector or class on or before January 1, 2025. 2005, c. 11, s. 9 (2).

5.2. Provisions made for transformation or modification of long-term accessibility standards:

- 9. (9) Within five years after an accessibility standard is adopted by regulation or at such earlier time as the Minister may specify, the standards development committee responsible for the industry, sector of the economy or class of persons or organizations to which the standard applies shall,
  - (a) re-examine the long-term accessibility objectives determined under subsection (2);
  - (b) if required, revise the measures, policies, practices and requirements to be implemented on or before January 1, 2025 and the time-frame for their implementation;
  - (c) develop another proposed accessibility standard containing such additions or modifications to the existing accessibility standard as the standards development committee deems advisable and submit it to the Minister for the purposes of making the proposed standard public and receiving comments in accordance with section 10; and
  - (d) make such changes it considers advisable to the proposed accessibility standard developed under clause (c) based on the comments received under section 10 and provide the Minister with the subsequent proposed accessibility standard. 2005, c. 11, s. 9 (9).

#### **6. Document History**

Version	Date	Change	Author
0.1	08/31 /11	Draft created	Aurianne Steinman
0.2	09/12 /11	Draft formatted	Aurianne Steinman
0.3	10/27 /11	Draft updated	Aurianne Steinman

**File**

**Modified** ▲

---

Microsoft Word 97 Document Relevant Legislation for Scholars Portal.doc

Nov 03, 2011 by Aurianne  
Steinman

---