

Canada vs. U.S. Copyright Quick Reference

Canadian and American copyright law share many basic principles, but they are not interchangeable. The law that applies may depend on where the work is used, published, distributed, or infringed.

This reference provides a general comparison. It does not determine whether a particular use is lawful.

Fair Dealing vs. Fair Use

	Canada: Fair Dealing	United States: Fair Use
Basic approach	The use must fall within a purpose permitted by the Copyright Act and must also be fair.	The use is assessed under four statutory factors. The listed purposes are examples, not a closed list.
Recognized purposes	Research, private study, education, parody, satire, criticism, review, and news reporting.	Examples include criticism, comment, news reporting, teaching, scholarship, and research. Other purposes may also qualify.
Fairness factors	Courts may consider the purpose, character, and amount of the dealing; available alternatives; the nature of the work; and the effect on the work.	Courts consider the purpose and character of the use; the nature of the copyrighted work; the amount and substantiality used; and the effect on the potential market.
Commercial use	Commercial use is not automatically excluded, but it may weigh against fairness depending on the circumstances.	Commercial use is not automatically excluded, but it may weigh against fair use.
Transformative use	Transformation may be relevant, but it is not a separate statutory test.	A use that adds a new purpose, meaning, or character may be more likely to qualify as fair use.
Attribution	Criticism, review, and news reporting generally require identification of the source and, when provided, the creator's name.	Attribution does not make an infringing use lawful and is not a substitute for permission. It may still be ethically or contextually appropriate.
Automatic protection?	No. Falling within an approved purpose does not automatically make the dealing fair.	No. Calling something educational, transformative, commentary, or parody does not automatically make it fair use.

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The Practical Difference

Canadian fair dealing begins by asking:

Is the use for one of the purposes recognized by the Copyright Act?

If the answer is yes, the dealing must still be fair.

American fair use begins with a broader assessment of the purpose and circumstances. No single factor determines the outcome, and there is no fixed percentage or word count that guarantees safety under either system.

Official information:

- [Canada: Copyright Act—Fair Dealing](#)
- [United States: U.S. Copyright Office—Fair Use](#)

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Copyright Duration

	Canada	United States
General term	Life of the author plus 70 years.	For most works created on or after January 1, 1978, life of the author plus 70 years.
Joint authorship	Generally calculated from the death of the last surviving author.	Generally calculated from the death of the last surviving author.
Anonymous or pseudonymous works	Special terms apply based on creation, publication, and whether the author's identity becomes known.	Generally 95 years from publication or 120 years from creation, whichever expires first.
Works made for hire	Canada does not use the American work-made-for-hire term. Ownership may belong to an employer, but duration is generally still connected to the human author's life.	Generally 95 years from publication or 120 years from creation, whichever expires first.
Older works	Canada's extension from life plus 50 to life plus 70 did not revive copyright that had expired before January 1, 2023.	Works created or published before 1978 may be governed by earlier laws, renewal rules, and different terms.

In both countries, copyright generally expires at the end of the relevant calendar year. A work normally enters the public domain on January 1 of the following year.

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Moral Rights

	Canada	United States
Who receives them?	Authors of copyright-protected works, including writers.	Federal protection is limited primarily to creators of certain qualifying works of visual art. Writers do not receive equivalent moral rights under U.S. copyright law.
Attribution	Authors have the right, where reasonable, to be associated with the work by name or pseudonym—or to remain anonymous.	No broad federal moral right of attribution applies to literary works. Contracts and other laws may provide some related protection.
Integrity	Authors may object to distortion, mutilation, or modification that harms their honour or reputation, and to certain prejudicial uses of the work.	Limited integrity rights apply to qualifying works of visual art under the Visual Artists Rights Act.
Transfer	Moral rights cannot be assigned or sold, but they may be waived in whole or in part. Transferring copyright does not automatically waive them.	Qualifying federal visual-art rights cannot be transferred, but they may be waived through a signed written agreement meeting specific requirements.
Duration	Moral rights generally last for the same term as copyright and pass to the author's successors after death.	Federal rights under the Visual Artists Rights Act generally last for the artist's lifetime.

Why This Matters to Canadian Writers

A Canadian author may sell or assign copyright while retaining moral rights. A publisher, producer, or other copyright owner may therefore control reproduction and distribution without automatically acquiring the right to omit the author's name or alter the work in a way that damages the author's honour or reputation.

A contract may ask the author to waive some or all moral rights. That is not the same as transferring copyright and should be considered separately.

Official information:

- [Canada: Copyright Act—Moral Rights](#)
- [Canada: Duration of Moral Rights](#)
- [United States: Copyright Office—Visual Artists Rights Act](#)

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Registration at a Glance

Canada

Registration is voluntary and provides a certificate that may be used as evidence of copyright ownership.

No copy of the work is submitted.

See **How to Register Copyright in Your Country** for instructions.

United States

Registration is voluntary but can provide significant enforcement benefits. For U.S. works, registration or refusal is generally required before an infringement lawsuit can proceed.

A deposit copy or copies must be submitted.

See **How to Register Copyright in Your Country** for instructions.