



User-Generated Content - Liabilities and Prospects Redux

February 14, 2011 by Bob Tarantino

Last summer's *Viacom v YouTube* decision (copy of judgment [available here](#)), though currently on appeal, continues to have resonance - particularly for Canadian copyright and entertainment lawyers in light of the fact that Bill C-32 (*The Copyright Modernization Act*) contains a provision (dubbed, variously, the "YouTube exception", the "mash-up exception" or the "UGC exception") which would create an exception to copyright infringement for "Non-Commercial User-generated Content".

Wendy Serres, writing at IPilogue in [To Mix or Not to Mix: Bill C-32 "Mash Up" Provision is Getting Attention](#), summarizes what recent submissions to the Bill C-32 legislative committee have had to say about the UFC exception.

In [User-Generated Content Sites and Section 512 of the US Copyright Act](#), Jane C. Ginsburg critically assesses the *Viacom v YouTube* decision, with particular focus on the issue of copyright liability for the entrepreneurs who create and provide access to sites such as YouTube and Facebook - both the very definition of UGC sites.

Stephen Zolf and I spoke in December 2010 about how the *Viacom v YouTube* decision might be seen to interface with the proposals found in Bill C-32 - [our slides can be accessed here](#).

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