

Literary Work



Protects: Original expression in textual format.

Examples: Books, journals, poems, lyrics, letters, diaries, legal documents, oral histories, emails, blogs, software.

Artistic Work



Protects: Original expression in visual format.

Examples: Paintings, drawings, sketches, sculptures, maps, photographs, logos, charts, graphs.

Musical Work



Protects: Original expression using musical notes or combination of sounds.

Examples: Songs with or without lyrics, symphonies, jingles, arrangements of songs, musical scores.

Note: Copyright in a musical work is separate from the copyright in a sound recording or performance of the work.

Dramatic Work



Protects: Dialogue and stage directions in a performed work, or an act of dance or mime.

Examples: Plays, film scripts, ballets, revues, films and videos (cinematographic works).

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Communication Signal

Protects: Radio waves that are broadcast to the public without artificial guidance.

Examples: A radio or television transmission made by electronic means, but not a satellite or an internet transmission.

Note: Communication signals are separate from works they transmit, which may include films, television shows, and other content that may be copyright-protected.

Sound Recording

Protects: Recording of sound that is captured in any format.

Examples: Musical recordings, film and TV soundtracks, oral history recordings, recordings of public speeches, podcasts.

Note: Many sound recordings include underlying but separate musical, dramatic or literary works that may be copyright-protected.

Moral Rights

Protects: An author's right to the integrity of the work and to the right of association with the work as the author or to anonymity.

Note: Cannot be transferred but can be waived.

Performer's Performance

Protects: Performance or improvisation of an artistic, musical or dramatic work or a reading of a literary work.

Examples: Acting, musical performance, lecture, public recital, presentation.

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Non-Qualifying



Protects: There is no copyright protection for something that is not a fixed, original expression of human creativity other than a performer's performance.

Examples: An idea that is not written down, a natural occurrence, a matter of fact, an abstract concept (e.g. love).

Posthumous Work



Protects: A work that is not published, performed in public or otherwise made publicly available until after the author's death.

Example: Anne Frank's diary was first published in the Netherlands in 1947, two years after her death.

Anonymous and Pseudonymous Work



Protects: A work authored by someone who wishes to remain anonymous or uses a pseudonym instead of their legal name.

Example: Mary Ann Evans published the novel *Silas Marner* under the pseudonym (or pen name) of George Eliot.

Unpublished Work



Protects: Copyright works that have not been published, performed in public or communicated to the public by telecommunication.

Example: A letter that has never been published.

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Work



Term of copyright: Usually 70 years following the year of an author's death.

Extension: General term was extended on December 30, 2022 from 50 years to 70 years after death.

Anonymous and pseudonymous works: 75 years after a work is made. If published before term expires, copyright lasts until 75 years after first publication or 100 years after work is made, whichever is earlier.

Sound Recording



Term of copyright: If unpublished, 70 years after first recording. If published before term expires, copyright lasts until 75 years after first publication or 100 years after first recording, whichever is earlier.

Extension: On June 23, 2015, the term of copyright for sound recordings was extended from 50 to 70 years after the recording was made.

Communication Signal



Term of copyright: 50 years from the end of the calendar year when a signal was first broadcast.

Performer's Performance



Term of copyright: 50 years from the year of the performance. If the performance is recorded, copyright lasts until 70 years after the first recording is made. If the recording is published before expiry of that term, copyright lasts until 75 years after first publication or 100 years after work is made, whichever is earlier.

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Moral Rights



Term of protection: The duration of moral rights is the same as the duration of copyright in a work (usually 70 years after the year of an author's death) or in a performer's performance (generally 50 years from the year of the performance).

Public Domain



A work or other subject-matter is in the *public domain* when copyright expires or is waived. Material in the public domain may be used without permission or payment.

Extension: Extension of the general term of copyright on December 30, 2022 did not revive protection for works already in the public domain.

Example: All works by authors who died in 1971 or earlier are in the public domain in Canada.

Copying



Definition: Reproducing a substantial part of a copyright or licensed work in any form, including electronic reproduction.

Examples: Making a photocopy, downloading or uploading a copyright work, making a hand-drawn reproduction.

Publication



Definition: Making copies of a copyright work available to the public. Can be in a physical or digital form, for free or for a fee.

Examples: Publishing a book or journal, distributing sound recordings.

Note: Does not include making digital copies of works available online (see "Communication to the Public" card).

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Sale, Rental or Loan



Definition: Transferring ownership of a copyright work for a fee or making copies of a copyright work temporarily available to the public for free or for a fee. Can be in a physical or digital format.

Examples: Lending books from a library, renting computer games, subscribing to a streaming service, selling copies of a film.

Note: Does not include public performance of a copyright work.

Public Performance



Definition: Performing or exhibiting certain types of copyright works in public.

Examples: Delivering lectures, addresses, speeches or sermons; performing musical and dramatic works; playing sound recordings and screening films.

Note: Exhibiting artistic, literary or musical works (e.g. putting a book or musical score on display at a museum) is not a public performance.

Communication to the Public



Definition: Communicating or distributing copyright works by electronic transmission. Includes broadcast and online transmissions.

Examples: Using copyright works in websites, email, podcasts, social media, blogs, learning management systems, broadcasts.

Note: Does not have to be distributed to the general public to count as “communication” (e.g. distribution of a copyright work on a closed intranet is still a communication).

Adaptation

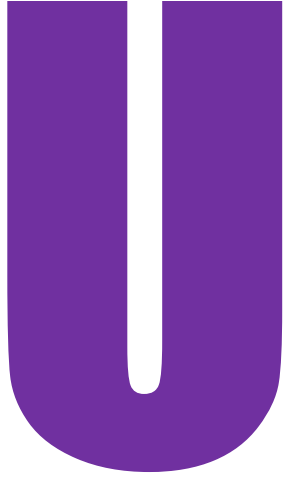


Definition: Creating a new work based on an existing copyright work.

Examples: Translating a literary work, altering a photograph, remixing a sound recording or film, porting computer software from one language to another.

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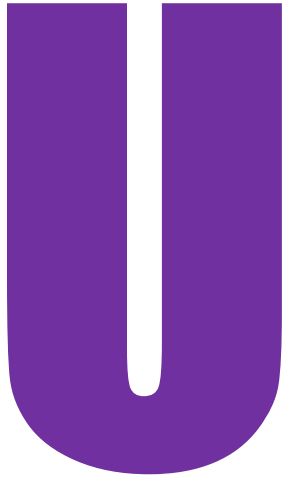


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Audio Ciné Films and Criterion



Usages covered: Screening films for non-educational purposes.

Repertoire: Audio Ciné Films and Criterion license public performance rights and maintain a publicly searchable database of films in their repertoire.

Note: Screening films for educational purposes does not usually require a licence. Check whether usage is covered under exceptions.

Library Licensed Resources



Usages covered: Dependent on licence agreement, but generally all licensed resources are accessible by all members of an institution (students, faculty, and staff).

Repertoire: Check terms of licence or institutional licence look-up tool.

Note: The licence terms outline how a resource can be used. Some licences may contain clauses that restrict user rights in the *Copyright Act*.

Creative Commons Licences



Usages covered: These licences allow free copying and distribution of content and, depending on the nature of the licence, may allow users to adapt or commercialize the work with attribution.

Repertoire: Use your preferred search engine to find CC-licensed content.

Note: There are six licences: CC BY, CC BY-SA, CC BY-NC, CC BY-NC-SA, CC BY-ND, and CC BY-NC-ND. For more information see: creativecommons.org

Copyright Owner



Usages covered: It is sometimes possible to negotiate an arrangement directly with the copyright owner. This is particularly relevant in cultural or educational digitization projects.

Repertoire: The content needs to be specified at the point of negotiation.

Note: While this type of licence is often more economically beneficial than dealing with a collective, negotiating rights clearance can be time-consuming and costly. Ensure this is factored into any project you undertake.

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Website Terms and Conditions



Usages covered: This will depend on the terms of the specific website.

Repertoire: This will depend on the website terms and conditions—there are likely multiple copyright owners for content located on each site.

Note: Displaying materials from the internet for educational purposes does not usually violate the *Copyright Act*. Check whether usage is covered under an exception.

You Own the Copyright



Usages covered: As owner of the copyright in the work, you are permitted to make any use of it that you see fit.

Caution: You should check whether anybody else has a claim to the copyright in the work. If you have created the work as an employee, your employer may be the copyright owner. If you have used material created by others (e.g. a chart or image) you may need permission from the owner. Always discuss copyright with any collaborators from the beginning of the project.

Copyright Clearance Center



Usages covered: Permits the making of multiple copies of extracts of materials from many publishers for various commercial and educational purposes. Permissions are provided on a pay-per-use basis.

Repertoire: Published books, journals, magazines, digital publications, along with special requests for which CCC will seek permissions for material not located in their repertoire.

Note: It is often much quicker to seek permissions from the copyright owner yourself. Check whether the usage falls under an exception.

Access Copyright and Copibec



Usages covered: Negotiate licences on behalf of copyright owners for works in their repertoire, collect royalties, and file tariffs with the Copyright Board. Copibec represents copyright owners in Quebec with a reciprocal agreement with Access Copyright.

Repertoire: 100 million titles as well as authors from 33 countries. Search tool and forms to confirm which titles are covered by the licence.

Note: Institutions need negotiated licence. Neither collective offers pay-per-use clearance services for institutional copying.

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Work Produced by Employees



Usages covered: The *Copyright Act* stipulates that, unless otherwise contracted, copyright in works authored by employees is owned by the employer.

Note: If you have used material created by others (e.g. a chart or image), you may need permission from the copyright owner. Always discuss copyright with any collaborators before starting. Generally, university faculty own the copyright in their original works.

SOCAN



Usages covered: Manages performing and reproduction rights in musical works on behalf of Canadian composers, authors, music publishers, and affiliated societies representing foreign composers, authors and publishers.

Repertoire: Website provides a repertoire lookup tool and tariff calculation tools for the cost of a specific use.

Note: Generally, institutions pay a licence fee based upon the basic tariff requirements. An institution needs to purchase additional licences for uses beyond its coverage (e.g. special events or concerts). Be sure to check the institutional licence(s) for details.

Unlocatable Copyright Owners



Usages covered: The Copyright Board of Canada can issue licences for the use of a published copyright work when the copyright owner is unknown or cannot be located.

Repertoire: All published copyright works that have unlocatable copyright owners (also sometimes referred to as “orphan works”). A licence from the Copyright Board is only valid in Canada.

Note: To issue a licence, the Copyright Board requires an application and proof of a thorough search for the copyright owner. It may take months to receive a decision.

Crown Copyright



Usages covered: Unless otherwise indicated, works published by federal, territorial or provincial governments belong to the Crown and/or the government department or agency identified in the publication.

Repertoire: Government of Canada (GoC) departments and agencies are responsible for copyright and licensing of their publications. Copyright clearance requests should be directed to the authoring department or agency listed. This is generally the case for all levels of government documents.

Note: The GoC and several provincial governments have adopted Open Government initiatives that allow for the reproduction of works “in part or in whole, and by any means, for personal or public-non-commercial purposes” unless otherwise indicated. Municipal government documents do not fall under the scope of Crown copyright. The duration of copyright for all government documents is the remainder of the calendar year of first publication plus 50 years.

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Fair Dealing



Definition: Allows limited copying and use of works for the purpose of research, private study, education, parody or satire [s. 29].

Limitation: The dealing must be fair.

Types of work: All copyright works or other subject-matter.

Example: A teacher provides copies of some pages of a textbook to students to supplement their readings.

Note: Fairness is evaluated by analysis of various factors, including purpose of the dealing, character of the dealing, amount of the dealing, alternatives to the dealing, nature of the work, and effect of the dealing on the work.

C

Fair Dealing: Criticism or Review



Definition: Allows limited copying and use of copyright works for the purpose of criticism or review [s. 29.1].

Limitation: The dealing must be fair and the source must be mentioned.

Types of work: All copyright works or other subject-matter.

Example: A blogger includes a photograph by a contemporary artist in a post that critiques the photograph.

C

Fair Dealing: News Reporting



Definition: Allows limited copying and use of copyright works for the purpose of news reporting [s. 29.2].

Limitation: The dealing must be fair and the source must be mentioned.

Types of work: All copyright works or other subject-matter.

Example: A television journalist uses a clip from a film when reporting on a controversy surrounding the film.

C

Non-Commercial User- Generated Content



Definition: Allows individuals to use copyright works in creating and disseminating new works [s. 29.21].

Limitation: The use and dissemination are for non-commercial purposes; the sources of the existing works are mentioned; the individual had reasonable grounds to believe that the existing works are not infringing copyright; the new work does not have a substantial adverse effect on the exploitation of the existing works.

Types of work: All copyright works or other subject-matter.

Example: A student combines elements of songs and films to create a “mashup” video and posts the result on YouTube.

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Reproduction for Private Purposes



Definition: Allows individuals to reproduce copyright works for private use [s. 29.22].

Limitation: The original versions are not infringing copyright and were legally obtained other than by borrowing or renting; the individual did not circumvent a technological protection measure; the reproduction is not given away.

Types of work: All copyright works or other subject-matter.

Example: An individual copies songs from their CDs onto their iPhone.

E

Reproduction for Later Listening or Viewing



Definition: Allows the recording of a broadcast for later viewing or listening (time-shifting) [s. 29.23].

Limitation: The individual receives the broadcast legally and did not circumvent a technological protection measure; the individual makes only one recording and does not give it away; the recording is only kept as long as is necessary to view it; the recording is only for the individual's private purpose.

Types of work: All copyright works or other subject-matter.

Example: An individual sets her DVR to record a sitcom episode from cable television.

Note: This section does not apply to recording from on-demand services.

E

Backup Copies



Definition: Allows the owner of a copy of a copyright work (or an individual who has a licence to use a work) to reproduce it for backup purposes [s. 29.24].

Limitation: The source copy must not be itself an infringing copy; the individual does not circumvent a technological protection measure; the reproductions are not given away.

Types of work: All copyright works or other subject-matter.

Example: An individual makes a copy of a DVD in case it gets damaged.

E

Reproduction for Instruction



Definition: Allows a non-profit educational institution to do any necessary act in order to display a copyright work for the purpose of education or training on its premises, or to reproduce, perform, or communicate by telecommunication on its premises a work as required for an examination [s. 29.4].

Limitation: Exception does not apply if the work is commercially available for that purpose (by purchase or licensing).

Types of work: All copyright works or other subject-matter.

Example: An instructor inserts copyright images into PowerPoint slides for a lecture.

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Performances



Definition: Allows a non-profit educational institution to facilitate the live performance of a copyright work by students, the performance of a sound recording, the showing of a work that is being communicated to the public by telecommunication, or the performance in public of a cinematographic work, before an audience made up primarily of students, on the premises of the institution [s. 29.5].

Limitation: There are no reasonable grounds to believe that the sound recording or cinematographic work is an infringing copy.

Types of work: All copyright works or other subject-matter.

Example: An instructor shows his students a documentary film that is related to the course.

C

News and Commentary



Definition: Allows a non-profit educational institution to make a single copy of a news program or news commentary program and perform the copy on the premises for students, for educational or training purposes [s. 29.6].

Types of work: News programs and news commentary programs (excluding documentaries).

Example: An instructor records the evening news and shows it in class the next day.

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Reproduction of Broadcast



Definition: Allows a non-profit educational institution to make a single copy of a work at the time it is communicated to the public by telecommunication (by legal means) and keep the copy for 30 days to decide whether to show it [s. 29.7].

Limitation: If the reproduction is performed, royalties must be paid and records kept.

Types of work: All copyright works or other subject-matter.

Example: An instructor records a television show with the intent to show it to students within the month.

E

Literary Collections



Definition: Allows the publication of a collection of short passages from literary works under copyright, for use by non-profit educational institutions, in a collection mainly composed of non-copyright matter [s. 30].

Limitation: The collection does not include more than two passages from works by the same author, published by the same publisher, within five years; the author and source are acknowledged; the original works were not themselves published for educational use.

Types of work: Literary works.

Example: An educational publisher creates a collection of Shakespeare's plays, including some passages of commentary by present-day critics.

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Communication of Lessons by Telecommunication



Definition: Allows a non-profit educational institution to communicate by telecommunication a lesson, test, or examination that includes copyright works, to students enrolled in the course [s. 30.01].

Limitation: The original lesson does not include anything that infringes copyright or requires the permission of the copyright owner; the copy of the lesson is destroyed 30 days after the students receive their final grades; the educational institution takes reasonable measures to ensure the lesson is not communicated beyond the students.

Types of work: All copyright works or other subject-matter.

Example: An instructor uploads to the institutional LMS their recorded lecture that contains copyright images.

E

Work Available Through Internet



Definition: Allows a non-profit educational institution to reproduce, communicate to the public by telecommunication, or perform in public, a copyright work that is available through the Internet [s. 30.04].

Limitation: The audience consists primarily of students of the institution or other persons acting under its authority; the source and author are mentioned; the work is not protected by a technological protection measure; there is no visible notice prohibiting the act on the Internet site; there is no reason to believe that the work on the Internet page was made available without the owner's consent.

Types of work: All copyright works or other subject-matter.

Example: An instructor shows a music video to students in class from the band's official YouTube channel.

C

Management and Maintenance of Collections



Definition: Allows a non-profit LAM to make a copy of a work in its permanent collection for the maintenance or management of its collection or the collection of another LAM if: the original is rare or unpublished and is at risk of deteriorating; for on-site consultation if the original is not fit to be handled; if the format is in danger of becoming obsolete; for the purpose of internal record-keeping or cataloguing; for insurance purposes or police investigations; or if necessary for restoration [s. 30.1].

Limitation: Where an intermediate copy must be made, it must be destroyed as soon as it is no longer needed.

Types of work: All copyright works or other subject-matter.

Example: An archive makes a photocopy of a fragile, one-of-a-kind document for researchers to consult.

Note: This section does not apply where a copy is commercially available for the intended purpose.

E

Research or Private Study



Definition: Allows a non-profit LAM to provide to a user, upon request, a reprographic or digital copy of (a) an article from a scholarly, scientific, or technical periodical, or (b) an article from a newspaper or other periodical published at least one year earlier [s. 30.2(2)].

Limitation: The user may receive only one reprographic copy of the work and must be informed it is for research and private study only. For digital copies, the LAM must take measures to prevent the user from further reproductions (except one printed copy), sharing the digital copy with others, or using the digital copy beyond five business days from first use.

Types of work: All copyright works or other subject-matter (but see note).

Example: Library A provides a patron of Library B with a copy of an article from a scholarly journal that Library B does not subscribe to.

Note: (b) does not apply to a work of fiction or poetry, or dramatic or musical work.

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Works Deposited in Archive



Definition: Allows an archive to make a copy of an unpublished work deposited in the archive for a person who requested it for research or private study [s. 30.21].

Limitation: The copyright owner(s) did not prohibit its copying at the time it was deposited; the requester is provided with a single copy and is informed that the copy may only be used for research or private study.

Types of work: All unpublished copyright works.

Example: An archive provides a researcher with a copy of an unpublished manuscript in its collection.

Note: When a person deposits a work in an archive, they must be given notice that such copies can be made.

E

Machines Installed in Educational Institutions and LAM



Definition: Allows an educational institution and LAM to install a machine for reprographic reproduction by the public, if a notice is affixed warning about copyright infringement [s. 30.3].

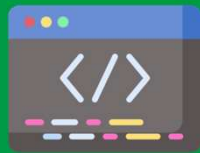
Limitation: The educational institution or LAM has an agreement with a collective society, or the Copyright Board has fixed royalties and terms, or the Board has approved a tariff, or a collective society has filed a proposed tariff.

Types of work: All copyright works in printed form.

Example: A library has photocopiers available for users, and each machine has a clearly visible notice about copyright infringement.

E

Computer Programs



Definition: Allows a person who owns an authorized copy of a computer program to (a) adapt, modify, convert or translate the program into another computer language, or (b) make a backup copy of the program [s. 30.6].

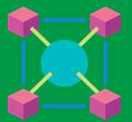
Limitation: (re: a) The act must be essential for compatibility with another computer; the copy is solely for the person's own use. (re: a and b) the copy is destroyed immediately after the person ceased to be the owner of the computer program

Types of work: All copyright computer programs.

Example: A person has made a backup copy of their computer operating system in case it becomes corrupted.

E

Interoperability of Computer Programs



Definition: Allows a person who owns an authorized copy of a computer program to reproduce the program for the purpose of obtaining information to make it interoperable with another program [s. 30.61].

Limitation: The person does not otherwise use or disclose the information.

Types of work: All copyright computer programs.

Example: A person makes a copy of customer management software to investigate how it can work with sales software.

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Encryption Research



Definition: Allows a person to reproduce a lawfully-obtained work for lawful encryption research [s. 30.62].

Limitation: It would not be practical to carry out the research without making the copy; the person has informed the copyright owner; if the research reveals a flaw, the person must give notice to the copyright owner if they intend to make the flaw publicly known (unless public interest outweighs the copyright owner's interest in receiving notice).

Types of work: All copyright works or other subject-matter.

Example: A person makes a copy of a computer program to see how it might be encrypted.

E

Security



Definition: Allows a person to reproduce a work to lawfully assess the vulnerability of a computer, system, or network, or to correct security flaws [s. 30.62].

Limitation: If the assessment reveals a flaw, the person must give notice to the copyright owner if they intend to make the flaw publicly known (unless public interest outweighs the copyright owner's interest in receiving notice).

Types of work: All copyright works or other subject-matter.

Example: A person makes a copy of a computer program to investigate and correct a security issue.

E

Incidental Inclusion



Definition: Allows for the incidental, non-deliberate inclusion of copyright work into another work [s. 30.7].

Types of work: All copyright works or other subject-matter.

Example: Part of a well-known song can be heard in the background of an outdoor interview.

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Temporary Reproductions



Definition: Allows a person to reproduce a work where the reproduction forms an essential part of a technological process [s. 30.71].

Limitation: The reproduction's only purpose is to facilitate a use that does not infringe copyright; the reproduction exists only for the duration of the technological process.

Types of work: All copyright works or other subject-matter.

Example: A computer makes a temporary copy of a webpage to display on the monitor.

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Reproduction in Alternate Format



Definition: Allows a person with a perceptual disability, or a person acting on the request of such a person, or for a non-profit organization acting for the benefit of such a person to reproduce, fix, perform, or adapt a work in a format specially designed for persons with a perceptual disability [s. 32].

Types of work: All copyright works or other subject-matter other than cinematographic works.

Example: A non-profit organization for persons with visual disability reproduces a text in audiobook format.

Note: This section does not apply where a copy is commercially available for the intended purpose.

E

Miscellaneous Acts: Artistic Works



Definition: (1)(a) An author (not the copyright owner) may reuse moulds, casts, sketches, etc., if not repeating the main design; a person may: (b) make a rendering, photo, or film of (i) an architectural work (but not a drawing) or (ii) a sculpture or artistic work in a public space; (c) publish a news report on a public lecture (unless a notice prohibits it); (d) recite in public a reasonable excerpt from a published work; (e) report on a public political address; (f) use for personal and non-commercial purposes a commissioned photo or portrait of an individual unless the individual and copyright owner agree otherwise [s. 32.2(1)].

Types of work: Relevant copyright artistic works or other subject-matter.

Example: A person sketches a sculpture that is permanently located in a public park.

E

Miscellaneous Acts: Agricultural Fair



Definition: Allows a person without motive of gain, to play music (live or recorded) at a government-sponsored agricultural fair [s. 32.2(2)].

Types of work: Musical works.

Example: Country music is played over the loudspeakers at the Royal Agricultural Fair.

E

Miscellaneous Acts: Musical Works



Definition: Allows religious, educational, or charitable organizations to play music (live or recorded) to support their mission [s. 32.2(3)].

Types of work: Musical works.

Example: A charity hosts a dance-off to raise money for a cause.

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Exceptions cards have been labelled

Core (C in bottom right corner)

or

Expanded (E in bottom right corner)

For games where participants have a limited knowledge of copyright, use Core exceptions cards only.

For games where participants have more copyright expertise, use both Core and Expanded exceptions cards.

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Canadian Edition adapted by the
Canadian Copyright Card Game Group:

Mélanie Brunet
Lisa Di Valentino
Rumi Graham
Alex Kohn
Kate Langrell
Obianuju Mollel
Thomas Rouleau
Stephen Spong
Christina Winter

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