

Can the Canadian UGC Exception Be Transplanted Abroad?

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Section 29.21 of the Canadian Copyright Modernization Act introduced a new exception for user-generated content (UGC) in copyright law. This article explores whether the exception can be transplanted abroad. Drawing on insights provided by the recent digital copyright reform in Hong Kong and comparison with the Digital Millennium Copyright Act, this article explains why the Canadian UGC exception would provide an attractive model for legal transplant. It further discusses the processes of evaluation, selection, adaptation and assimilation needed to make the transplant successful. This article then identifies the key objections against the transplant of the Canadian UGC exception to Hong Kong. It focuses on those concerns that are related to compliance with international standards, in particular the TRIPS Agreement. To alleviate these concerns, the article concludes by outlining six additional modifications that can be made to further adapt the proposed transplant.