

The commons and Crown copyright.

It's time for reform in Canada.

Amanda Wakaruk, Copyright Librarian
Creative Commons Canada Community Call
August 22, 2017



What is Crown copyright?

Copyright Act, s.12 (emphasis added)

Without prejudice to any **rights or privileges of the Crown**, where any work is, or has been, **prepared or published by or under the direction or control** of Her Majesty or any government department, the copyright in the work shall, subject to any agreement with the author, **belong to Her Majesty** and in that case shall continue for the remainder of the calendar year of the first publication of the work and for a period of fifty years following the end of that calendar year.

“Crown copyright comes from and is justified by a particular non-democratic conception of government.” -- David Vaver

<https://web.archive.org/web/20100527140536/http://www.lexum.umontreal.ca/conf/dac/en/vaver/vaver.html>



MADE WITH CREATIVE COMMONS



© creative commons

Three ways to manage resources and share wealth: the commons (managed collectively), the state (i.e., the government), and the market.

“The market sees resources as private goods—commodities for sale—from which value is extracted. **The state sees resources as public goods that provide value to state citizens.** The commons sees resources as common goods, providing a common wealth extending beyond state boundaries, to be passed on in undiminished or enhanced form to future generations.”

“The state is increasingly involved in supporting open movements. The Open Government Partnership was launched in 2011 to provide an international platform for governments to become more open, accountable, and responsive to citizens. Since then, it has grown from eight participating countries to seventy. In all these countries, government and civil society are working together to develop and implement ambitious open-government reforms. **Governments are increasingly adopting Creative Commons to ensure works funded with taxpayer dollars are open and free to the public that paid for them.**”

(emphasis added)

Stacey and Pearson, [CC BY SA](https://creativecommons.org/licenses/by-sa/4.0/)

<https://creativecommons.org/2017/04/21/made-with-cc/>

June 12, 1981

COMMONS DEBATES

10545

CROWN COPYRIGHT—REQUEST FOR REVIEW BY GOVERNMENT

Mr. Ian Waddell (Vancouver-Kingsway): Madam Speaker, my supplementary question is for the Prime Minister and it refers to government policy for distributing documents. In the United States every document is public property and can be distributed. In Canada we have Crown copyright, which is quite proper. Documents come out in this form and are very rarely distributed in this way. In the United Kingdom there is a sort of a middle road where there is Crown copyright but through a government circular some documents are made available to be published like this.

I hesitate to use the words, but in the interests of “participatory democracy”, which some people may still believe in, is the Prime Minister prepared to commit the government at least to reviewing the nature of publishing documents and government reports so that they can get out to the people who can read, in this case about the workings of the oil monopoly in Canada? They would become better informed citizens and would be able to deal with these problems.

Hon. J.-J. Blais (Minister of Supply and Services): Madam Speaker, I want to advise the hon. gentleman that the policy he has described is exactly that which I follow. I enter into negotiations on a regular basis, a bona fide basis, and I do grant the copyright at any time there is justification. The purpose of the policy that I follow is to make available to as many Canadians as possible the information they ought to have. In effect that is why the report is available both in summary and in complete form. As for negotiations, anyone who wants to deal with me in good faith, Madam Speaker, can rest assured that I will deal with him in good faith.

* * *

- 1984 white paper recommended that guidelines be created to prevent unduly restrictions to public access to government works

- 1985 report of the Sub-Committee of the House of Commons Standing Committee on Communications and Culture on the Revision of Copyright recommended that, “Crown copyright be abolished for some categories of materials and that the scope be greatly restricted for other categories.”

See Judge, Elizabeth F. “Crown Copyright and Copyright Reform in Canada,” 2005.

service will be extended to the suburbs of Calgary when manpower becomes available. either by the lifting of con-

Routine Proceedings

I would particularly like to pay tribute to the hon. member for Outremont for his work in chairing the subcommittee that drafted this report.

[*Editor's Note: See today's Votes and Proceedings.*]

* * *

COPYRIGHT ACT

MEASURE TO AMEND

Hon. Bob Kaplan (York Centre) moved for leave to introduce Bill C-442, an act to amend the Copyright Act.

Madam Deputy Speaker: Pursuant to Standing Order 68(2), the motion is deemed adopted.

Mr. Kaplan: Madam Speaker, under the Canadian Copyright Act, which follows a British precedent several hundred years old, the copyright of documents which are issued by the government including statutes, for example, are the private property of the Crown. Anyone who copies them theoretically and legally is responsible to pay a royalty for them.

This is inconsistent with the practice in most other countries and the purpose of this proposed law is to abolish the Crown copyright and make public documents public property.

Madam Deputy Speaker: Mr. Kaplan moves that the bill be now read the first time and printed.

Pursuant to Standing Order 69(1), the motion is deemed adopted.

Bill read the first time and printed.

* * *

Reproduction of Federal Law Order

SI/97-5

Registration 1997-01-08

Reproduction of Federal Law Order


P.C. 1996-1995 1996-12-19

Whereas it is of fundamental importance to a democratic society that its law be widely known and that its citizens have unimpeded access to that law;

And whereas the Government of Canada wishes to facilitate access to its law by licensing the reproduction of federal law without charge or permission;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Canadian Heritage, the Minister of Industry, the Minister of Public Works and Government Services, the Minister of Justice and the Treasury Board, hereby makes the annexed *Reproduction of Federal Law Order*.

Reproduction of Federal Law Order



Anyone may, without charge or request for permission, reproduce enactments and consolidations of enactments of the Government of Canada, and decisions and reasons for decisions of federally-constituted courts and administrative tribunals, provided due diligence is exercised in ensuring the accuracy of the materials reproduced and the reproduction is not represented as an official version.

SI/98-113(F).

Date modified: 2016-12-02

<http://laws.justice.gc.ca/eng/regulations/SI-97-5/FullText.html>

Why did they exclude government publications?

Commission on the Future of Health Care in Canada / Commission sur l'avenir des soins de santé au Canada

BUILD on VAL

THE FUTURE OF HEALTH CARE IN CANADA

ROY J. ROMANOW, COMMISSIOER

Final Report NOVEMBER 2007

2012 State of the Nation

Canada's Science, Technology and Innovation System: Aspiring to...

National Aboriginal Day / Journée nationale des Autochtones

2009

COMMUNICATIONS AND INFORMATION

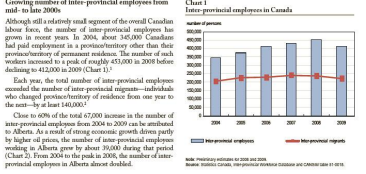
ECONOMIC INSIGHTS

Inter provincial Employees in Canada

Inter-provincial Employees in Canada
by Christine Laporte and Yagui Lu

This article in the *Economic Insights* series presents new evidence on inter-provincial paid employment in Canada. It provides detailed information by province of residence and province of work. This article replicates the monthly paid-provincial employee data, by Christine Laporte, Yagui Lu, and Grant Scullough.

Every year, workers leave their employers in search of better job opportunities, and employers adjust the size of their workforce in response to numerous economic factors. As part of this labour adjustment process, some individuals and their families move to a different location within the same province/territory. Others move permanently to other provinces/territories. A third group—inter-provincial employees—maintains a permanent residence in a given province/territory while working in a different province/territory. Although inter-provincial employees have played an increasingly important role in Canada in recent years, relatively little is known about them. Using novel administrative data, new research fills this gap and documents for the first time the number, origin, and destination of inter-provincial employees throughout much of the 2000s.



Source: Statistics Canada, Interprovincial Employees Database and Census data by province.

Foreign Affairs, Trade and Development Canada

Canada Urges Uganda to Reconsider Draft Anti-Homosexuality Bill

News Releases

2013
2012
2011
2010
2009

Canada Urges Uganda to Reconsider Draft Anti-Homosexuality Bill

(No. 301 - December 11, 2009 - 7:30 a.m. EST) The Honourable Lawrence Cannon, Minister of Foreign Affairs, today urged the Government of Uganda to reconsider its offensive anti-homosexuality bill recently introduced by the country's parliament.

"Canada calls on Uganda to respect its obligations under international human rights law, ensuring equal enjoyment of rights for all its citizens," said Minister Cannon.

"The draft bill is deplorable and disregards basic human rights and fundamental freedoms. Uganda has already criminalized homosexuality, and this bill would deepen that oppression, imposing severe penalties, including the death penalty and life imprisonment. The Government of Uganda must protect all Ugandans, regardless of sexual orientation, from discrimination and abuse."

In November, Prime Minister Stephen Harper raised Canada's deep concern and strong opposition to the bill when he met with Uganda's President Yoweri Museveni at the Commonwealth Heads of Government Meeting in Trinidad and Tobago.

The promotion and protection of human rights is an integral part of Canadian foreign policy. Canada has clearly spoken out against human rights violations committed against persons on the basis of their sexual orientation.

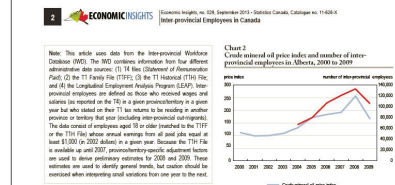
Discrimination on the basis of sexual orientation violates international human rights treaties to which Uganda is a party.

The Government of Canada supports freedom, democracy, human rights and the rule of law.

- 30 -

media representatives may contact:

Foreign Affairs
International Trade Canada



Manitoba and Saskatchewan also posted strong increases in inter-provincial employment. From 2004 to 2009, the numbers of such employees working in these two provinces grew by 33% and 41%, respectively, compared to about 20% across the country.

Most inter-provincial employees work in Ontario and Alberta. Given the relatively large size of its economy, Ontario was the most frequent destination for inter-provincial employees. In 2009, about 33,000 inter-provincial employees, or about one-third of the national total, worked in the province (Table 1).

Alberta was the second-most popular destination for inter-provincial employees working in that province in 2009. The strong increase in world commodity prices during the 2000s and resulting GDP growth also likely underpinned part of Saskatchewan's growing importance as a destination for inter-provincial employees.

Table 1 Provinces/territories receiving inter-provincial employees, 2004 to 2009

Province/Territory	2004	2005	2006	2007	2008	2009	Yr. % ch.
Alberta	11,700	12,500	13,300	14,100	14,900	15,700	33%
British Columbia	1,500	1,600	1,700	1,800	1,900	2,000	33%
Manitoba	5,000	5,500	6,000	6,500	7,000	7,500	50%
Ontario	20,000	22,000	24,000	26,000	28,000	30,000	50%
Quebec	3,000	3,200	3,400	3,600	3,800	4,000	33%
Saskatchewan	10,000	11,000	12,000	13,000	14,000	15,000	50%
Atlantic	2,000	2,100	2,200	2,300	2,400	2,500	25%
Canada	25,000	27,000	29,000	31,000	33,000	35,000	40%

THE FUTURE OF CANADA'S COMMERCIAL FISHERIES

A Discussion Document

Fisheries and Oceans Canada / Pêches et Océans Canada

¹ The total number of individuals aged 15 or older who received paid employment income in 2009 was 16.2 million. Inter-provincial employees (912,000) represented 2.2% of employees in Canada's total paid workforce.

² List of inter-provincial employees' destinations by province, about 100,000 total before inter-provincial employees in just year. The Y-axis lists the five inter-provincial employees' comparable to the five other provinces/territories.

Web Renewal Action Plan



Treasury Board of Canada Secretariat

Canada

Home > M

Departmental Activities | Policy Suite | Information for | Resource Centre

Home > TB Policy Suite > Web Standards > Web Usability > Reduce Redundant, Outdated and Trivial Content

Reduce Redundant, Outdated and Trivial Content

Government of Canada websites should deliver easy-to-find, clear, accurate, up-to-date information to their visitors. To make government information easy to find and use, government departments need to be aware of the information published online and ensure quality information is delivered, evaluated and reviewed regularly.

The key steps in managing an effective content lifecycle are outlined below.

The benefits of removing Web content that has become redundant, outdated or trivial (ROT) include:

- Increased ease of finding and using Web content
- A better experience for visitors
- Decreased website maintenance costs
- Enhanced ability to deliver services online

thus improve services by saving clients time and effort.

Web Standards

Web Accessibility

Assessment Methodology

Web Experience Toolkit

Web Usability

Reduce Redundant, Outdated and Trivial Content

Sample Notices

Web Interoperability

Mobile Optimization

Technical Specifications for the Web and Mobile Presence

Web Communities

Show table of contents

Federal government correspondence

Asked permission to web archive site (2012):

Unfortunately we are not in a position to help advise you on how to resolve your technical difficulties in archiving GoC website content.*

*My more immediate concern is ensuring you are provided proper guidance and information regarding Crown Copyright and Licensing and what the...
archive...
institute...
email to the Crown Copyright and Licensing and Library of Canada seeking their advice and input on this matter.*

Where is such guidance and why is it necessary if noncommercial use is ok?

*not wanting to circumvent a robot.txt file

Asked permission to web archive site (2013):

I apologize for the delay in getting back to you. Unfortunately, we decline your request to allow your user agent archive.org_bot to crawl the website. To respect the recommendation of the Office of the Privacy Commissioner of Canada that xxx protect personal information on their website... protocols, the xx... col to prevent... from crawling... at include personal information about individuals who participate in xxx processes and displaying these search results.

Why is restricted personal information openly available on a government web site in the first place?

Federal government correspondence

Asked permission to make a copy for a library collection (2015):

Usually, when a publication is not on the website anymore, it means it is no longer available to the public and the government of Canada is not allowed to be reproduced even for a non-commercial purpose. If the publication is owned by xxxxx, you should contact your research:

New restrictions for new formats? Were print publications ever withdrawn from depository libraries?

<http://www.DEPARTMENT.gc.ca/home-accueil/important-eng.php>

What is Open Government?



The screenshot shows the top navigation bar of the Government of Canada website. It includes the Canadian flag, the text "Government of Canada" and "Gouvernement du Canada", and a menu with "Jobs", "Immigration", "Travel", and "Business". Below the navigation is a breadcrumb trail: "Home → Open Government". The main heading is "Open Government". The introductory text reads: "Welcome to Canada's new Open Government portal. Here you can explore how the Government of Canada is working with the national and international open government community to create greater transparency and accountability, increase citizen engagement, and drive innovation and economic opportunities through open data, open information, and open dialogue."

Open Government Portal

As we launch this enhanced integrated Open Government Portal search, you may notice that there has been a reduction in the number of open information records. Please note that you can still access the publications that no longer appear here by visiting: [Government of Canada Publications](#) and [Library and Archives Canada](#). If you have any comments or questions [contact us!](#)

Search Records

Search...

Suggest a Dataset

222 records found

Order by

Relevance

Search Filters [Clear All](#)

Portal Type

- Open Data (118244)
- Open Information (222)

✖ Clear All

Collection Type

- Publications (222)

✖ Clear All

Librarian Questions (email correspondence with TBS Open Government Team, November 2016):

Q: What is covered under the Open Government licence?

A: The Open Government Licence covers everything that is published on open.canada.ca (datasets, open information, proactive disclosure, access to information requests).

Q: Does this include ALL information published and openly disseminated by the Government of Canada? That is, publications and documents regardless of format?

A: No, the Open Government Licence only applies to what is published on open.canada.ca (regardless of format).

What is Open Government? (Dec 2016)

The screenshot shows the top navigation bar of the Government of Canada website. It includes the Canadian flag, the text "Government of Canada" and "Gouvernement du Canada", and a menu with "Jobs", "Immigration", "Travel", and "Business". Below this is a breadcrumb trail: "Home → Open Government". The main heading is "Open Government", followed by a welcome message: "Welcome to Canada's new Open Government portal. Here you can explore how the Government of Canada is working with the national and international open government community to create greater transparency and accountability, increase citizen engagement, and drive innovation and economic opportunities through open data, open information, and open dialogue."

The screenshot shows the "Open Government Portal" search interface. At the top, there is a "Search Filters" section with a "Clear All" link. Below it are two filter panels: "Portal Type" with options "Open Data (121900)", "Open Information (53)" (checked), and "Clear All"; and "Collection Type" with options "Publications (53)" and "Clear All". The main search area has a search bar with "Search...", a "Suggest a Dataset" button, and a search icon. Below the search bar, it says "53 records found" and "Order by Last Modified". A green arrow points from the search icon to the "Collection Type" filter panel.

Librarian Questions (email correspondence with TBS Open Government Team, November 2016):

Q: What is covered under the Open Government licence?

A: The Open Government Licence covers everything that is published on open.canada.ca (datasets, open information, proactive disclosure, access to information requests).

Q: Does this include ALL information published and openly disseminated by the Government of Canada? That is, publications and documents regardless of format?

A: No, the Open Government Licence only applies to what is published on open.canada.ca (regardless of format).

Open Information Portal

i Our goal is to provide access to all information collections throughout the Government of Canada. To accomplish this, we are applying a 'phased' approach to integrate the different technical systems currently in use across the Government of Canada. This release of the 'Open Information portal' is the first of multiple

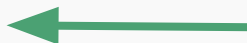
Removed due to incompatibility with OGL (e.g., Crown copyright).

Sea

Search...



170,180 resources found



Order by

Last Modified

Search Filters

Language

[English \(97964\)](#)

[French \(86684\)](#)

Organization

[Statistics Canada \(19231\)](#)

[Canada Mortgage and](#)

[Housing Corporation \(13426\)](#)

[Fisheries and Oceans Canada](#)

[\(8489\)](#)

[Health Canada \(8037\)](#)

[Natural Resources Canada](#)

[\(6220\)](#)

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Search

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Forests ▾

Earth Sciences ▾

Hazards ▾

Explosives ▾

The North ▾

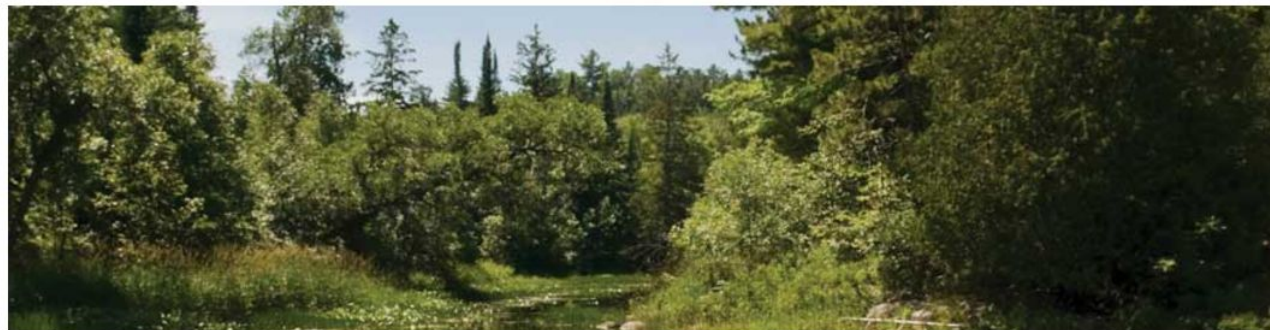
Climate Change ▾

[Home](#) → [Energy](#) → [Energy Resources](#) → [Energy Publications](#) → [Reports and Publications](#) → Oil Sands: Indigenous peoples

Energy

[Energy Sources and Distribution](#)[Energy Efficiency](#)[Energy Resources](#)[Energy Pipeline Projects](#)[Mission Innovation](#)[International Energy Cooperation](#)[Funding, Grants and Incentives](#)[Energy Offices and Labs](#)

Oil Sands: Indigenous peoples

[PDF version](#), 1.61 MB

Impact of the oil sands on Indigenous communities

About 23,000 Indigenous peoples from 18 First Nations and 6 Métis settlements live in the oil sands region in northeast Alberta. Some Indigenous peoples in the region have expressed concern over the cumulative effects of oil sands development. The Government of Canada is working directly with Indigenous communities in and around the oil sands region to address and manage the impacts of development.



Oil Sands

A strategic resource for Canada, North America and the global market

Indigenous peoples

Impact of the oil sands on Indigenous communities

major project reviews was announced that includes five principles. Two of these principles directly address concerns expressed to the Government of Canada by Indigenous peoples:

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For information regarding reproduction rights, contact Natural Resources Canada at copyright.droitdauteur@nrcan-rncan.gc.ca.

Aussi disponible en français sous le titre : Sables bitumineux : Peuples autochtones

May 2016

Crown Copyright

Advantages

Government's perspective:

- Revenue generation: provides monopoly over the production, reproduction, performance, or publication of a work.
- Integrity, accuracy, authenticity of the work. (Official marks are a better mechanism than Crown copyright for these purposes.)

User's perspective:

- Can't think of any.

Disadvantages

Government's perspective:

- Administration: Have to staff positions to answer permission requests, questions.

User's perspective:

- Barrier to re-use (limited distribution/access, fees, etc.).
- Bolsters democratic deficit, especially given that aims are at odds with Open Government principles.

My (select) requests for information about OGL and/or Crown copyright from federal government agencies and departments:

June 2011, *Crown Copyright Licensing*:

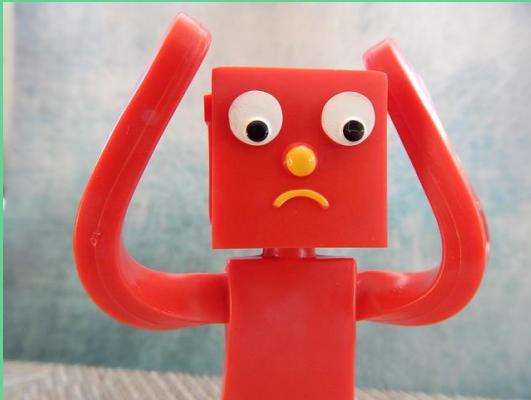
- provided email confirmation that TBS (non-commercial) terms of use applied across formats.

January 2015 - current, *Open Government Canada* (TBS):

- Open Government Licence (OGL) only applies to publications on open.canada.ca (222 as of Aug 2017)

November 30, 2016, *Canadian Heritage and Innovation, Science, and Economic Development Canada*:

- encourage public input, confirmed briefing file for Crown copyright exists



E-petitions

Home Sign or View Create Responses About Contact

 Sign In

Please note that e-mail addresses from the Government of Canada may not be used to create, support, or sign an e-petition.

 Subscribe to RSS Feed

E-1116 (COPYRIGHT)

Sign the petition










42ND PARLIAMENT

Initiated by Amanda Wakaruk from

keywords Crown copyright Patent

The Petition is open for signature

FixCrownCopyright.ca

-  Petition details 
-  Sponsor 
-  History 
-  Signatures (956)  

e-petition on Crown copyright

Canadians have a right to use and re-use works produced by their government. Unfortunately, because of our outdated system of Crown copyright, such uses are unduly restricted.

Whereas

- access to government information and the ability to distribute and encourage its re-use is of fundamental importance to a democratic society, as noted in the *Reproduction of Federal Law Order*, SI/97-5 <http://laws.justice.gc.ca/eng/regulations/SI-97-5/FullText.html>)
- the Government of Canada is committed to open government principles (<http://open.canada.ca/>)
- the Government of Canada believes that (commercial) exploitation of IP contributes to economic growth and job creation, and that such exploitation is best achieved outside of government (as noted in TBS Policy <http://www.ic.gc.ca/eic/site/068.nsf/eng/00005.html>)
- academic library projects to preserve and provide access to government works have been delayed or prevented due to confusion over Crown copyright (e.g., Canadian government publications restricted in HathiTrust, hundreds of hours spent to obtain permissions, etc.)

Whereas

- current interpretations of existing government terms of use and government licences by government employees are inconsistent and confusing, especially since the closure of the Crown Copyright Licensing program in 2013 (<http://publications.gc.ca/site/eng/ccl/index.html>, see also <http://www.michaelgeist.ca/2013/11/crown-copyright-change/>)
- objectives of copyright law do not apply to publicly disseminated government works given that such works are created by public organizations for the benefit of the public (as per the Supreme Court of Canada in *Théberge v. Galerie d'Art du Petit Champlain* and *CCH v. LSUC*, which state that the objective of the law is to balance the incentivization and rewarding of creators with the encouragement of disseminating works in order to benefit society)
- the Government of Canada almost never pursues Crown copyright infringement claims (e.g., see Sessional paper 8555-412-57, tabled December 4, 2013, House of Commons)
- not all government works are intended for broad dissemination
- some works published by government agencies are authored or prepared by third parties
- the *Reproduction of Federal Law Order* is limited to federally-constituted courts and administrative tribunals

Having to ask permission to use government publications is a barrier.

Government employees not being able to or taking an unreasonable amount of time to answer requests for permission to use government publications is a barrier.

Government employees providing inconsistent answers to requests for permissions to use government publications is a barrier.

Crown copyright is a barrier.

We, the undersigned citizens or residents of Canada call upon the House of Commons to add Section 12.1 to the *Copyright Act*:

12.1 Works noted in section 12 are no longer protected by copyright upon being made available to the public.

<https://petitions.ourcommons.ca/en/Petition/Details?Petition=e-1116>

**CC0 as a default for
government
publications is a
barrier-free solution.**

<https://wiki.creativecommons.org/wiki/CC0>

Questions?

Amanda Wakaruk, MLIS, MES
Copyright Librarian
University of Alberta

<https://sites.google.com/a/uaberta.ca/wakaruk/>

amanda.wakaruk@ualberta.ca

@awakaruk (personal)

[FixCrownCopyright.ca](https://www.fixcrowncopyright.ca)



Courtesy of Kim Kemmer

Resources

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