



Why you should care about and contribute to the review of Canada's *Copyright Act*

Amanda Wakaruk, Copyright Librarian
NEOS Miniconference, June 8, 2018

Michael Geist

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Aquarium Nov 24th, 2013 by GoToVan (CC BY 2.0) https://flic.kr/p/15mzXE

Why Fair Dealing Safeguards Freedom of Expression: The Case of the Vancouver Aquarium
February 28, 2018

WHAT IF I TOLD YOU ...



THAT THIS MEME WOULDN'T BE POSSIBLE WITHOUT FAIR DEALING

UNIVERSITY OF ALBERTA LIBRARIES

Search & Home News / Workshops Services Subject Guide

Interlibrary Loan/Document Delivery

The UofA Libraries and NEOS don't have an item you're looking for? We will try to get it from another library.

Authors Guild, Inc. v. Google Inc.
Written by Kyle C. Courtney art by Jackie Roche

Authors Guild, Inc. v. Google Inc. is one of the most famous of all U.S. Fair use cases, and its origins emerge from the worlds of libraries and technology.

Inspired by the extraordinary digitization projects underway all around the world, such as the Library of Congress's American Memory project and Project Gutenberg, Google co-founder Larry Page thought of using digitization to increase access to the world of books.

SOCAN v Bell: The 30-Second Preview as Infringement or Fair Dealing?

BY NANCY SITU · JANUARY 30, 2012

Do you like to try before you buy? Also known as the "Apple iTunes" case, *SOCAN v Bell* considers whether the 30-second preview clips made available to consumers by online music retailers constitute an exception pursuant to s. 29 of the *Copyright Act*, RSC 1985, c C-42, which states that "[f]air dealing for the purpose of research or private study does not infringe copyright," and if so, whether the use of these previews is fair.



TAKE ACTION

LEARN MORE

ABOUT US



I VALUE CANADIAN STORIES

WE ENTRUST CANADIAN CREATORS TO TELL OUR STORIES.
THEY NEED OUR HELP TO ENSURE THEY ARE PROPERLY
COMPENSATED.

TAKE ACTION

[Learn More](#)

FROM <http://ivaluecanadianstories.ca/> :

This initiative is a coalition of associations across the creative industries who are calling on the federal government to restore fair compensation to creators and publishers for the use of their works by the education sector.

Over the past five years, creators and publishers have found their ability to make a living under threat as a result of how the education sector has interpreted the addition of “education” as an allowable purpose under fair dealing.

Canadian creators and publishers shouldn't be forced to subsidize the education system.

SEE [#copyrightreview](#)



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Parliamentary Business

COMMITTEES ▸ INDU

Standing Committee on Industry, Science and Technology

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42nd Parliament, 1st Session (December 3, 2015 - Present)

STATUTORY REVIEW OF THE COPYRIGHT ACT

Last meeting: Tuesday, May 22, 2018

<http://www.ourcommons.ca/Committees/en/INDU/StudyActivity?studyActivityId=9897131>



COMMITTEES ▸ INDU

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42nd Parliament, 1st Session (December 3, 2015 -

STATUTORY REVIEW OF THE

Last meeting: Tuesday, May 29, 2018

Participate

Submit a brief.

Witnesses (90)

May 29, 2018 (Meeting 118)

Canadian Publishers' Council

David Swail, President

News Media Canada

John Hinds, President and Chief Executive Officer

Wikimedia Canada

Jean-Philippe Béland, Vice-President

May 24, 2018 (Meeting 117)

Canadian School Boards Association

Cynthia Andrew, Policy Analyst

Canadian Teachers' Federation

H. Mark Ramsankar, President

University of Calgary

Dru Marshall, Provost and Vice-President

Brief (PDF)

Published on: Monday, April 16, 2018 to 8:43 a.m. (EDT)

Information

Order of Reference

Briefs (21)

Search Briefs by Name

Nair, Meera

Brief (PDF)

Published on: Thursday, May 31, 2018 to 4:16 p.m. (EDT)

Patriquin, Donald

Brief (PDF)

Published on: Thursday, May 31, 2018 to 4:16 p.m. (EDT)

Canadian Federation of Musicians

Brief (PDF)

Published on: Thursday, May 31, 2018 to 4:15 p.m. (EDT)

Copibec

Appeared: Tuesday, May 22, 2018

Brief (PDF)

Published on: Thursday, May 31, 2018 to 4:14 p.m. (EDT)

International Publishers Association

Appeared: Wednesday, May 9, 2018

Brief (PDF)

Published on: Thursday, May 31, 2018 to 4:14 p.m. (EDT)

Copyright pressure points for academic librarians

- Maintaining licensed resources that meet the needs of the academy, including **long term stewardship**.
 - Advocating for ‘**contract override**’ provision.*
 - Expanding or clarity around **LAM 30.1** (digital [exhaustion?](#)).
- Migrating content off “becoming obsolete” technology (e.g., LAM 30.1).
 - **Clarification of right to circumvent digital locks/TPMs*** for fair dealing and other allowable purposes.
- Digitizing / web archiving content for collection development purposes. Project delays / clawbacks due to difficulty of obtaining rights, institutional risk tolerance too low to proceed, etc.
 - **Crown copyright** confusion**
 - **Orphan works** (including publishers who can’t confirm rights holder, never respond)
 - Fear of possible changes to **term lengths, statutory damages**, nature of infringement
 - **Fair dealing*** chill

Statutory Review of the Copyright Act: How to Make Sure Your Voice is Heard



The statutory review of the *Copyright Act* is now underway. The outcome of this review could have a significant impact on post-secondary institutions, so it is important to ensure that a broad range of voices from this sector make their views heard during the consultations.

Key issues for PSE:

- A. education as a purpose for fair dealing
- B. copyright term
- C. technical protection measures (TPMs)
- D. Crown copyright
- E. Indigenous knowledge and copyright

<https://blog.ualberta.ca/statutory-review-of-the-copyright-act-how-to-make-sure-your-voice-is-heard-218fb2cf7ea3>

Fix Crown Copyright

This page was originally created to support a House of Commons (Canada) [e-petition on Crown copyright](#) that closed on September 23, 2017 and was [tabled in the House of Commons](#) on October 20, 2017. See below for details about the petition.

On March 29, 2018, the House of Commons [launched its statutory review of the Copyright Act](#). Please consider asking the lead [Committee](#) and [your MP](#) to reform Canada's outdated system of Crown copyright. Information about meetings and hearings related to the *Copyright Act* review can be [found here](#).

Related Information

[CAUT statement and response to MP questions about](#) Crown copyright before the House of Commons Standing Committee on Industry, Science and Technology. April 17, 2018. Time codes: Crown copyright noted at 16:55:00 and MP questions presented at 17:14:10.

SHOUT for Libraries. Canadian Copyright. <https://soundcloud.com/cjsrfrm/s4l-copyright> CJSR Podcast, January 19, 2018. (interview with Amanda Wakaruk)

CAUT. The case for balanced copyright. <https://www.caut.ca/bulletin/2017/12/case-balanced-copyright> *Bulletin*, December 2017.

Wakaruk, Amanda. [Opinion: Government belongs to the people; so should its documents](#). *Edmonton Journal*, June 3, 2017.

Climenhaga, David. [CANADIAN GOVERNMENT PUBLICATIONS STILL DON'T BELONG TO THE PEOPLE AS OTTAWA MAINTAINS ITS IRON GRIP ON CROWN COPYRIGHT](#). *Alberta Politics*, September 14, 2017.

University of Alberta Libraries. [A Simple Fix for Cringeworthy Crown Copyright](#). *University of Alberta Libraries News*. September 13, 2017

Twitter: [CAUT Support](#), [Creative Commons Canada Support](#)

e-petition on Crown copyright

As noted above, this page was created to support a House of Commons [e-petition on Crown copyright](#) that closed on September 23, 2017 and was [tabled in the House of Commons](#) on October 20, 2017. The petition requested that the Government of Canada respond to the longstanding need to fix Crown copyright in Canada and received almost three times the number of signatories required for certification.

As the petitioner, I made this request as a private citizen. However, it is informed by more than 15 years of working as a professional academic librarian with specializations in government information and, more recently, copyright. This is one of the ways I am trying to address barriers to the work of my employers (over the years), support frustrated library users, and contribute to the public good. I am not claiming that this e-petition or other materials on this web site represent the views of my employer.



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



Consultations, meetings, briefs, reports

Standing Committee on Industry, Science and Technology (INDU) [House of Commons]

- Parliament referred review to INDU December 2017
- Review [announced](#) March 2018, to be completed by early 2019:
 - Phase 1, specific sectors, included [public hearings](#), May 7-11
 - Phase 2, range of / multiple sectors
 - Phase 3, legal experts

Standing Committee on Canadian Heritage (CHPC) [House of Commons]

- Study on the [Remuneration Models for Artists and Creative Industries](#) in the context of copyright (1st mtg May 22)

[Copyright Board of Canada](#) studies:

- ISED [federal department] [consultation](#), summer 2017
- Standing Senate Cmte on Banking, Trade, and Commerce, [report](#), Nov 2016



Staying up to date

Library Association

CFLA: <http://cfla-fcab.ca/en/advocacy/cross-canada-copyright-consultations/>

Bloggers

Michael Geist: <http://www.michaelgeist.ca>

Howard Knopf: <http://excesscopyright.blogspot.ca>

Meera Nair: <https://fairduty.wordpress.com>

Hashtags

#copyrightreview #faircopyright

#fairdealingworks #fixfairdealing

Questions?

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

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FixCrownCopyright.ca



Courtesy of Kim Kemmer



DR. MICHAEL GEIST

2017

COPYRIGHT REVIEW

@mgeist
#OUCEL17

HISTORY

2000-2012



USER EXCEPTIONS

- FAIR DEALING EXPANSION
- FORMAT TIME SHIFTING



RIGHTS HOLDER

- DMCA - TPP
- ISP LIABILITY
- STAT DAMAGES



- o NOTICE + NOTICE
- o FIGHT FAIR DEALING
- o ANTI-CIRCUMVENTION



NEW LEGISLATION

- o SOUND RECORDING ACCESSIBILITY
- o MARRAKESH
- o TERM EXTENSION

TRADE AGREEMENT

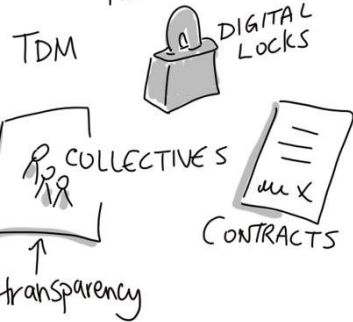
- CETA
- TPP
- NAFTA - secret?
 - ↳ automotive
 - ↳ mining
 - ↳ steel manufacturing

WHAT NEXT?

- PHASE
- 1 - COPYRIGHT BOARD (2017)
 - 2 - IP STRATEGY (awaiting response)
 - 3 - REVIEW
 - 5yr mandate
 - NOV 2017
 - ctee TBD - industry
 - Broad ISSUES
 - 8-12 months

CANADA SHOULD MOVE TOWARDS
FAIR USE

flexibility



@giuliaforsythe