

CARL Statement on the United States-Mexico-Canada Agreement (USMCA)

On September 30th, 2018, the United States, Canada and Mexico announced the United States-Mexico-Canada Agreement (USMCA). The Canadian Association of Research Libraries (CARL) recognizes the importance of securing a modernized continental trade agreement for the contemporary digital economy. However, we are concerned that the new agreement extends the term of copyright from 50 years to 70 years after the artist or creator's death. Because of this provision, no works will enter the public domain for 20 years after USMCA is ratified.

CARL, in partnership with the Canadian Library Association and the Canadian Urban Libraries Council, detailed the negative effects of extending term of copyright in a joint submission to the Government regarding TPP in 2016. Our counsel at that time holds true for USMCA today:

“Libraries and Archives fund non-commercial digitization projects that depend on the ongoing release of new materials into the public domain. The digitization work and access to a rich array of materials will grind to a premature halt if copyright term is extended... The net result is that new forms of knowledge and creativity will be constrained; scholars won't be able to write new critical works that require copying beyond fair dealing, books won't be republished; students and teachers won't be able to get permission to scan or photocopy long out of print books; and the job of libraries, archives, and museums in preserving Canada's historical and cultural materials will be made more difficult.”

We believe that a term of copyright of life plus 50 years is adequate to reward rights holders and beneficiaries, while balancing the benefits that a robust public domain has for Canada's knowledge-based economy. Unfortunately, although the USMCA exports more restrictive elements of U.S. Copyright Laws to Canada, it does not balance this by importing more permissive elements of U.S. law that protect the public interest, such as the more open-ended concept of fair use, or the exemption of government works from copyright. These changes should now be considered even more seriously within the current Parliamentary review of the *Act*.

CARL and its member institutions are unwavering in our commitment to a robust public domain, to fair dealing and reasonable limits and exceptions that allow information consumers – students, educators, citizens -- to use and learn from Canada's wealth of creative works.

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About CARL

CARL is the national voice of Canada's 31 largest research libraries, comprised of facilities located in 29 research-intensive universities, as well as Library and Archives Canada and the National Research Council's National Science Library. CARL member-institutions support research, innovation and education by making content available to researchers and students, by preserving and managing content, and by teaching information and digital literacy skills to our nation's established and emerging scholars and citizens. In support of those mandates, CARL member-libraries spend over \$340 million annually on information resources. CARL members are committed to serving the public interest by preserving cultural and scientific heritage in all formats.

- [CARL's Contributions to the 2018 Copyright Review](#)
- [Canadian Libraries' Response to Chapter 18 of the Trans-Pacific Partnership Agreement](#)

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