

CARL Statement on the INDU Report on the *Copyright Act*

CARL applauds the Standing Committee on Industry, Science and Technology (INDU) for the reasoned analysis and balanced conclusions in their recent [Statutory Review of the Copyright Act](#) report.

CARL President Jonathan Bengtson remarked, “The INDU Committee has done an exceptional job of producing a set of recommendations that retains a balanced approach between creator and user rights, and begins to tackle important issues such as Indigenous autonomy in the areas of traditional knowledge and traditional cultural expressions.”

The report includes 36 recommendations, many of which reflect the positions put forward by CARL and our member institutions in their briefs and appearances before Committee. Notable highlights for the research library community include:

- Amending the fair dealing exception so that allowable purposes are illustrative rather than exhaustive (Rec 18);
- Applying open licences to Canadian Government works (Rec 11);
- Facilitating the use of a work or other subject matter for the purpose of informational analysis (i.e. text and data mining) (Rec 23);
- Relaxing anti-circumvention rules so that Technical Protection Measures can “generally not prevent someone from committing an act otherwise authorized under the Act”¹ (Rec 19);
- Opposing the extension of copyright as required as part of the USMCA but, in the event that it is ratified by all parties, recommending both a registration system and a reversion right to counteract some of the disadvantages of term extension² (Recs 6-8);
- Engaging in comprehensive consultations with “Indigenous groups, experts and others on the protection of traditional arts and cultural expressions in the context of Reconciliation”³ (Rec 5);
- Prioritizing means for ensuring that works are made available in accessible formats to benefit persons with a perceptual disability (Rec 24).

CARL is pleased that the Committee refrained from recommending changes to educational fair dealing, preferring to allow for the courts to decide on pertinent cases. In addition, the INDU Committee rightly recognized that “the decline of collective licensing in education has arguably more to do with technological change than it does with fair dealing.”⁴ In that context, CARL supports the Committee’s rejection of a number of suggested amendments that would have undermined the balance between creator and user rights in the Canadian *Copyright Act*, such as the Standing Committee on Canadian Heritage’s recommendation in their [Shifting Paradigms](#)

¹ Statutory Review of the Copyright Act: Report of the Standing Committee on Industry, Science and Technology. (June 2019). P.72. Retrieved June 7, 2019, from <https://www.ourcommons.ca/DocumentViewer/en/42-1/INDU/report-16/>

² P. 38-39.

³ P. 30.

⁴ Statutory Review of the Copyright Act, P. 64.

report that educational uses of fair dealing be limited only to those where there is no 'commercially available' copy⁵.

Further means of studying the copyright and artist remuneration landscapes are also recommended in the report, including having Statistics Canada develop new measures on the economic impact of copyright, and creating two Research Chairs, one on Remuneration and Business Models for Creators and Creative Industries in the Digital Economy and another on the Economics of Copyright. CARL supports INDU's plans for additional research, consultation, and study to gather evidence on specific aspects of a complex copyright environment (Recs 3-5; 15; 17; 24; 33-36) and looks forward to learning about the Government of Canada's plans to implement an 'open by default' approach to all government works.

CARL and its member institutions were active participants in the review process, speaking on behalf of information users alongside a number of other library, student and educator groups. Over the last two years, CARL has worked diligently to defend fair dealing and advocate for improvements to copyright that would benefit researchers, students, and research libraries, and serve the public good. All of CARL's contributions to the review, which are cited multiple times in the report, are available [on the CARL website](#). CARL also maintains the [Fair Dealing Canada](#) website.

The research library community looks forward to participating in future discussions with the government regarding copyright, including as part of the consultations recommended in this report.

June 2019

⁵ Shifting Paradigms: Report of the Standing Committee on Canadian Heritage. (May 2019), P. 64. Retrieved June 7, 2019 from <https://www.ourcommons.ca/DocumentViewer/en/42-1/CHPC/report-19/>