



Response to Global Affairs Canada Consultations on North American Free Trade Agreement Renegotiation and Modernization

The Canadian Association of Research Libraries (CARL) wishes to raise a number of concerns related to policies that are likely to be discussed in the upcoming renegotiation of the North American Free Trade Agreement (NAFTA).

CARL represents Canada's largest research libraries – institutions that 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. CARL members are committed to serving the public interest by preserving cultural and scientific heritage in all formats, which makes us particularly interested in safeguarding practices and policies that are integral to our work and to the activities of the populations we serve. Libraries are also deeply committed to equal access to information, and to the privacy of our users, which in this digital age has meant speaking up for the right to online privacy for all Canadians.

During the 2016 TPP consultation process, CARL participated actively and expressed concern with two aspects of the draft agreement: the mandatory extension of term of copyright protection to life plus 70 years, and the requirement for a fixed interpretation of digital locks.

CARL is concerned that Canada will again be asked to make such changes to our rules around intellectual property, and may also be encouraged to alter current provisions for privacy and equity within the digital realm. CARL believes that it should not be necessary for Canada to forsake these strong and functional policies in order to be a fully committed partner to any trade agreement.

During the upcoming negotiations, CARL therefore hopes to see Canada maintain a firm commitment to retaining the following aspects of Canadian intellectual property and privacy:


- **A copyright term of protection of life plus 50 years**, which is the international norm defined in the Berne treaty, and which offers rights owners a sufficient income-generating period before works become part of the public domain;
- **Canada's own application of technical protection measures**, which fully adheres with the digital lock requirements of the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT);
- **Strong user right provisions** in the Copyright Act, including fair dealing and exceptions for educational institutions, which contribute to bolstering the ongoing creation of knowledge, creativity and innovation;
- **Canada's own notice-and-notice regime**, a balanced approach that protects the privacy of Internet users but has proven highly effective in discouraging digital piracy;
- **Net neutrality safeguards**, which are widely considered some of the strongest in the world, and which prevent telecom providers from engaging in discriminatory pricing practices; and

- **An overall respect for the privacy rights of Internet users**, in terms of protecting individuals' browsing history and other online activities.

The Canadian Association of Research Libraries would welcome an opportunity to further clarify and expand upon our concerns about issues that will likely be up for discussion in the upcoming NAFTA renegotiation.

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