

CARL Statement on Fair Dealing and Copyright

Over the past twelve years, the Supreme Court of Canada has written extensively on the appropriate use of the fair dealing exception under the *Copyright Act*, championing a “large and liberal” interpretation. This balanced approach to copyright has been welcomed across the higher learning environment, and the *Copyright Act*’s fair dealing provision is being applied by Canadian university libraries in a responsible and informed manner.

In order to navigate the shifting copyright landscape, Canadian universities have made significant investments in staff and copyright infrastructure. Institutions are adapting and sharing the tools and processes for copyright management, and best practices for adhering to the law are clearly emerging. The education community, assisted by legal specialists, has developed guidance to support educational institutions and their libraries in the consistent and judicious application of copyright law.

The 31 member libraries of the Canadian Association of Research Libraries (CARL) spent \$293 million on information resources in 2014-15, demonstrating a clear commitment to accessing print and digital content legally and rewarding content owners accordingly. Universities are actively engaged in outreach to their faculty, staff, and students, educating them on their rights and responsibilities under the *Copyright Act* and ensuring that uses of material under copyright fall well within the provisions of the law. Where educational uses are more substantive and therefore fall outside of fair dealing, the content is either purchased to be added to licensed collections, or rights clearances are obtained and royalties are paid for these uses. Trained, knowledgeable library staff support these activities.

Some voices in the publishing community and associated lobbyists have stated in the media that the education market has evaporated as a result of users’ fair dealing rights. This is inaccurate. Universities continue to buy and to license access to published works, at substantial cost, using public funds and student tuition dollars.

As institutions devoted to the creation, dissemination, and preservation of knowledge and culture, Canadian universities and their libraries are deeply committed to Canadian authors, students, and educators. CARL believes that the Supreme Court and Parliament have struck an appropriate balance that empowers Canadian authors and their publishers to continue their excellent work.

In short, we believe that fair dealing in the *Copyright Act* is serving its intended purpose: enabling fair portions from works of creativity or scholarship to be drawn upon in learning environments, thereby stimulating innovation and the creation of new research and new knowledge. We commend the Government of Canada for having had the foresight to adopt and maintain such a modern, balanced approach to copyright.