

Copyright Reform: a balanced act

Canadian Federation for the Humanities and Social Sciences Member Toolkit

A call to action

Ensuring a fair, balanced and logical copyright system for Canada is critical to the Humanities and Social Sciences community. This document outlines the Canadian Federation for the Humanities and Social Sciences position on copyright and provides tools to support the development of your own copyright position. It also aims to assist you in engaging elected officials, your colleagues, your administrators or other stakeholders on issues of Copyright.

The national consultation on copyright reform is closing on September 13. It is essential that the research and learning community in our disciplines mobilize to express their views on how the proposed changes to the Copyright Act may affect their ability to undertake research and scholarly work.

If you have specific concerns about how copyright reform could affect your research and teaching, it is critical that you submit your brief to the National Copyright Consultation's online submission centre. You can find more information on the official Copyright Consultation website here:

<http://copyright.econsultation.ca/topics-sujets/show-montrer/18>.

For more information on how to contribute to this consultation, please refer to the Federation's call to action that was distributed earlier this summer:

<http://www.fedcan.ca/english/pdf/advocacy/CFHSSbriefingnotesaug09.pdf>

The Federation encourages associations and individuals to contact their Members of Parliament to explain how the Canadian copyright Act can be updated in a manner that recognizes both the needs of creators and copyright owners to be protected from piracy and the right of Canadians to garner access to knowledge for research and educational purposes.

The impending federal election will also provide an opportunity to share your concerns with candidates and enquire about their party's position on copyright issues. Additional information on how you might want to engage candidates on copyright is included below.

The Federation's Position

As a national organization representing researchers (and therefore creators of copyrighted works), the Federation supports the government's efforts to reduce large-scale commercial piracy. These efforts must, however, be balanced with the inherent right of citizens, educators, students, researchers and others to gain access to knowledge.

The Federation believes that an appropriate copyright policy for the digital age should provide clarity on the use of copyright material and ensure that space is protected for creative, educational and innovative uses of knowledge. The Copyright Act must not take the detrimental view that the only way to increase activity in the technology and cultural industries is to strengthen the rights of creators or publishers. Commerce in intellectual property rights and innovative products and services is not the only boon new technologies bring to Canadians. Access to this knowledge and cultural resources represents the first step in the innovation process and must be shared with those striving to understand these developments and create new ideas. For these reasons, access to copyrighted material is critical for researchers across the Humanities and Social Sciences.

The Canadian Federation for the Humanities and Social Sciences has identified two areas of priority for copyright reform:

- Make the concept of fair dealing clearer and more flexible to encompass the reality of teaching, learning and research in the context of digital technology
- Ensure that the circumvention of digital locks (DRM) is only forbidden if the locks are broken for infringing purposes

Ensuring researchers and teachers have appropriate and legal access to knowledge is critical to spurring creativity, innovation and knowledge creation.

This list of concerns is not exhaustive and the Federation's complete submission also recommends:

- the abolition of crown copyright
- maintaining the present 50 years term for copyright protection
- a streamlined process for the use of "orphan" or works where copyright ownership cannot be located
- clarity in the protection afforded to librarians when they are acting on the understanding that they are practicing fair dealing

The Federation's complete submission to the Copyright Consultation can be found online here:

http://www.fedcan.ca/english/pdf/advocacy/CFHSS_Copyright_Submission_Sep09_En.pdf

Questions for your Member of Parliament

Even after the national copyright consultation is complete, Member of Parliament will be required to review and vote on new provisions for the Copyright Act. Make sure your MP is aware of your concerns and understands how Copyright reform will affect your work as an educator and researcher. This is especially true if an election is called this fall. These are some sample questions and comments you may want to raise in you discussions with MPs or candidates.

1. What is your party's vision for fair dealing?

2. If we are not careful, the copyright act could criminalize legitimate research and education. How do you plan to protect researchers who need to break digital locks in order to gain access to copyrighted works for legitimate research and educational purposes?
3. What do you see as the correct balance between protecting the rights of creators and publishers versus ensuring access to knowledge for research, training and education?
4. What role do you see access to knowledge having in the research process? How do you see this access affecting innovation, creativity and knowledge creation?

Keep in mind:

- The academic community is made up of copyright holders and as such is in favour of legal tools to prevent the proliferation of large-scale commercial piracy.
- Our community is advocating for a balanced approach to copyright – ensuring that the needs of both researchers and copyright holders can be met.
- The Copyright Act can be a modern tool designed to encourage innovation and creative discovery – ensuring Canada’s global economic competitiveness.

Other Tools to Engage

Due to the overwhelming attention that copyright reform has garnered of late, there are a number of avenues that you can leverage to ensure your position on copyright is heard.

First and foremost, if you can provide concrete examples of how your work could be impacted by changes to the Copyright Act and you are interested in providing details of your situation, please contact the Federation’s communications team at media@fedcan.ca.

There are a several social media communities mobilizing around the subject of copyright reform, where you may want to contribute and engage on the issue. You can find a national facebook group devoted to the topic, including an active discussion group online here:

<http://www.facebook.com/group.php?gid=6315846683>.

Michael Geist, one of Canada’s most prominent experts in copyright, has built an active community around copyright issues on his blog www.speakoutoncopyright.ca. You can find recent articles, news and commentary on copyright and add your comments where appropriate.

Finally, raise the issue of copyright with your administration, library, faculty association or other interested stakeholder groups.

Be sure to contact the Canadian Federation for the Humanities and Social Sciences and update us with your advocacy work on copyright. Make sure to share your submission as part of the national consultation for posting on the Federation website. You can contact our communications team at media@fedcan.ca.