



Committee on Copyright and other Legal Matters (CLM)

Country Report Canada

Annual report to the IFLA CLM Committee
Seoul, Korea 2006

Copyright

Bill C-60, An Act to amend the Copyright Act

In June 2005 amendments to the Copyright Act were introduced to Parliament. In November 2005 the Liberal minority government fell and Bill C-60 died on the order paper. The new Conservative minority government outlined its five priorities without mention of copyright reform. The Ministries charged with the copyright portfolio, Heritage and Industry, are continuing to gather information and determine their positions for any upcoming legislation. In 2006, copyright discussion in Canada has been significantly broadened as Canadian musicians, artists, privacy advocates, and students demanded consultation beyond the usual industry rights organizations and voiced well articulated positions on copyright reform.

Lobby and other activities

[Musicians](#) and other artists have stated that industry organizations do not represent their position on personal copying, anti-circumvention measures, and statutory damages. The Canadian Federation of Students released a [public letter](#) identifying their important issues on copyright reform including anti-circumvention, digital loans, fair dealing expansion, ISP liability, and statutory damages. [Privacy](#) groups are advocating for copyright legislation that takes into account the impact of digital rights management information on personal privacy and preserves the ability of Canadians to use works anonymously and privately. The position of [Canada's Ministers of Education](#) is that students and educators have a right to use material that is publicly available on the internet without paying a licencing fee to a collective. The [Library](#) community spoke on behalf of the Canadian public, urging broad a public policy position to frame copyright reform in Canada, careful consideration of the barriers intrinsic to technological protection measures and the requisite softening of treaty language and recognition of user rights, as articulated by the Supreme Court of Canada.

The Council of Education Ministers, Canada (CMEC) and the Canadian RRO Access Copyright are going before the Copyright Board to argue over educational tariffs for the use of publicly available material on the internet. Access Copyright is pushing for extended licencing while CMEC is looking for an exception for educational purposes. Observers worry that the risk of acknowledging that an exception is required for the use publicly available materials provides an ongoing opening for RROs to push for licencing agreements.

Access Copyright released 'Captain Copyright', a web-based comic strip concept geared to children, which drew severe criticism from legal experts and the education and library communities for its grave misrepresentation of copyright and complete disregard of user rights and fair dealing. The Canadian Library Association has drafted a letter to Access Copyright requesting the withdrawal of the web site.