

STUDENTS DEMAND **FAIR** COPYRIGHT

CANADIAN FEDERATION OF STUDENTS
www.cfs-fcee.ca/copyright

Advances in technology are breaking down old distinctions between creator and user, between broadcaster and audience, and between educator and learner. In order to study, research, write, and create new knowledge, students require the ability to access and use the copyrighted works of others. Good public policy must ensure that digital technology protects the legitimate copyright interests of creators (artists, writers, musicians, researchers etc.) but prevents copyright owners from using new technologies to restrict reasonable access to, and use of, information resources. Unfortunately, copyright policy in Canada has long been dominated by international commercial interests that threaten and undermine such a balance.

Students have joined with teachers, librarians, artists, and sectors of the business community to demand fair copyright legislation. We are working together to advocate for changes to the Copyright Act that protect and advance the interests of the Canadian public.

WHAT DOES FAIR COPYRIGHT LOOK LIKE?

FAIR DEALING THAT IS FLEXIBLE AND INCLUSIVE

Fair dealing represents a user's fundamental right to access and use part or all of a work without permission or payment for purposes such as research, private study, news reporting, and criticism. Fair dealing should be given a more flexible and inclusive definition in future legislation. This general approach would avoid the need for special exceptions, including ones for educational institutions, that are not available to the general public.

“NOTICE AND NOTICE” SYSTEM FOR ISPS

Internet Service Providers (ISPs) should not have to remove material from the Internet based only on allegations of copyright infringement as required under “notice and takedown” legislation. Under a “notice and notice” system, ISPs would only have to notify users of allegations of infringement. The idea that materials could be unilaterally removed from a website based on unproven allegations is offensive not only to academic freedom but also to everyone's rights to expression.

Crown copyright is the means by which the government is granted copyright to all work created under its direction. Because government work is paid for by public tax dollars the public should be able to access and make use of this work without having to pay twice. The elimination of Crown copyright would increase public accountability and government transparency.

ELIMINATION OF CROWN COPYRIGHT

REGULATION OF TECHNOLOGICAL PROTECTION MEASURES

To circumvent fair dealing and other users' rights, some corporations are utilising Technological Protection Measures (TPMs), such as encryption, to maintain absolute control over the works they produce and sell. The danger of broad anti-circumvention legislation is that it can prevent otherwise lawful activity, such as fair dealing, accessing works in the public domain, archival preservation, and library lending. To achieve balance, the Copyright Act must not make it illegal to circumvent TPMs for fair dealing and other legal purposes.

Students' interests will best be served by a Copyright Act that fairly balances the interests of users, creators, and owners of copyright works. It is only with such balance that a robust information commons—a place where information and knowledge exist as our shared heritage—can thrive.