

Bill C-32 Highlights related to Post-Secondary Education

Benefits:

- 1) The educational use of Internet provision is reintroduced (new section 30.04);
- 2) "Education, parody and satire" have been added to the list of purposes for which fair dealing is available. If the bill passes, we would end up with a law that states what we are asking the Federal Court of Appeal to decide on the judicial review: that fair dealing applies to classroom activities;
- 3) Updating of reproduction for instruction exception to permit digital displays, but subject to commercial availability rule. This is not a huge gain but would allow the use of whiteboards and similar tools;
- 4) Change to the classroom performance exception to allow performances of audio-visual works (section 29.5) in the classroom. This would make Canadian copyright law similar to the US law in this area. This was not in the last two bills and is an unexpected "benefit";
- 5) Reintroduction of provision allowing educational institution to record a lesson and make it available for asynchronous viewing by students. The former C-61 proposal has been broadened by allowing students to reproduce a lesson for use on a portable device even though he or she must destroy the reproduction within 30 days. This was one of the submissions made by CMEC in response to the last bill (C-61). This facilitates technology enhanced learning and distance education (new section 30.01);
- 6) For school libraries – there is a proposed change to the preservation copying exception in that a copy can be made if technology is in danger of becoming obsolete;
- 7) For school libraries - allows digital delivery of an inter-library loan copy;
- 8) Made some positive changes to statutory damages provisions by minimizing their impact on users;
- 9) Notice and notice regime for ISPs (infringement service providers) - reintroduced;
- 10) Proposes a new exception that allows educational institutions to record news programs or news commentary programs for later viewing by students without paying royalties;
- 11) Reference to specific technologies (such as dry-erase boards, flip charts and overhead projectors) has been removed in an attempt to make the existing educational exceptions more flexible for use in the future;
- 12) There are specific exceptions to the anti-circumvention rules, and there is a provision providing for regulations for further exceptions to the prohibition (it would be better to allow circumvention for any non-infringing purpose).