



A brief presented to the Standing Committee on Industry, Science and Technology
by the Council of Post-Secondary Library Directors of British Columbia
as part of the five-year review of the Copyright Act

November 20, 2018

The Council of Post-Secondary Library Directors (CPSLD) is an association representing the Library Directors of public and not-for-profit post-secondary education institutions in British Columbia. The Council provides leadership to strengthen British Columbia post-secondary libraries for the benefit of the students and stakeholders in B.C. higher education. The Council currently has [27 members](#) from across the province, with representation from 2-year and 4-year degree granting institutions, including urban and rural locations. More information about the CPSLD is available at: <http://cpsld.ca/>.

Annually, the Council collects statistics from all member institutions. This statistical survey is intended to provide a picture of the holdings and activities of libraries at the colleges, institutes, and universities within British Columbia for a given fiscal year. The publicly available [statistics reports](#) accurately represent individual institutional and collective spending on digital and physical resources across the British Columbia post-secondary sector.

The CPSLD statistics report for fiscal year 2017/18 shows that member institutions collectively spent \$50,731,510 on books, databases, and other licensed resources. These expenditures demonstrate a commitment by Council members to providing current, relevant, and legally obtained resources to students and faculty at our respective institutions to support curriculum, research, study, and creation. Our institutions have each individually worked to implement robust policies and procedures to ensure that resources provided to students are copyright compliant. This is in addition to the textbooks, course packs, novels, anthologies, and other formats that are purchased by students in college and university bookstores.

Fair Dealing

The Council feels strongly that the retention of education as a fair dealing exception will serve to promote the responsible use of copyrighted materials in the post-secondary educational environment. The 2012 amendments to the Act addressing fair dealing show a recognition by Parliament that providing students and instructors with access to a wide variety of materials is critical to knowledge production and innovation in Canada. The institutions that make up the membership of the Council are all committed to the responsible application of educational fair dealing both to ensure that students have access to materials that expand and enhance their learning and to protect the interests of creators, many of whom are the faculty in our own institutions. Educational fair dealing also creates opportunities for instructors and students to present information from diverse and divergent perspectives, broadening student knowledge and enhancing curriculum.

Recommendation:

- Maintain educational fair dealing exceptions

Maintaining Balance

The Council believes in the development and maintenance of a robust public domain to encourage knowledge creation and innovation in Canada. Providing students with a wide variety of information sources such as high-quality royalty free (open) information in combination with relevant paid information enhances their research skills and ensures that students understand how to critically evaluate information. The extension to the term of copyright agreed to in the United States–Mexico–Canada Agreement will result in the drastic reduction of material entering the

public domain in the next 20 years, that absence of public domain content will curtail lines of inquiry and creative production that build upon the past.

Recommendations:

- Take actions to ensure we maintain a robust public domain
- Remove the copyright term extension from the USMCA prior to ratification

Crown Copyright

The Council endorses the Canadian Federation of Library Associations (CFLA-FCAB) recommendations for the modernizations of Crown Copyright:

CFLA-FCAB recommends that Parliament eliminate Crown copyright on all publicly accessible government works or make those works openly licensed by default (e.g., using a Creative Commons licence).

CFLA-FCAB also recommends that Parliament examine section 12 of the Copyright Act to clarify the need for Crown copyright in other government works. This examination should be an open process that includes submissions, public consultations, and parliamentary hearings.¹

Impact on Students

The membership of the Council works to ensure that students have equal access to the educational materials they require for study. We echo the submission by the Undergraduates of Canadian Research-Intensive Universities which notes that affordability is a key issue for students and the submission by the Canadian Alliance of Student Associations which believes that educational fair dealing creates opportunities for peer-to-peer sharing which enhances student learning. The environment and materials libraries provide to students are pillars of post-secondary education and a balanced copyright law with exceptions for education, research, private study, criticism, and review ensures that students consider a variety of information sources while undertaking their studies.

Recommendation:

- Consider the impact that balanced copyright laws with rational exceptions have on student success

Indigenous Knowledge and Reconciliation

The Council endorses the Canadian Federation of Library Associations (CFLA-FCAB) recommendations on Indigenous Knowledge contained in their brief to this committee² as well as their *Position Statement on Indigenous Knowledge*.³ The Council also endorses the *UN Declaration of the Rights of Indigenous Peoples*, Article 31:

¹ http://cfla-fcab.ca/wp-content/uploads/2018/09/Doc12-CFLA-FCAB_statement_crown_copyright-Aug-1-2018-final.pdf

² http://cfla-fcab.ca/wp-content/uploads/2018/08/CFLA-FCAB_INDU_Brief_final.pdf

³ http://cfla-fcab.ca/wp-content/uploads/2018/05/CFLA-FCAB_Indigenous_knowledge_statement.pdf

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.⁴

Recommendations:

- Acknowledge the rights of indigenous peoples over their traditional knowledge and cultural expressions
- Work with indigenous peoples to protect and maintain their rights

⁴ <http://www.afn.ca/wp-content/uploads/2018/02/UN-Declaration-on-the-Rights-of-Indigenous-Peoples-Coalition-Handbook.pdf>