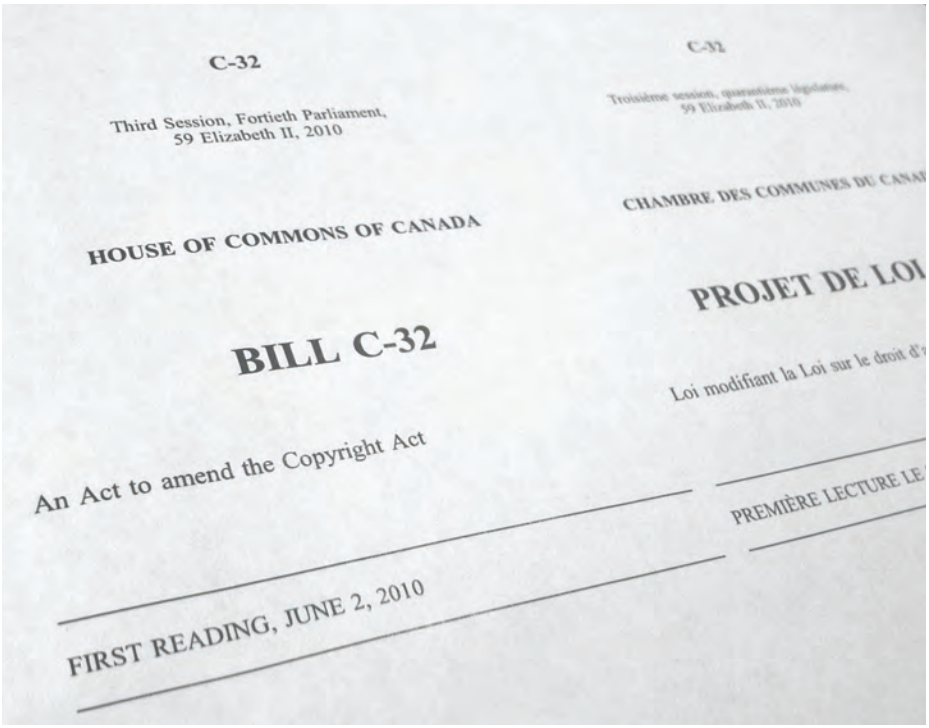

MAINTAINING the BALANCE

CANADIAN FEDERATION OF STUDENTS SUBMISSION
SPECIAL LEGISLATIVE COMMITTEE ON BILL C-32

JANUARY 2011

cfs fcéé

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CANADIAN FEDERATION OF STUDENTS

With over 600,000 members in 85 students' unions and all ten provinces, the Canadian Federation of Students (CFS) is the voice of post-secondary students in Canada. Founded in 1981, the CFS represents students at the college, undergraduate and graduate level, and students who study full- and part-time.

BRITISH COLUMBIA

University of British Columbia Students' Union Okanagan

Students' Union of Vancouver Community College

Camosun College Student Society

Capilano Students' Union

Douglas Students' Union

Emily Carr Students' Union

Kwantlen Student Association

College of New Caledonia Students' Union

North Island College Students' Union

Northwest Community College Students' Union

Okanagan College Students' Union

College of the Rockies Students' Union

Selkirk College Students' Union

Simon Fraser Student Society

Thompson Rivers University Students' Union

Vancouver Island University Students' Union

University of Victoria Students' Society

PRAIRIES

Alberta College of Art and Design Students' Association

Brandon University Students' Union

Graduate Students' Association of the University of Calgary

First Nations University of Canada Students' Association

University of Manitoba Students' Union

University of Manitoba Graduate Students' Association

University of Regina Students' Union

Association étudiante du Collège universitaire de Saint-Boniface

University of Saskatchewan Students' Union

University of Saskatchewan Graduate Students' Association

University of Winnipeg Students' Association

ONTARIO

Algoma University Students' Union

Brock University Graduate Students' Association

Carleton University Students' Association

Carleton University Graduate Students' Association

Association étudiante de la Cité collégiale

Student Association of George Brown College

Glendon College Student Union

ONTARIO (CONT'D)

University of Guelph Central Student Association

University of Guelph Graduate Students' Association

Lakehead University Student Union

Laurentian Association of Mature and Part-time Students

Laurentian University Graduate Students' Association

Laurentian University Studens' General Association

Association des étudiantes et étudiants francophones de l'Université Laurentienne

McMaster University Graduate Students' Association

Nipissing University Student Union

Ontario College of Art and Design Student Union

Student Federation of the University of Ottawa

Graduate Students' Association des étudiant(e)s diplômé(e)s de l'Université d'Ottawa

Queen's University Society of Graduate and Professional Students

Ryerson Students' Union

Continuing Education Students' Association of Ryerson

Saint Paul University Students' Association

University of Toronto at Scarborough Campus Students' Union

ONTARIO (CONT'D)

University of Toronto Graduate Students' Union

University of Toronto Students' Union

University of Toronto at Mississauga Students' Union

Association of Part-Time Undergraduate Students of the University of Toronto

Trent University Central Student Association

Trent University Graduate Student Association

University of Western Ontario Society of Graduate Students

Wilfrid Laurier University Graduate Students' Association

University of Windsor Students' Alliance

University of Windsor Graduate Students' Society

University of Windsor Organisation of Part-time Universitvy Students

York Federation of Students

York University Graduate Students' Association

QUÉBEC

Concordia Students' Union

Concordia University Graduate Students' Association

Dawson Students' Union

Post-Graduate Students' Society of McGill University

MARITIMES

Cape Breton University Students' Union

Holland College Student Union

University of King's College Students' Union

Mount Saint Vincent University Students' Union

University of New Brunswick Graduate Students' Association

Student Union of NSCAD University

University of Prince Edward Island Student Union

University of Prince Edward Island Graduate Student Association

Association générale des étudiants de l'Université Sainte-Anne

NEWFOUNDLAND & LABRADOR

Grenfell College Student Union

Marine Institute Students' Union

Memorial University of Newfoundland Students' Union

Graduate Students' Union of the Memorial University of Newfoundland

College of the North Atlantic Students' Union

EXECUTIVE SUMMARY

As creators and owners of copyrighted works students need to protect their work from unfair appropriation. But to study, research, write, and create, students also need ready access to the copyrighted works of others at a reasonable cost. This three-part perspective—of use, creation, and ownership—gives students special credibility in the copyright discourse. As the voice of post-secondary students in Canada, the Canadian Federation of Students has been an active participants in the fight for fair and balanced copyright.

Bill C-32, the Copyright Modernization Act, is in many ways a good proposal to rewrite copyright for the digital era. The bill contains a set of reasonable compromises including a welcome expansion of fair dealing, limitation of statutory damages for infringement, and a notice-and-notice regime for Internet service provider liability. These amendments will further enshrine the right of the public to access and use copyrighted works. These amendments reflect the positions Canadians expressed in the federal government's 2009 consultations on copyright reform.

However, several areas of Bill C-32 fail to strike a fair balance and need to be amended or removed. The following document contains a series of recommendations to strengthen the bill and ensure that it strikes the fair balance that Canadians overwhelmingly called for during the recent consultations.

The Canadian Federation of Students supports the following changes proposed in Bill C-32:

- *the addition of education, parody and satire to the allowable uses of fair dealing proposed in Bill C-32 (article 21);*
- *the special exception for user-generated content (Article 22, Section 29.21)*
- *the reduction of statutory damages (article 46); and*
- *the creation of a notice–and–notice regime for internet service provider liability (article 47, Sections 41.25-41.27).*

In addition, the Canadian Federation of Students recommends the following amendments to Bill C-32:

- *the adoption of a flexible definition of fair dealing;*
- *the special exception for the digital delivery of education be removed and replaced with an amendment to the definition of "premise" of an educational institution;*
- *the special exceptions for digital licensing and the use of Internet materials in educational institutions be removed;*
- *the requirement that libraries, archives and museums place technological protection measures on materials loaned in a digital fashion be removed; and*
- *that the anti-circumvention provisions be removed or that they be amended to remove liability for non-infringing uses and the ban on facilitating circumvention (including devices for circumvention) and include restrictions on the application of technological protection measures and an obligation for rights holders to facilitate circumvention be added;*

INTRODUCTION

Should copyright law lock down creative works to protect the financial interests of copyright owners? Or, should it ensure fair access to, and use of, intellectual property? This question is at the core of the growing public debate over the need for balanced copyright, a debate in which college and university students have a critical stake. While there is no doubt that digital technology and the Internet have reshaped the copyright landscape, the question of how to address this impact is still under debate.

Despite two failed attempts in the past five years, Canada's copyright laws have not been revised since 1998, well before broadband Internet access reached most homes and the Internet had become the primary method by which people around the world communicated.

Facilitating learning has been a basis of copyright since its beginning. The first piece of copyright legislation, passed by the British parliament at the turn of the eighteenth century, was An Act for the Encouragement of Learning. Students both use and create copyrighted works on a daily basis. Students read books and articles, watch videos and presentations, and consume a wide variety of other works. At the same time students write papers and theses, and produce a wide array of other creative pieces.

As creators and owners students need to protect their work from unjust appropriation. But to study, research, write, and create, students also need access, at a reasonable cost, to the works of others. This three-part perspective—of use, creation, and ownership—gives students special interest in the copyright debate.

FAIR DEALING

Fair dealing is the most basic users' right, and an essential acknowledgement that creative works belong not just to those who directly create them, but also to the public who comprise the broader intellectual space in which they are developed. Innovation depends on the free-flow of information and on the ability of creators to build off the works of others. In Canada, 'fair dealing' provides this foundation. Broad and expansive access legislation is not only important to facilitate the public's access to intellectual works, but is also essential to support the knowledge economy. Exemplifying this, the founders of Google have said that they could not have started their company without the United States' far more flexible "fair Use" provision. In addition, the UK Government recognizing that broad and expansive fair use provisions spur innovation, has indicated it intends to introduce similar provisions in the near future.

During the 2009 copyright consultations, the vast majority of participants supported expanding fair dealing. Of the more than 8,600 submissions, nearly 6,000 explicitly called for such a reform. By contrast, only 107 opposed an expansion.

EDUCATIONAL FAIR DEALING

Bill C-32's proposal to expand the allowable uses of fair dealing to include "education, parody and satire" falls short of the flexible definition that students and others in the education community have proposed. Still, this limited expansion is a reasonable compromise that will meaningfully increase access to intellectual works for members of the education community.

Including education explicitly in the definition of fair dealing will clarify the legality of several common classroom uses of copyrighted works and ensure that new and innovative teaching methods are

possible. Educational fair dealing upholds the very best of Canadian values. It recognises that a commitment to education can and should be fairly balanced against a commitment to supporting creators.

Educational fair dealing is a clear and limited expansion of fair dealing rights — the boundaries of which are well established. It will only modestly expand the ambit of uses that can qualify as fair dealing. Far from being a radical shift, the addition of "education" will merely fill in the gaps between "research and private study", which already cover much of the use of copyrighted works in an educational setting. The expansiveness of the existing categories of fair dealing was made clear by the landmark decision of the Supreme Court in the 2004 case of *CCH Publishing vs. the Law Society of Upper Canada*, where the court established clear guidelines and instructed that the categories be given a "large and liberal" interpretation. Recent decisions of the Copyright Board and Federal Court of Appeal in the *Society of Composers, Authors and Music Publishers of Canada (SOCAN) vs. Bell Canada* and *Alberta and the Ministers of Education vs. Access Copyright* further clarified these boundaries.

This change will clarify that educational uses of copyrighted books, articles, songs and other works *can* be fair dealing; it will not mean that any use *is* fair dealing. In order to qualify the use will have to be fair when balanced against the needs of owners to be able to exploit their works. It will not, as some have claimed, permit the wholesale copying of textbooks, a use that could not reasonably be considered fair, nor will it permit teachers to replace the use of textbooks and novels with photocopied excerpts, a use that again would not qualify as fair.

The education community is a major contributor to Canadian publishing. According to Statistics Canada, post-secondary students spend over $1.3 billion on textbooks each year. In addition, Canada's big university research libraries spend over $300 million on content annually—a figure that increases every year. Add to these sums the money spent in the K-12 sector, content purchased by colleges, universities, academic libraries, and teachers out of their own pockets, and it becomes clear that the education sector's annual content expenditures are far greater. In addition, post-secondary textbook expenditures are one area in which spending on copyrighted works is actually increasing — having grown more than 35% since the year 2000. Expanding fair dealing will not diminish these expenditures. Rather it will encourage students and teachers to make even greater use of copyrighted works, extending the reach of authors and creators, and further supporting Canada's creative sector.

The bigger impact of the amendment will be in emboldening the education community to exercise the fair dealing rights they already enjoy. Fearing litigation by often litigious rights-holders, post-secondary institutions, students, and others have proven reluctant to rely on their fair dealing rights for fear that their use may fall in the small space between research and private study. The addition of 'education' will reassure institutions and other members of the education community that they can exercise their existing rights, and place the emphasis on the more important part of the fair dealing test: the fairness analysis, which is left unchanged by this amendment.

Claims that educational fair dealing will lead to excessive litigation are false. The bounds of fair dealing have been well established by the courts, the principles of which will not be changed by this expansion. Moreover, the inclusion of education will create greater clarity on the bounds of fair dealing as it eliminates the grey zone between research and private

study. Contrary to these claims, Canada's experience with fair dealing has been marked by a lack of litigation. In the 90 years that fair dealing has been included in Canadian copyright law, there have only been a handful of cases that have involved fair dealing. This marked lack of litigation is the result of a well-understood and clear framework governing the use of fair dealing.

Lastly, the use of the term "education", with no caveats or further definition, is consistent with the Supreme Court's view that fair dealing is a user's right, to be interpreted in a "large and liberal" manner. This broad language is essential to ensuring that learners and teachers are able to make full use of copyrighted works in teaching, research, and learning, both inside and outside of the classroom.

RECOMMENDATION #1

That the addition of education, parody, and satire to the categories considered fair dealing proposed in Bill C-32, be adopted,

FLEXIBLE FAIR DEALING

While the expansion proposed in C-32 would go a long way towards ensuring access to copyrighted works, the Bill maintains the flawed approach currently used; an exhaustive list of categories that define what activities can be considered fair dealing. This approach falls short of reflecting the role of fair dealing held by the Supreme Court and the majority of Canadians, that fair dealing is a fundamental user's right and must be given a broad interpretation.

A better approach would be to adopt a flexible and open-ended definition of fair dealing by simply adding the words "such as" before the list of categories in the definition. This approach represents the most clear and simple means of ensuring that users have reasonable access to copyrighted works, and that creators are compensated for the use of their work. In addition, such an approach would ensure that the law continues to be relevant regardless of changes in technology. This approach would be in line with the Supreme Court's interpretation and bring fair dealing provisions in the Copyright Act much closer to the United States 'Fair Use' doctrine, and similar laws found in most other industrialised countries.

RECOMMENDATION #2

That a flexible definition of fair dealing be adopted;

DIGITAL LOCKS

Perhaps the most controversial element of C-32 is its blanket ban on the circumvention of digital locks (referred to legislatively as technological protection measures). This approach tramples the rights of users, unilaterally stripping them of all rights when using digitally locked works. These provisions are very similar to what was included in the federal government's last attempt at copyright reform, the controversial Bill C-61, as well as the United States' highly criticized Digital Millennium Copyright Act (DMCA).

While C-32 proposes a welcome expansion of fair dealing, the anti-circumvention provisions would prevent users from exercising this and all other rights granted to them by the Act in any instance in which a digital lock is present. These provisions would allow corporate copyright owners to freely bypass users' rights and exercise absolute control over what users are able to do with copyrighted works. These provisions would greatly limit what consumers can do with CDs, DVDs, and other purchased media; how media outlets can use videos and other multimedia for news reporting; and how researchers can

use media, software, and other copyrighted works in their research.

Even the DMCA, held up internationally as the most extreme example of legislation that privileges the rights of copyright owners over those of copyright users, has recently shifted towards a more reasonable standard of protection for digital locks. In July 2010, the United States Federal Court ruled that circumventing a digital lock in order to view or use a work was "insufficient to trigger the DMCA's anti-circumvention provision". The court went on to say that, "The DMCA prohibits only forms of access that would violate or impinge on the protections that the Copyright Act otherwise affords copyright owners". This ruling affirms that it is unreasonable for anti-circumvention provisions to restrict legitimate uses of copyrighted works. Although the bill proposes a small number of exceptions to the anti-circumvention provision, they are too narrow and fail to account for the wide range of instances in which a user should be allowed to circumvent a digital lock.

These provisions are especially concerning for members of the educational community who are increasingly turning to the use of digital works. As institutions increase their use of electronic course packs, e-textbooks, electronic reserves and other digital materials, students could be faced with the possibility of being unable to exercise their rights, including fair dealing, through the imposition of digital locks.

The blanket approach to anti-circumvention goes far beyond what is required for Canada to implement the World Intellectual Property Organisation's (WIPO) Copyright Treaty. The treaty requires that "Contracting Parties shall provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures… that restrict acts… which are not authorized by the authors concerned or permitted by law." Simply put, the treaty requires that signatories prohibit the circumvention of digital locks for infringing purposes. This requirement could easily be met without criminalizing the many non-infringing ways that Canadians use copyrighted works by amending the definition of circumvention to specify that it be only for infringing purposes. Such an approach would meet the requirements of the WIPO treaty, without criminalising users and allowing rights-holders to lock-up content in a manner that is contrary to the public interest.

The bill also includes a ban on the distribution and marketing of any device that could be used to break a digital lock and a blanket presumption that any circumvention is an act of infringement. This approach chooses to criminalise the tools that could be used for infringement, rather than target the infringement itself. It is akin to banning all locksmith tools, rather than prosecuting breaking and entering.

Although the bill includes explicit protections for digital locks, it fails to provide any mechanisms to assist users who wish to circumvent technological protection measures for lawful purposes and does not require rights-holders to provide a mechanism to ensure users are able to exercise their rights. In addition to the need for measures to protect users from punishment for circumventing a digital lock for a non-infringing purpose, users need to have the tools necessary to access their works in a lawful way, whether or not they contain a digital lock. To ensure that users have reasonable access to works they purchase, rent, and use, the bill should be amended to remove the prohibition on devices that circumvent digital locks, require that rights holders who use such locks facilitate circumvention for lawful purposes, and prohibit the use of digital locks to limit users' legal rights including access to works on which copyright has ceased to subsist.

Recommendation #3:

While we question whether legal protection for technological protection measures have a place in copyright legislation, should Parliament ultimately believe that it be included, it must be in such a way that it does not unreasonably inhibit users' rights.

The definition of circumvention be amended to specify that an act is only considered "circumvention" if it is for infringing purposes; and

The ban on devices that facilitate circumvention and the provision of circumvention services be removed; and

That the Bill be amended to include a prohibition on the owner of a copyrighted work, or their agent, applying a technological protection measure to a work that would hinder its non-infringing use, or hinder the free use of a work on which copyright has ceased to subsist; and

That an obligation for rights holders to facilitate circumvention be adopted.

SPECIAL EXCEPTIONS

USER GENERATED CONTENT– SECTION 29.21

The proposed exception for non-commercial user-generated content is an innovative proposal that will encourage creativity inside and outside of the classroom. It will allow students and teachers to explore new approaches to learning and will legalise practices that are already commonplace.

User-generated content is a unique method for intellectual exploration, allowing individuals to fully de- and re-construct the work of others, in the process creating works of their own. The inclusion of an explicit exception in the Act will encourage educational institutions to make full use of the learning potential of these new applications.

Concerns that have been raised over the scope of the exemption and the possibility that it could undermine creators' ability to profit from their works can be simply addressed by treating user-generated content in a similar manner to fair dealing, requiring that user-generated content pass the fairness test in order to qualify for the exemption.

Recommendation #4

That Section 29.21 be adopted.

DIGITAL LESSONS–SECTION 30.01

Over the past decade, long-distance and digital learning has moved from postal mail to electronic communication, and from content accessed by closed circuit television to on-campus computer labs to netbooks, tablet computers and mobile devices that can access it from anywhere via the Internet.

The provisions proposed in Section 30.01 are unnecessarily complex and will hamper educational institutions' ability to provide, and students ability to benefit from, digital learning. The overly specific and unnecessarily complex provisions contained in this section, confound the goal of producing legislation that is technologically neutral and will stand the test of time.

In addition, the section contains a worrying provision that requires that teachers, students, and educational institutions destroy any digital course materials that contain copyrighted works shortly after the end of a course. This is an unnecessary and particularly onerous clause. Teachers would be forced to rebuild digital and printed aspects of their courses from scratch each semester, and students would be forced to delete any learning materials at the end of the semester. This betrays

a fundamental lack of understanding of how learning takes place in post-secondary institutions. Throughout the course of a degree or diploma program students take a series of courses, all of which build off one another. Preventing a student from keeping the materials they used in classes prior will severely hinder learning for these students while in their studies. Moreover, the purpose of post-secondary education is to build knowledge to be used throughout one's life. Surely, we would not want to prevent a lawyer, nurse or carpenter from referencing the books from which they learned their trade.

In addition, this provision would create a gap between the rights of students who physically attend classes, who would be allowed to keep their notes and course materials, and those who attend them digitally, who would be forced to destroy them. Enshrining this gap is bad public policy and has no place in copyright legislation.

Section 30.1's ostensible goal of providing for the digital delivery of course materials could be achieved by simply modifying the definition of "premises" contained in Section 2 of the Act to extend the "premise" to include anywhere accessed by persons authorised by the educational institution including staff, teachers and students. Such an amendment would extend the exceptions granted to educational institutions in Sections 29.4 to 30, to digital learning, facilitating it in a technologically neutral manner that will stand the test of time.

Recommendation #5

That Section 30.01 be removed and replaced with an amendment to the definition of premises in Section 2 of the Act to include anywhere accessed by persons authorised by the educational institution including staff, teachers and students.

DIGITAL LICENSING– SECTIONS 30.02 AND 30.03

Section 30.02 and 30.03 are overly complex and provide little or no benefit to copyright users, institutions or creators. While the benefits are hard to discern, the provision will place post-secondary institutions that do not feel it necessary to license their use of copyrighted works through a collective society at a disadvantage. This type of interference in the market place has no place in copyright legislation. These are issues best left for consideration by the Copyright Board and should not be put in the Act.

Recommendation #6

That Sections 30.02 and 30.03 be removed.

INTERNET EXCEPTION– SECTION 30.04

Section 30.04 would allow any content freely available on the Internet to be reproduced, communicated, and performed by educational institutions without gaining permission from, or providing payment to, the copyright owner, provided there is no notice instructing them not to and the work is not protected by a digital lock. While there can be little doubt that this Section would authorise uses above and beyond those allowed for by fair dealing, its value is still questionable as content providers can limit the use of this exception through a simple notice. This will greatly limit the ambit of materials that will be usable under this exception, greatly undermining its value.

Moreover, as a matter of public policy, it is questionable why it would be advantageous to provide an exception that would render unfair dealings non-compensable. The Act is better off relying on fair dealing to facilitate the types of educational dealings this section was meant to allow for.

Recommendation #7

That Section 30.04 be removed.

LIBRARY AND INTER-LIBRARY LOANS

Bill C-32 includes a provision resurrected from Bill C-61 that would require librarians to act as copyright police, ensuring that any copies made of works archived by museums, libraries, or other archives are destroyed within five days. The Bill also requires these institutions place digital locks on all digital library loans, something that the Canadian Library Association states, "most libraries would not have the resources to accomplish".

This is another unnecessary and onerous clause, which is contrary to the Supreme Court's judgment in *CCH* which specifically sets out that users enjoy a broad scope of fair dealing rights, and that these rights include desktop delivery of inter-library loans.

Recommendation #8

That the requirement that libraries, archives, or museums, place digital locks on materials they loan in a digital fashion be removed.

ADDITIONAL SECTIONS THAT SHOULD BE ADOPTED

While several aspects of the Bill need to be amended in order to produce a balanced Copyright Act, C-32 contains several proposals that should be adopted in their current form. In addition to those mentioned previously, these include limiting the level of statutory damages for non-commercial infringement and implementing a notice-and-notice regime for Internet service provider liability.

Recommendation #9

That the reduction of statutory damages proposed in the Bill be adopted.

Recommendation #10

That Provisions for a "notice-and-notice" regime for Internet service provider liability be adopted.

TEXT RECOMMENDATIONS

FAIR DEALING

That Section 29 be further amended to add the words "such as" to the definition of fair dealing, so that it reads:

> *29. Fair dealing of a work for purposes* **such as** *research, private study, education, parody or satire does not infringe copyright.*

TECHNOLOGICAL PROTECTION MEASURES

That the definition of circumvention in Section 41 be amended to specify that circumvention is only illegal for infringing purposes:

> *"circumvent" means,*
>
> *(a) in respect of a technological protection measure within the meaning of paragraph (a) of the definition "technological protection measure", to descramble a scrambled work or decrypt an encrypted work or to otherwise avoid, bypass, remove, deactivate or impair the technological protection measure,* ***for any infringing purpose****, unless it is done with the authority of the copyright owner; and*
>
> *(b) in respect of a technological protection measure within the meaning of paragraph (b) of the definition "technological protection measure", to avoid, bypass, remove, deactivate or impair the technological protection measure* ***for any infringing purpose****.*

That the ban on devices that facilitate circumvention and the provision of circumvention services be struck by removing Sections 41.1 (b) and 41.1 (c);

That the following be added as Section 41.23 "Protection of user rights", and that all other sections be renumbered accordingly:

> *41.23 No one shall apply, or cause to be applied, a technological protection measure to a work or other subject-matter, that:*
>
> *(a) hinders or prevents the non-infringing use of a copyrighted work; or*
>
> *(b) hinders or prevents the free use of a work for which copyright has ceased to subsist.*

TECHNOLOGICAL PROTECTION MEASURES (CONTINUED)

That a positive obligation for rights holders to facilitate circumvention be added as Section 41.101:

> *41.101 (1) Anyone who applies, or causes to be applied, a technological protection measure to a work or other subject-matter that is intended to be offered for use by members of the public by sale, rental or otherwise shall, upon request, provide reasonable means to circumvent that technological protection measure if required to make any non-infringing use provided for by this Act in relation to that work or subject-matter including, without limitation, those specified in sections 29, 29.1, 29.2, 29.21, 29.22, 29.23, 29.24, 29.4, 29.5, 29.6, 29.7, 30.02, 30.03, 30.1, 30.2, 30.61, 30.62, 30.63, 32.01, 32.1, or 32.2.*
>
> *No remedy for circumvention without infringement*
>
> *(2) No-one who fails to comply with the requirements of this section is entitled to any remedy for any act of circumvention referred to in paragraph (1), unless that act was for an infringing purpose.*
>
> *Injunctive relief only*
>
> *(3) No person making a request under paragraph (1) is entitled to any remedy other than injunction against anyone who is found to have contravened that paragraph.*
>
> *Regulations*
>
> *(4) The Governor in Council may make regulations in regard to*
>
> *(a) the meaning of "reasonable means" under paragraph (1); and*
>
> *(b) any fees that may be charged to provide the means to circumvent the technological protection measure under paragraph (1).*

DIGITAL LESSONS

That Section 30.01 be struck and replaced with the following amendment to the definition of "Premise" in section 2 of the Act:

> *"premises" means, in relation to an educational institution, a place where education or training referred to in the definition "educational institution" is provided, controlled, supervised by the educational institution,* ***or is accessed by authorized persons of the educational institution including but not limited to students, teachers and other employees of the educational institution*** ;