



**POSITION**  
**of the *Fédération des commissions scolaires du Québec***  
**on Bill C-32, *An Act to amend the Copyright Act***

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**Introduction**

The *Fédération des commissions scolaires du Québec* (FCSQ) was established in 1947. It represents the 60 French-language school boards in Quebec, as well as the *Commission scolaire du Littoral*.

The FCSQ's mandate is to advocate for its members and achieve progress in education in Quebec. Among other things, it prepares briefs, notices of opinion, recommendations and proposals based on its consultations with its school boards, in order to convey the school system's views on issues that affect public education.

The following brief is the FCSQ's response to Bill C-32, *An Act to amend the Copyright Act*.

## **Position of the FCSQ**

The FCSQ is opposed to Bill C-32, legislation to modernize the *Copyright Act* and, in particular, to the introduction of the concept of fair dealing for the purpose of education in section 29 of the current Act. Adoption of this amendment will have negative repercussions not only on an author's right to authorize or prohibit use of his or her work, but also on the author's right to receive fair compensation for its use. We understand that the government wants to facilitate access to copyrighted material; however, we believe that authors' rights must be respected when their works are accessed. Accepting the argument that access to works should be "free of charge" denies the importance of authors' contributions to our children's education and jeopardizes the school textbook publishing sector. Furthermore, the concept of fair dealing for the purpose of education is imprecise and would make it difficult for schools to apply clear rights management rules, something that is currently possible under agreements with collective societies. It is also difficult, if not impossible, to assess the impact that the coming into force of Bill C-32 would have on the very existence of agreements between the Quebec Ministry of Education, Recreation and Sport and collective societies.

Within the framework of the legislation currently in force, the Quebec Ministry of Education, Recreation and Sport signed agreements with collective societies facilitating school board access to copyrighted works while respecting authors' rights to receive fair and reasonable compensation. The current arrangement makes it possible for the school boards to maintain a balance between accessibility for educational purposes and authors' rights to be fairly compensated for their work. The concept of fair dealing for the purpose of education violates the provisions of agreements between the Quebec Ministry of Education, Recreation and Sport and collective societies that guarantee authors fair compensation for the use of their work. In short, the adoption of Bill C-32 in its current form will challenge these agreements and have negative repercussions not only for the school boards and their institutions but also for all students since the quantity and quality of works available for use by students in the school system could suffer.

In short, the FCSQ cannot endorse proposed copyright legislation that would call into question current provisions that guarantee authors fair compensation when their works are used by schools for the purpose of education. The current legislation and the agreements signed with collective societies make it possible to maintain balance between authors' rights to fair compensation for their works and students' rights to quality educational resources.