

Special Committee on Bill C-32

House of Commons

Ottawa, ON

Dear Members of the Committee:

As a former Durham Board of Education consultant I was responsible for implementing the previous copyright legislation as well as privacy and access to information policies for all board employees. Once they understood the need to compensate creators for their publications, teachers and board personnel agreed that a fee should be charged for photocopying and use of published material. The flat fee would not nearly cover the costs of writing, publishing and distributing school texts or fiction that was being copied, often wastefully. However, it was better than nothing. Since then widespread pirating of digital materials has become even more of a problem when CDs and website access are included to support printed texts.

No one would dispute that Canadian copyright law needs updating, especially considering the impact of the Web and how materials are accessed by consumers. However, the Bill expands the applicability of the concept of “fair dealing”. Currently under the *Copyright Act*, fair dealing is a statutory exception to copyright infringement that permits the use of copyrighted material for the purposes of private study, research, criticism, review or news reporting. Under the Bill, fair dealing has been expanded to include parody, satire and education, meaning that a person who uses copyrighted works for these purposes will not be liable for infringement.

The unfettered use of materials under the broad term of “education” undermines the entire intent of protecting intellectual property through copyright. Without such protection authors, contributors and the whole publishing industry, already endangered, will be at risk. There would be no incentive for developing new educational materials if there is no compensation to authors and their publishers for the effort of creating, publishing, distributing and updating their texts.

Please initiate the necessary revision to the Bill that would uphold the requirement that limits use and that educational institutions continue to pay fees to cover reproduction of print or digital materials in order to compensate the individuals working in the publishing industry for the considerable time and effort that goes into producing quality educational materials.

Thank you for your attention.

Rosalind Ross