

ASSOCIATION OF CANADIAN PUBLISHERS

A supplement to the brief submitted in December 2010 on Bill C-32

Technical Amendments to Bill C-11

Fair Dealing

Research, private study, etc.

29. (1) Fair dealing for the purpose of research, private study, education, parody or satire does not infringe copyright.¹

Education Conditions

(2) Subsection (1) applies to education only if it is for the purpose of educational instruction by an educational institution or a person acting under its authority.

(3) Subsection (1) does not apply to education where a dealing is not an infringement of copyright under another exception or limitation in the Act, or would not be an infringement of copyright if the conditions or requirements of that other exception or limitation were met.

(4) For clarity, subsection (1) does not apply to a dealing for the purpose of education if the dealing by itself or together with similar dealings would have an adverse effect, financial or otherwise, on the exploitation or potential exploitation of the work or other subject matter or on an existing or potential market for it, including that the dealing would be a substitute for the work or other subject matter.

For further information:

Carolyn Wood, Association of Canadian Publisher, carolyn_wood@canbook.org

¹ No change to subsection 1. The changes are in subsections 2 and 3.