



British Columbia Teachers' Federation

100-550 West 6th Avenue, Vancouver, BC V5Z 4P2 • 604-871-2283, 1-800-663-9163 • www.bctf.ca
TTY 604-871-2185 (deaf and hard of hearing) Executive Office fax: 604-871-2290

A brief to the Government of Canada Copyright Consultation

from the
British Columbia Teachers' Federation

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President

Executive Director

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<http://www.bctf.ca/BriefsAndPositionPapers.aspx>

Copyright laws are of great significance to teachers. The resources that we use in the classroom are an important element of the learning environment. The rapid adoption of digital formats for resources opens up many educational possibilities. On the other hand, the lack of access to these resources will increasingly challenge the relevance of education.

We recognize that there has to be a balance of the interests of both producers and users. Here are six educational issues that should be a part of the balancing process:

1. recognition that all levels of education serve Canada's public interest and that new media have become a crucial part of that education.
2. the need for a broad definition of *fair dealing* that facilitates the use of a diversity of materials in education.
3. regulations that do not limit the ability to use resources from websites in the educational process.
4. the need for clear and simple processes and reasonable costs for approval to use materials for education outside the fair-dealing provisions.
5. the ability to reuse online resources in the offering of courses after the initial course has been completed.
6. the right to unlock anticircumvention features for uses of resources in ways that do not contravene copyright.

1. Recognition that all levels of education serve Canada's public interest and that new media have become a crucial part of that education.

Education is clearly in the interests of individuals and their families. It contributes to growth and development and to opportunities for the future.

However, it is also in the public interest, which is why society makes a substantial commitment to funding it. The legislation should take this public interest into account in creating rules that reflect the social importance of education. By education we mean both the formal education of schooling and lifelong learning.

Given the increasingly central role of digital material including the web, both formal and informal learning require broad access to digital resources. The copyright legislation must include the public interest in education as one of the significant elements to include in the balance.

2. A broad definition of fair dealing that facilitates the use of a diversity of materials in education.

For teachers, the definition of fair dealing is a crucial issue. A narrow definition that only includes private study will limit many of the possibilities that would otherwise be available in the classroom, particularly in the area of online resources.

Canadian teachers already suffer disadvantages under the current *Copyright Act*. American teachers, protected by the broader American definition of fair dealing, are allowed to show reasonable lengths of video in the classroom without the hassle of gaining permission or paying royalties. A Canadian teacher using the same video would probably have to spend considerable time and money gaining permission to do so—if they could even find someone with the authority to approve that use, which is sometimes not possible.

We do not want to be in a position that gives American students much broader access to all media, including digital resources, than we can give to our own students.

3. Regulations that do not limit the ability to use resources from websites in the educational process.

Most people who put information on their websites mean for it to be open for others to see and use. If they wanted to keep tight control of who could access it and how, they would not put the information on a public website. The central idea of the web is getting attention for your ideas, messages, and products.

However, material placed on the web by a creator has copyright restrictions unless it is explicitly made a part of the public domain or is published under one of the licenses for the Creative Commons. If Canadian law does not provide copyright exemptions for educational use of the material on a public website, then teachers face several bad choices: either they meet untenable requirements to get approval, use the material outside the legal framework, or simply decide that whatever the value of the resource, it cannot be included in the course of study.

4. Clear and simple processes and reasonable costs for approval to use materials for education outside the fair-dealing provisions.

One of the impediments to getting approval for the use of copyright material is the effort and time needed to go through the process. Teachers are always under a time pressure to produce the resources they need to fit the objectives and pedagogy of a course or program. There is a wide range of resources to choose from; to make a selection and then have to get copyright approval can create a situation where the best resources for an instructional purpose may simply have to be abandoned.

A clear definition of fair dealing and a straightforward approach to getting approval for other resources at a reasonable price are needed to provide the best resources we can for student learning.

5. The ability to reuse online resources in the offering of courses after the initial course has been completed.

Teachers depend on being able to build on the work done previously to develop a course when it is next offered. Revisions and modifications grow out of the experience of seeing what works and what does not.

Being able to reuse online materials and links is particularly important for teachers in distributed learning—online courses. In British Columbia, about 10% of students are taking at least one course online, and the numbers have grown rapidly with the encouragement of the provincial Ministry of Education. Any requirement that a course be deleted after completion, and then rebuilt as if from the beginning, would be incredibly destructive to the kind of programs that open possibilities for accessible life-long learning as well as for expanded possibilities for students in the public schools.

6. The right to unlock anticircumvention features for uses of resources in ways that do not contravene copyright.

Including a provision that prohibits the unlocking of content from anticircumvention features is particularly a threat to libraries—school as well as public libraries. Users (teachers, librarians, or individuals) should have the right to access resources that they intend to use within the copyright provisions.

Telling potential users that they can use material, appropriately, and then putting a roadblock in the way of actually accessing the material, makes a sham of recognizing the rights of users. Again, the public interest requires that libraries, in particular, be able to offer access to people who do not have the personal resources to access important materials—materials that contribute to their roles as citizens and as participants in the Canadian economy.