



The Copyright Act review process in Canada: Advocacy takeaways

Stephanie Savage & Jennifer Zerkee



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Who we are

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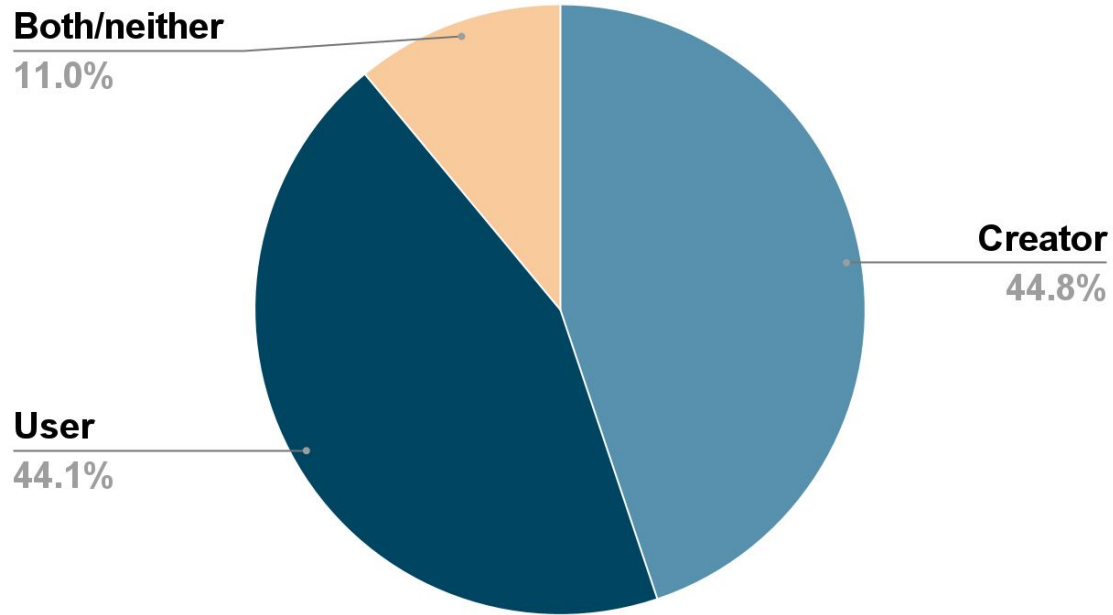
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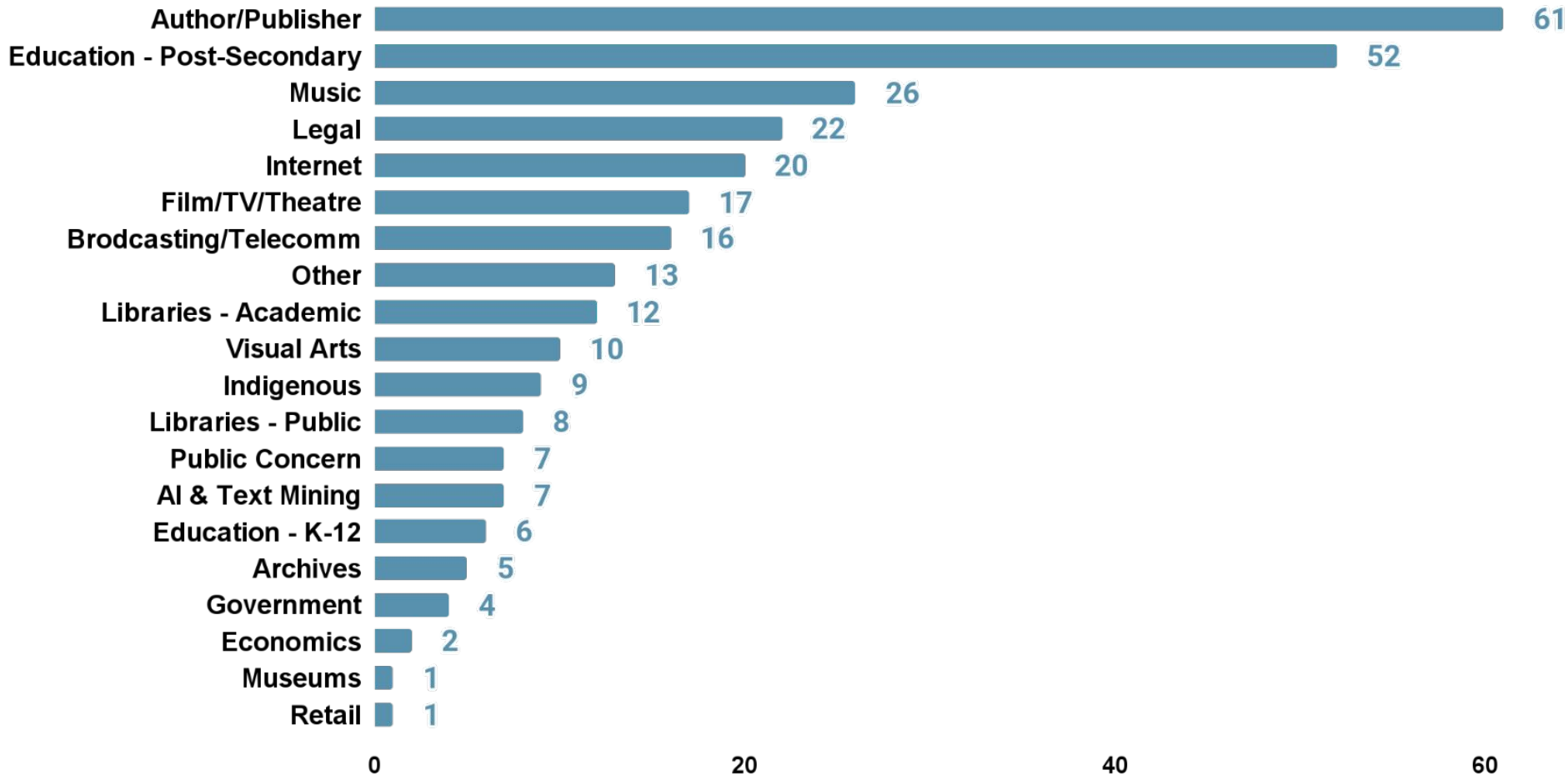
Project site: osf.io/5zh8x/

Background

- 2017** Standing Committee on Industry, Science and Technology (INDU) announced *Copyright Act* review.
- 2018** INDU held 52 meetings, heard from 263 witnesses, and received 192 briefs.
- 2019** INDU released its report and recommendations.
Standing Committee on Canadian Heritage released recommendations.
Federal election interrupts committee work and government response.
- 2020** COVID-19 interrupts... everything.
- 2022** Next *Copyright Act* review expected to be launched.

Participating stakeholders





Stakeholder recommendations*

Maintain fair dealing	62
Permit circumvention of TPMs for legal purposes	48
Prohibit contract override of user rights	35
Limit fair dealing	34
Recognize Indigenous rights	33
Limit Crown copyright	29
Expand the private copying regime	24
Maintain term of life + 50	23
Introduce text and data mining exception	23
Expand fair dealing	22

**These numbers are preliminary*

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The INDU Report: By the numbers

LIST OF RECOMMENDATIONS

As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.

Recommendation 1

That the Government of Canada introduce legislation to repeal section 92 of the *Copyright Act* in order to remove the requirement to conduct a five-year review of this Act. 24

Recommendation 2

That the Government of Canada simplify the wording and the structure of the *Copyright Act*. 25

Recommendation 3

That the Government of Canada establish a Research Chair on Remuneration and Business Models for Creators and Creative Industries in the Digital

INDU outlines 36 recommendations

We coded 41 recommendations:

22 "Strong" recommendations

19 "Weak" recommendations

The INDU Report: Key recommendations

Recommendation 18

That the Government of Canada introduce legislation amending section 29 of the Copyright Act to make the list of purposes allowable under the fair dealing exception an illustrative list rather than an exhaustive one

Recommendation 19

That the Government of Canada examine measures to modernize copyright policy with digital technologies affecting Canadians and Canadian institutions, including the relevance of technological protection measures within copyright law, notably to facilitate the maintenance, repair or adaptation of a lawfully acquired device for non-infringing purposes.

Recommendation 20

That the Government of Canada review section 29.21 of the Copyright Act to ensure that the creator of non-commercial user-generated content is not held liable for unintended copyright infringement.

Recommendation 23

That the Government of Canada introduce legislation to amend the Copyright Act to facilitate the use of a work or other subject-matter for the purpose of informational analysis.

Response to the review



"...virtually all stakeholders will find aspects they agree or disagree with, that is the hallmark of a more balanced approach to copyright reform." - [Michael Geist](#)

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from Noun Project

"...the Canadian review process ultimately produced a well-balanced report from the Industry committee that paves the way for measured, public-interest oriented copyright reform" - [Carys Craig](#)



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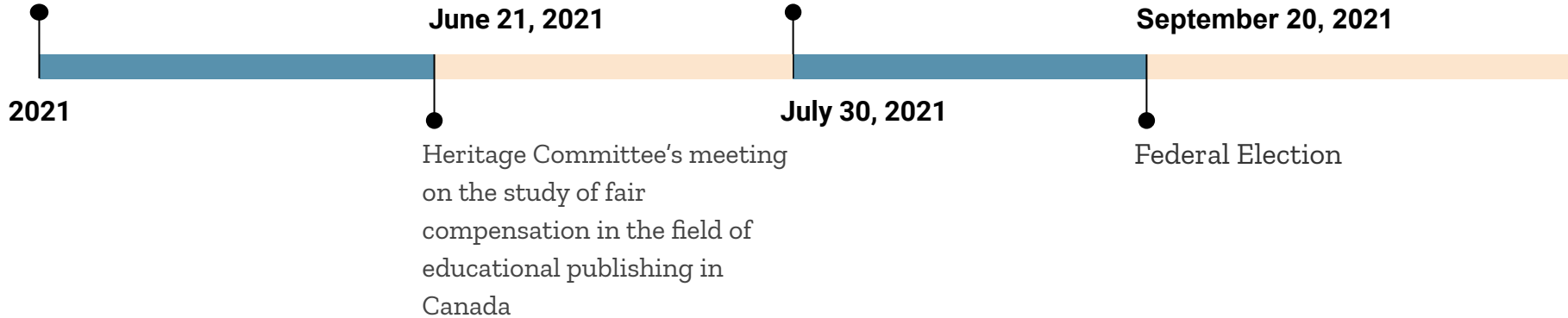


"While Canada's writers, visual artists and publishers are concerned with sections of the Report that threaten to exacerbate harms to their livelihoods, it also provides two instructive recommendations to address education as a fair dealing purpose and harmonization of statutory damages for collectives." - [Access Copyright](#)

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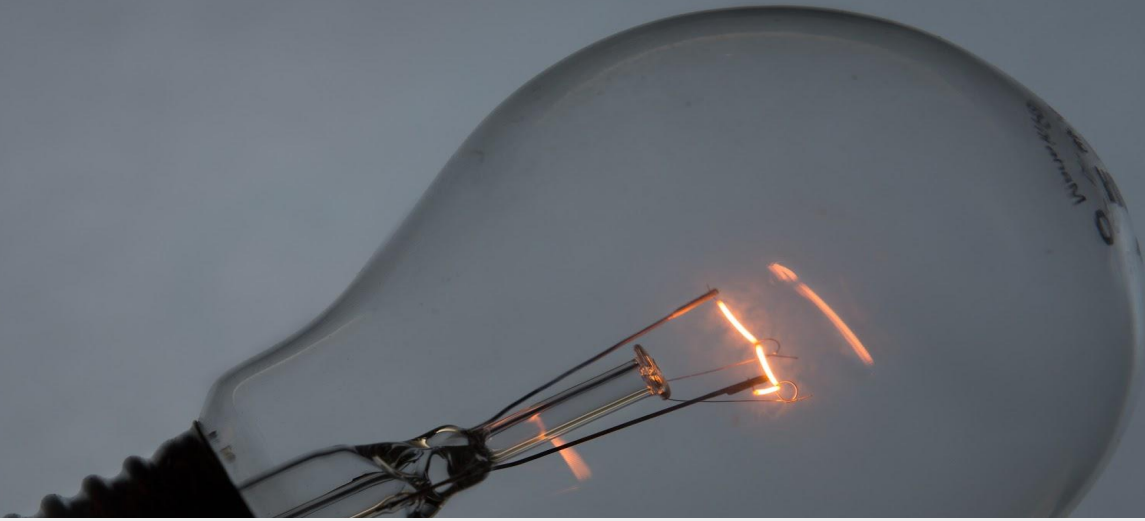
Recent developments

Post-review government consultations on artificial intelligence and the internet of things, copyright term extension, and online intermediaries



Advocacy

- Communicate and collaborate across higher education
- Be active with ongoing messaging and outreach
- Engage with students, instructors, government, the public
- Prepare responses to key questions from the review and anticipate key topics/questions for the next review



Questions?

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References and thanks

Zerkee, J., Savage, S., & Campbell, J. (forthcoming). Canada's Copyright Act review: Implications for fair dealing and higher education. *Journal of Copyright in Education and Librarianship*.

All INDU Committee Copyright Act review content (briefs, meeting transcripts, INDU Report) is available [here](#).

Our [OSF page](#) provides a timeline of the Copyright Act Review, selected findings, and links to our presentations and publications.

We would like to thank the Canadian Association of Research Libraries for support in the form of a [Practicing Librarian Grant](#) (2020).

We would also like to acknowledge the significant work of research assistants Jentry Campbell and Jessi Robinson on this project.

Response to the review slide:

Access Copyright (2019, June 5). [Access Copyright statement regarding Standing Committee on Industry, Science and Technology's Copyright Act Review Report](#).

Craig, C. (2019, June 19). [Oh Canada! True patriot love \(for thy Copyright Act Review\)](#). *Kluwer Copyright Blog*.

Geist, M. (2019, June 3). [The authoritative Canadian copyright review: Industry Committee issues balanced, forward-looking report on the future of Canadian copyright law](#). *Michael Geist*.