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Exerpts from Parliamentary Debates on C-11 May 15, 2012

email to CALL-L, May 15, 2012

We have some movement on the Copyright Modernization Bill.

The Committee presented minor amendments in today's report (although nothing for s. 29 which had been our primary concern).

Report:

<http://www.parl.gc.ca/CommitteeBusiness/ReportsResponses.aspx?Cmte=CC11&Mode=1&Parl=41&Ses=1&Stac=6598974&Language=E>

I took the liberty of reading Hansards this afternoon and can summarize positions in my overview (attached).

It appears that the Bill will go forward with minor (technical) amendments. and given the composition of the House, it should pass.

Many thanks to those who attended the Copyright SIG. I will be assigning "portfolios" to volunteers from that meeting.

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Summary for CALL/ACBD of Chamber Sitting 123

Re: Bill C11

May 15, 2012

Green Party is well-informed, will not support C-11 and suggests:

Ms. Elizabeth May (Saanich—Gulf Islands, GP)

Motion No. 3

That Bill C-11, in Clause 21, be amended by adding after line 13 on page 17 the following:
“(2) The Governor in Council may make regulations defining “education” for the purposes of subsection (1).”

BQ supports Quebec culture but not Bill C-11:

Mr. André Bellavance (Richmond—Arthabaska, BQ)

Nor is it surprising—because I was talking about Quebec culture in particular—that the Quebec National Assembly has unanimously denounced this legislation, which does not ensure that Quebec creators receive full recognition of their rights and an income that reflects the value of their creations.

....

In conclusion, there are many reasons, including this one, why we cannot agree to Bill **C-11** as written.

NDP will not support C-11 amendments

Mr. Charlie Angus (Timmins—James Bay, NDP):

When we talk about copyright, the term has been defined by English common law that “copyright” is the right to make a copy. Under French law it is “droit d'auteur”, the right of the author. These are fundamental principles. The right of the author. The right of the author to remuneration. The right of whoever is making the copy to remuneration. That is the fundamental principle of copyright.

.....

The other area which deeply concerned us is the impact on education. We will not get into the issues of what is under fair dealing and how that should be remunerated, because that is something that is continually fought in the courts and at the Copyright Board. In the transfer of information that people are using, we have an opportunity in a country as big as Canada to transmit library data, for example, but under the bill, we would be allowed to have the library information for five days and then it somehow would have to disappear in the air. Maybe we would have to burn it, or a technological protection measure would have to be placed on it.

I do not know who thought up that provision. Obviously they have nothing to do with education. For example, I want to get the memoirs of old Mrs. O'Grady who lived in Red Deer and wrote about what it was like to homestead in 1900. The memoirs are in a little library in Alberta and I am studying in Nova Scotia. Now, the library makes a photocopy and ships it to me and I have it for a month to study. That seems fair. However, if the library made a PDF and sent it to me, I would have it for five days and I would have to magically make it go away. That does not make sense. Who does any research within five days?



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For legal research or medical research, the fact is that we have great universities and small high schools. Information is being transferred back and forth. Then we have this provision that would give us five days' use. It just does not make sense.

We have shown a willingness. All our amendments were reasonable. The government refused to deal with them. At the end of the day we will not support the bill because it is an unfair attack on the rights of artists and it unfairly impinges on the ability of education and the development of new business models.

Liberals are easily persuaded and not too clear:

Hon. Geoff Regan (Halifax West, Lib.)

Bill **C-11** also fails to include a clear and strict test for fair dealing for educational purposes. That is another major problem with the bill.

Conservatives are marketing masters:

Mr. Robert Goguen (Parliamentary Secretary to the Minister of Justice, CPC):

I want to emphasize the fact that, since 1997, the government has tried to modernize the Copyright Act three times, four counting the Liberals' attempt in 2005. Parliament began its study of the Copyright Modernization Act during the last session. Bill **C-32, the Copyright Modernization Act**, was the latest attempt. The bill died on the order paper at the end of the last Parliament in March 2011

...

For educators and students, this bill opens up greater access to copyright material by recognizing education as a legitimate purpose for fair dealing. New measures will allow more efficient ways to teach, conduct research, and deliver course material and lessons using the latest technologies.

...

We wanted to limit the number of lawsuits against non-profit organizations that export adaptations for people with visual impairments to another country by mistake. This amendment is meant to protect Canadian organizations that might be sued for accidental violations