



CANADIAN FEDERATION OF STUDENTS
FÉDÉRATION CANADIENNE DES ÉTUDIANT-E-S

December 10, 2018

Submission to the Standing Committee on Industry, Science and Technology's Statutory Review of the Copyright Act

The Canadian Federation of Students is Canada's largest and oldest national student organization, representing over 500,000 university and college students, including the 90,000 graduate student members of our national graduate caucus.

The federation has a mandate to advocate for a system of post-secondary education that is of high quality and is accessible to all of Canada's learners. This includes advocating for our members' ability to access learning materials for the purposes of research and education in a way that is affordable and fair.

Over the last several years, we've seen a shift in terms of how academic content is accessed and shared. Factors for this shift include predatory pricing from large corporate content owners, changes in the publishing industry and technological innovation.

In order to create the highest quality educational environment, students and teachers have increasingly opted towards models which maximize access to knowledge. These models include the use of open access journals and open educational resources.

The current fair dealing provisions within the *Copyright Act* are a small but vital component of strengthening knowledge-sharing in the educational setting. Fair dealing, which has been affirmed by the Supreme Court as a central tenet of copyright law in 2004, and has been part of the *Act* since 1921, has not resulted in the replacement of traditional learning materials. Rather, it allows educators to supplement these materials for a richer, more dynamic learning experience.

Students and their families have paid and continue to pay significant sums for learning materials. According to Statistics Canada, average household spending on textbooks in 2015 was \$656 for university texts and \$437 for college texts.¹ Indeed, a report on the book publishing industry in 2014 finds educational titles to be one of the top two commercial categories in domestic book sales.²

Students do struggle to afford textbooks. A 2015 British Columbia study found that 54% of students reported not purchasing at least one required textbook because of cost; 27% took fewer courses to lessen textbook costs; and 26% chose not to register for a course because of an expensive textbook.³ However, these results are hardly due to a desire to keep profits from content creators and authors but rather due to predatory pricing on the part of publishers. It is therefore driving changes in scholarly communication.

¹ *Survey of Household Spending in 2015* (Ottawa: Statistics Canada, June 2017).

² *Book Publishing Industry 2014* (Ottawa: Statistics Canada, 2016).

³ "Investigating the perceptions, use, and impact of open textbooks: A survey of post-secondary students in British Columbia" (Rajib Jhangiana, 2015).



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Fair dealing for education and research is a small but critical element to permit access to copyrighted works for learning and knowledge creation. We urge Parliament to preserve fair dealing rights.

Where the *Copyright Act* needs to change is in regards to the recognition of the Constitutional rights of First Nations, Inuit and Métis peoples. Recognizing that copyright law has historically and currently been in conflict with Indigenous understandings of knowledge use and sharing, and recognizing the need for the Government of Canada and all settlers to commit to reconciliation with First Nations, Inuit and Métis people, students demand that Indigenous knowledge and heritage be maintained, disseminated, and compensated for according to Indigenous communities' self-determined rules.