



## **Brief in support of changes to Sections 29 and 30 of the Copyright Act, as proposed in Bill C-32**

Media Awareness Network would like to submit a brief in support of three proposed amendments to the Copyright Act, as detailed in Bill C-32: the addition of education, parody and satire to the possible purposes of Fair Dealing in Section 29, the exception granted for non-commercial user-generated content in Section 29.21, and the exception for educational institutions to reproduce, communicate or perform works publicly available on the Internet in Section 30.04. We feel that these provisions are an extremely positive step in making authentic media education available to students across Canada.

Canadians live in a media rich environment that would have been literally unimaginable to the Act's original drafters. For young people especially, media form one of the most important parts of their lives: according to a Fast Forward Trend Analysis study, Canadians aged 12 to 14 watched 18 hours of TV a week in 2006 and spent 21 hours a week on the Internet, while those aged 15 to 19 spent 15 hours watching TV and 22 hours online. (Fast Forward Trend Analysis, August 2006) That's not to mention the increasingly sophisticated cell phones, personal audio and video devices, computer and video games and other media sources that youth use to entertain themselves. Simply put, youth are immersed in media almost from day one.

How this media exposure affects youth is very much up to us. Whether or not they are aware of it, youth take values and messages from media. They need to learn to recognize the ways in which those messages are communicated and question and engage with them. From advertising to violence to body image, issues essential to the health and well-being of our youth are tied to media consumption.

More and more, youth are media creators as well. Whether it's participating in social networking sites, writing blogs, filming and posting online videos or crafting user-generated content for video games, new technologies are allowing youth to actively participate in creating media. We are only just beginning to realize the implications of putting media creation and worldwide publication tools into the hands of children and teenagers, marvelling at what they can achieve and fearful of the consequences of the bad choices they can make.

Understanding and participating in the media are also increasingly a part of being an active citizen. As media messages dominate our political debates and tools such as *Facebook* and *Twitter* are used for activism and organizing political movements, it is becoming increasingly important for young people to be able to view media critically in order to participate as citizens of Canada.

In this increasingly complex media world, media and digital literacy are the most effective tools we have to provide children and youth with the necessary critical thinking skills to maximize the benefits of media and new technologies and minimize the risks.

In short, media and digital literacy are essential skills for full participation in our digital society. Citizens who lack the ability to question, engage with and create media are at a disadvantage as consumers and citizens and are all too likely to be left behind in the knowledge economy.

Canada has been a world leader in getting media education into the classroom, to the point where it is now an essential component of the core curricula of all provinces and territories. How effective media education can be depends in large part on copyright law. The extension of Fair Dealing for educational purposes in this Act, as well as the other exceptions noted above, will serve to ensure that teachers are able to provide their students with authentic and meaningful media education tasks and lessons.

To begin with, students need to be able to study media products such as advertisements, movies and TV shows that are under copyright. Working only with public domain or copyright-cleared material runs the risk of creating a media education program that is too much at odds with students' actual experience of media; it is essential that students be allowed to study and work with the media they themselves consume. This means that teachers must have the ability to record and display/exhibit excerpts of a media product for educational purposes. Teachers should also have the ability to use excerpts of media products for legitimate educational purposes without having to seek permission or pay royalties. The addition of "education" to the list of purposes for Fair Dealing will make this possible.

Finally, copyright law should allow students to deconstruct and parody media products for educational purposes. Creation and reconstruction of media products is a key pillar of media education, and requires that students have the ability to excerpt and remix some or all of a media product for educational purposes. It is essential that students learn to create and remix media as well as to view it critically; not giving students the tools to manipulate media products is like teaching them to read without teaching them to write. For this reason the addition of parody and satire as permissible purposes for Fair Dealing is of tremendous value to media education.

As well as learning about the media, youth need to be taught about the various aspects of intellectual property law. It's clear that the public in general, and youth in particular, are poorly informed about copyright issues; a 2008 Environics study on Canadians' attitudes towards intellectual property labelled the largest group "the Impressionables" due to their tendency to look to others for cues on such issues as file-sharing and illegal downloading. The less well-informed the public is, the more we risk letting the debate be dominated by extreme positions.

A lack of education on intellectual property issues also makes it more difficult for youth to abide by the law in their media use. A study conducted in the UK ("UK adults turn their nose up at content owners' right to royalties," Telindus, July 2009) found that a majority of those polled believed that copyright had no force on the Internet, with posted and uploaded material being "free for all." If youth are not taught about copyright law – including the issues and debates around intellectual property in the Internet age – they cannot be faulted for not abiding by it. Teachers, too, need to be informed about their rights to use copyrighted material in the classroom – especially if the changes outlined above are enacted – in order to provide students with a meaningful education in media issues.

As Canada's economy continues to move away from manufacturing, more of us will become producers of intellectual property, but the same UK study found that only a quarter of those polled knew what rights they possessed to material they had created and posted online. A healthy, widely-obeyed and up-to-date Copyright Act is essential both to the success of Canada's economy and to our youth's ability to succeed as knowledge workers and media creators.



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