

December 14, 2018

Submission to the Standing Committee on Canadian Heritage's Statutory Review of the Copyright Act (included as part of deliberations on Remuneration Models for Artists and Creative Industries)

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 also represents numerous students in fine arts programs, including the representation of two active art institution locals, Local 7, the Students' Union of the Nova Scotia College of Art and Design (SUNSCAD) and Local 25, the OCAD University Students' Union.

The Federation maintains an organizational issues policy entitled "The Arts" which reads as follows:

- The Federation opposes cutbacks to the National Film Board and supports a vital and adequately funded National Film Board;
- The Federation opposes state censorship and persecution of artists who express their sexual identity, or political, moral and/or religious beliefs through their art;
- The Federation supports an adequately funded autonomous Council which grants funding to independent artists as well as artists' organisations;
- The Federation is vehemently opposed to cuts to the budget of the Canada Council; and
- The Federation supports the endeavor of groups which are actively working to maintain adequate funding for the arts community.

Students strongly support funding for the arts and for artists. As our issues policy states, the Federation endorses greater direct funding through granting councils and maintenance and growth of existing national arts organizations. However, students are disappointed to witness the narrative that it is through a repeal of fair dealing provisions in the *Copyright Act* that we ought to be funding the arts and artists in Canada.

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.

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 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.

Finally, art and artists in Canada are underfunded and the Federal government ought to remunerate creators directly through granting councils and other means rather than allowing corporate publishing houses to claim current fair dealing provisions in the *Copyright Act* as the source of this underfunding. The Federation hopes that this Committee will recommend greater direct funding for cultural industries and artists rather than passing the buck onto students and other end-users and creators.

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).