

# Statutory Review of the Canadian Copyright Act

Education International submission to  
the Standing Committee on Industry,  
Science and Technology (INDU)

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Education International  
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# EI Submission to INDU

## Education International

Education International (EI) is a Global Union Federation that represents organizations of teachers and other education employees. It is the world's largest, most representative sectoral organization of unions with more than thirty-two million trade union members in about four hundred organizations in one hundred and seventy countries and territories.

Education International promotes the principle that quality education, funded publicly, should be available to every student in every country. Education International supports democracy, peace, social justice, and human rights, including trade union rights and the right to education. Education International advocates equity in society. EI policies, programmes and advocacy effort promote social justice and challenge all forms of discrimination, whether based on age, disability, ethnicity or indigeneity, gender, gender identity or sexual orientation, language, marital status, migratory status, political activism, religion, socio-economic status, trade union affiliation, among others.

## Education International and Copyright

Access to quality and affordable teaching and learning materials plays a pivotal role in increasing the quality of education. The availability of textbooks and other materials for teaching and learning is a fundamental part of the Right to Education. The United Nations Sustainable Development Goal 4 (SDG4) on quality education and the related Framework for Action notes governments have an obligation to fulfil this right.

Currently, national and international copyright law often limits access to needed material by restricting the scope of user rights and education exceptions, granting questionable and overbroad rights to rights-holders, and imposing burdensome obligations on educational institutions. These barriers hurt students and teachers in all countries, but are particularly damaging in the developing world where inequalities in accessing and creating research, educational materials, and other creative works hinders the enhancement of educational and cultural participation for all.

To address this, Education International believes that copyright reform is needed at national and international levels. Essential elements of this reform include:

- Support for robust fair use or fair dealing of copyrighted material, including material used for educational and research purposes,
- protection of copyright limitations and exceptions from override by contract terms,



- mechanisms for education institutions to challenge unfair contracts, and
- flexibilities for TPM/RMI circumvention to ensure non-infringing access (such as fair dealing / fair use) to digital works.

## The Canadian Example

Globally, representative organizations of teachers, librarians and other education sector workers look to Canada's open and transparent copyright consultation process, and the copyright balance it has achieved to date, as examples for other countries to follow.

Canada is seen as a leader in the development and support of Open Access publishing and Open Educational Resources, important elements in the critical struggle to make education resources affordable. Canada is also seen as a leader in efforts to develop copyright limitations and exceptions that work towards creating an appropriate balance between the rights of the public and the rights of publishers in using materials for non-commercial, educational and research purposes. In particular, the development of fair dealing in Canada is seen as lighting a beacon of hope in the effort to defend and broaden international copyright exemptions for educational and research purposes, and ensure that copyright aids, rather than impedes, the right of all to a quality education.

## Moving Forward

At the moment, with the publishers' lobby too often dominating copyright discussions at national and global levels, copyright legislation around the world does not typically work effectively for education. Restrictions on copyright exemptions for educational purposes place financial burdens on education systems and institutions, which already pay substantial licensing fees to provide students and teachers with access to essential learning materials. Education systems in developing countries are disproportionately affected by such copyright rules.

In these circumstances, Education International urges the Standing Committee on Industry, Science and Technology to use the Statutory Review of the Copyright Act to ensure that the Canadian education system is not subordinated to commercial imperatives, and that copyright rules do not restrict the ability of teachers, researchers, and students to access material for educational purposes.

This course of action will benefit Canada. It will also preserve Canada as an example to the world of an effort towards genuine copyright balance, especially for countries in the developing world where currently far too many teachers, researchers, and students do not have affordable access to the materials they need to provide quality education.

