

Brief from the  
Association Québécoise pour l'éducation à domicile  
for the Statutory Review of the *Copyright Act*



*For a tailormade education*

Brief Submitted to the House of Commons Standing Committee  
on Industry, Science and Technology

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## The AQED

The Association Québécoise pour l'éducation à domicile (AQED), or Québec association for home-based education, is a non-profit, secular organization that brings together over 900 families with more than 3,000 children. It represents its members in dealings with the Quebec Department of Education and Higher Education, school boards and other youth and education organizations. The AQED supports and defends the right of parents to have their children educated according to the learning method they choose while protecting the right of children to receive a sound and balanced education. [www.aged.qc.ca](http://www.aged.qc.ca)

## Recommendations

1) According to the latest statistics from the Quebec Department of Education and Higher Education, only 64% of Quebec youth earn their secondary school diploma after the traditional five years of study. After seven years, this figure improves to only 76%.<sup>1</sup> It is therefore critical to provide the widest range of options possible to enable youth to continue their education. With the significant increase in the number of families homeschooling their children, both in Quebec and across Canada, the number of children educated outside of educational institutions continues to grow. Distance education and other forms of alternative education can be key factors in helping some youth obtain their diploma.

Consequently, it is imperative to give them access to all the tools available to develop their talents and achieve their dreams.

We understand and share the view that protecting copyright is essential. Yet Parliament has deemed it appropriate to preserve some categories of use, including education, in order to make works available to youth and adults in training. Homeschooling helps many children that school leaves behind for various reasons, and we believe homeschooled children should also enjoy this benefit.

If we want Canada to remain competitive, all “learners” need to have access to a high-quality education. We therefore believe that education must be retained in the definition of fair dealing.

To prevent abuse, we have established a copyright protection committee, and we have developed corresponding policies that we provide to our members. In this way, the AQED highlights the need to protect and uphold copyright. We also educate our members about this issue. In order to comply with the law, the AQED ensures that it purchases and uses copyright-protected material properly.

Education must continue to be part of fair dealing, and this exception must apply to both institutional education and other, less conventional, forms of learning.

2) Some contracts extend the prohibition on use of the works they protect to all forms of use. We believe this practice is an attempt to disregard the exceptions provided by the Act and so prevent fair dealing. We strongly object to this practice, which we believe to be contrary to the spirit of the Act.

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<sup>1</sup> Quebec Department of Education and Higher Education, “Taux de diplomation et de qualification par cohorte de nouveaux inscrits au secondaire,” <http://www.education.gouv.qc.ca/references/indicateurs-et-statistiques/indicateurs/taux-de-diplomation-et-de-qualification-par-cohorte-de-nouveaux-inscrits-au-secondaire/>. [in French only]

3) Technological advances allow for some protection measures to be circumvented. The AQED believes that successfully circumventing these measures for otherwise legitimate purposes should not be considered a violation of the Act.

The AQED therefore recommends the following:

1. that in section 29 of the *Copyright Act*, education be retained as part of the definition of fair dealing and that this exception apply to all forms of education;
2. that contracts and terms of use be prohibited from setting aside fair dealing rights; and
3. that the Act not consider circumventing a technological protection measure for otherwise legitimate purposes a copyright violation.

The AQED would like to thank you for your attention to these comments.