



July 26, 2017

The Honourable Mélanie Joly
Minister of Canadian Heritage
House of Commons
Ottawa, Ontario K1A 0A6

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SUBJECT: The Copyright Act

Dear Honourable Joly,

The Canadian School Boards Association (CSBA) is the national body of provincial school board associations representing over 250 school boards and more than three million elementary and secondary students across Canada. We are writing to you today to express the opinions and concerns of those school boards.

To be effective, school boards need to ensure our educators have access to a wide variety of learning resources and educational opportunities. Such resources now include digital materials, online platforms (often funded by Ministries of Education), and a growing body of internet-based material intended to be downloaded and circulated in classrooms. A balanced approach to copyright in Canada is vital to ensure our educators and our students have access to the most relevant and broadest learning opportunities.

An important way that school boards in Canada support teachers is by ensuring they know their rights and responsibilities with respect to copyright. Fair dealing is central to these rights, which have been granted to educators by the Supreme Court of Canada.

Fair dealing allows school board employees (educators) to share with students small amounts of copyright protected works without paying the copyright holder. This right does not come without responsibilities, which are also outlined carefully in resources such as the *Copyright Matters* booklet (now in its 4th edition), the newly launched website www.copyrightdecisiontool.ca, as well as posters and other materials distributed annually by CMEC.

Fair dealing also makes it easier for educators to expose students to a wide variety of information from multiple sources. It allows teachers to tailor material to reflect local issues, the most current global issues, and other specific classroom requirements. These additional resources enhance the primary teaching resource (formerly known as the 'textbook')

designated and purchased by either the Ministry or the individual school board depending on the jurisdiction.

CSBA is aware that the publishing industry has hired lobbyists to influence government opinion and public opinion, suggesting that the Fair Dealing Guidelines are directly resulting in financial losses. The Fair Dealing Guidelines were instituted in early 2013, following the ruling of the Supreme Court of Canada that allowed for the copying of short excerpts by teachers. Prior to 2013, school boards (or their Ministries) had been paying a Copyright Board certified tariff. Testimony in the above-mentioned Supreme Court hearing demonstrated that the publishing industry had been facing financial challenges in the years prior to the establishment of the Fair Dealing Guidelines. Current financial challenges reflect many other factors including the industry's inability to develop business models that have adjusted effectively to new digital learning developments.

CSBA strongly supports the Copyright Act, including the 2012 education amendments. We oppose any Copyright Act amendment that would eliminate educational rights established by the Supreme Court. Further, we believe that an erosion of these rights would have a significant impact on the ability of our members to provide students with broad and comprehensive classroom resources, both digitally and in print.

Floyd Martens



**President
Canadian School Boards Association**