

# Association of Canadian Map Libraries and Archives



## Association des Cartothèques et Archives Cartographiques du Canada

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### Copyright Report, 1999-2000

Submitted by Carol Marley, Chair

Committee Members: Elizabeth Hamilton, Richard Pinnell, Pierre Roy

At last Canadian librarians and archivists have the guide to copyright they have so eagerly been awaiting. The Copyright Guide for Canadian Libraries (Wanda Noel, CLA and ASTED, 1999) addresses the 1997 revisions to the Copyright Act, the regulations governing book importation and library exceptions that came into effect in 1999. Library activities that are controlled by copyright include photocopying, digitizing, forwarding e-mail and downloading and printing from the Internet. If you are not familiar with these provisions then you will want to purchase this guide (it is available at no charge to CLA members). The guide sets out who is protected by copyright, what is protected and the length of copyright. It describes both the rights of creators and the limitations thereupon. A special section outlines exceptions for libraries that have a license with a collective. Thrown in for good measure is the complete text of the Copyright Act and the regulations pertaining to library exceptions.

In the United States the copyright debate continues as Bill H.R. 354, a new version of the Collections of Information Antipiracy Act, works its way through Congress. The bill aims at protecting databases and the data they contain. An interesting twist is that the bill specifically excludes federal, state and local data from protection. Fair use provisions are provided for other types of data, exempting data used for educational, scientific and research purposes as long as that use does not "materially harm the primary market for the product or service." The research and academic community, unhappy with this bill, has introduced an alternative, H.R. 1858, the Consumer and Investor Access to Information Act of 1999. This bill would prohibit only the distribution of duplicate databases, and even these would be exempted if done for scientific, educational or research uses. The concern is to provide economical access to sole source data (for example imagery) and to allow for the development of new databases from existing data. According to Dee Ann Divis, it is questionable whether H.R. 1858 would provide enough protection to secure reciprocal coverage under Europe's Directive on the Legal Protections of Databases ("Curbing Information Piracy," Geo Info Systems, Jan. 2000).

In last year's report, the trend in Canadian public policy toward licensing, with copyright counting for less in a digital environment, was remarked upon. Countering this trend is a vigorous movement aimed at freeing geospatial data in Canada. A new Website (<http://members.hom.net/freedata/>) has been created to collect opinions from GIS users in regard to charging for government created spatial data. If you support freedom of information for Canadians, you should consider signing the electronic petition. In any case, it is worth while book marking the site for its news features. These range from an announcement of drastically reduced prices for Land Information New Zealand digital data to articles on Canadian geospatial policies and their effect on productivity in Canada (<http://www.geoplance.com/gw/1999/0699/699/699can.asp>). Recent news (March 15, 2000) was the call from Geoconnections, Canadian Geospatial Data Infrastructure, for a study on data pricing. This would be an in-depth and extensive study that examines the current digital data distribution practices, costs and revenues of Canadian government agencies and the impact of data pricing, licensing, sharing access and other factors on the Canadian geomatics industry and user community. The

study will also encompass a comparative analysis of approaches in the U.S. and Australia to provide recommendations on how government agency geospatial data dissemination policies and practices could be modified to facilitate business development and benefit the user community.

Geoconnections is a national program to develop the Canadian Geospatial Data Infrastructure. Program objectives are to increase the amount of geospatial data, information and services available on-line, ease data integration issues and data standardization, expand the use and application of geo-information, promote the development of innovative technology and simplify the conditions for geo-info use and resale. ACMLA members will want to track developments coming out of Geoconnections, with reference to data access. The Association is represented on various Geoconnections' committees by James Boxall, Carol Marley, Richard Pinnell, Grace Welch and Cheryl Woods.

Those who have confidence that the Internet will give everyone access to the world's knowledge might want to look at Donald Gutstein's new book, *E.Con: How the Internet Undermines Democracy* (Toronto, 1999), reviewed by Vincent Mosco (CAUT Bulletin, Feb. 7, 2000). In 1999 the Speech from the Throne promised that Canada would be, by the year 2004, "the most connected nation in the world." It may come to pass, but Gutstein posits that the thrust of current Canadian government policy, connecting Canadians, promotes a business agenda. Specifically this agenda is developing electronic commerce, and more generally the privatization of education, libraries, training and other social services. By way of illustration, Gutstein describes how Industry Canada has taken over programs that might normally find a home in the department of Canadian Heritage, such as the Community Access Program. This program promotes access to the Internet by providing matching funds to community organizations. Industry Canada also runs School Net. Gutstein goes on to describe how the federal government has privatized the national backbone network that delivers electronic services on the Web, taking CA\*net, a public organization and turning it into CANARIE, a private organization led by Bell Canada. Intellectual property policy rarely makes for engaging reading, but Mosco observes that Gutstein manages to enliven the subject by providing numerous concrete examples of what it means to lose a sense of the information commons as we adopt the principles of intellectual property.

The Web site, Fair Use Harbor (<http://www.stfrancis.edu/cid/copr/bay/fair.use.htm>) is a good site to introduce students to intellectual property. Head for background beach which gives a reasonably simple, comprehensible history of copyright and fair use. As you proceed to multimedia wharf, keep away from infringement reef.

A licensing agreement for digital topographic maps was formally announced between Canadian Association of Research Libraries (CARL), Association of Canadian Map Libraries and Archives (ACMLA) and Natural Resources Canada (NRCan) at the International Cartographic Association conference in Ottawa, Summer 1999. A recent article ("Geography Is (All Of) Us," CASLIS Ottawa Chapter Newsletter, v.10, no.6, January 2000) explains the significance of this new entente. The license is an important achievement, allowing students and researchers in Canada to make even greater use of the vast array of socio-economic statistics from Statistics Canada, provided through the Data Liberation Initiative. Among the many people who worked so assiduously to make this license a reality, Andre Berube, NTDB Customer Support Group. Tim Mark, Executive Director of CARL and Grace Welch of ACMLA deserve a special vote of thanks.

There were some encouraging developments in terms of data access this year. Congratulations to all of us who contribute to broadening the information commons.

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