

Report of the Copyright Committee for 2006/07

Committee members for this past year were Richard Pinnell and Elizabeth Hamilton.

Mark Haslett, Chair of the CARL Copyright Committee and University Librarian at the University of Waterloo has kindly agreed to keep a record of any particular concerns that we, the members of the Association of Canadian Map Libraries and Archives, might have with respect to Canadian copyright protection for cartographic materials, whether print or electronic. At time of writing I have put out a call on the Carta listserv for your questions and concerns, and will forward a summary of these to Mr Haslett. CARL has played an active part in the copyright reform process over a number of years and has a history of working with federal agencies which have a responsibility for copyright legislation. CARL welcomes legislation that is fair, balanced and reflects the needs of Canada's research community.

There has been no federal copyright legislation since the Conservatives were elected in early 2006. Bill C-60, *An Act to Amend the Copyright Act*, died on the order table with the fall of the Liberals in November 2005. Full text of this Bill can be found at:

http://www.parl.gc.ca/common/Bills_ls.asp?lang=E&Parl=38&Ses=1&ls=C60&source=Bills_House_Government. The bill included wide-ranging changes to the *Copyright Act*, and was primarily designed to address digital issues surrounding copyright.

Some recent good news on the copyright front is that Access Copyright in March 2007 automatically renewed the photocopying licence for each AUCC member institution for a period of three years. The current FTE rate of \$3.38 per student and the per page rate of \$0.10 per page for coursepacks will remain in place. The expiry date for the renewed licence is 31 August 2010. This automatic renewal gives AUCC time to evaluate the outcome of the Copyright Board proceeding concerning the K-12 tariff and to assess the impact of the next round of copyright reforms on fair dealing and on collective licenses.

A quick thumb through the index and table of contents of Normand Tamaro's *The 2007 Annotated Copyright Act* (Thomson Canada Limited, 2006), revealed some interesting case law that pertains to the interpretation of artistic works and specifically to maps and plans. Two noteworthy examples are:

1. A map that combines aerial and topographical photographs is original. On the one hand, the author had combined elements, which rendered his map distinctive. On the other hand, the map was the result of the selection of sources, their interpretation, and the skill and required judgment to render the result. [Weetman v Baldwin (2001)]
2. City maps are original. [R v Allen (2006), 2006 466 CarswellAlta (Prov Ct)] The pagination, the grid system, the spiral, the labeling, the overlapping, the street index, the features index, together add up to an artistic and literary work that is full of originality as defined in the CCH case and qualifies under the *Copyright Act* as an artistic and literary work in which copyright subsists. The author used an aerial photo of the City of Calgary, Calgary zoning maps, maps from Clearview and Mapart, and other source materials to ensure accuracy.

In the Preface to this same work, Tamaro observes it is his opinion that the Supreme Court is “leading us toward a more ‘international’ reading of our copyright law, so that now, as before, we can turn to comparative law and international agreements to complete our reading of the law where our case law is partially silent and the words is comparable.”

Respectfully submitted,

Richard Pinnell, Chair
Copyright Committee
26 April 2007