

## Report of the Copyright Committee for 2007/08

Committee members for this past year were Richard Pinnell and Elizabeth Hamilton. In preparing this report I wish to acknowledge that I gleaned much useful information from Richard H Ellis's recent article entitled "Whither Copyright? A Summary of Current Developments" (APLA Bulletin, February 2008) <http://www.apla.ca/ojs/index.php/AplaBulletin/article/view/50>. I am very grateful to Dan Duda for bringing this article to my attention. Another useful source of current information regarding Canadian copyright developments is Dr Michael Geist's blog <http://www.michaelgeist.ca/>, with RSS feed.

As was the case last year, there have been no recent legislative changes with respect to Canadian copyright. On the other hand there has been considerable copyright-related activity on the part of four major advocacy groups in the education sector. These groups, including CARL, CLA, AUCC, and CAUT, have all issued position papers stating that legislation, if introduced, should address certain key points. In January 2008 the Canadian Association of Research Libraries published *A Canadian Approach to Digital Copyright* ([http://www.carl-abrc.ca/projects/copyright/CARL\\_digitalcopyright\\_statement-Jan2008-e.pdf](http://www.carl-abrc.ca/projects/copyright/CARL_digitalcopyright_statement-Jan2008-e.pdf)) which urged that users' rights must not be limited or narrowed in the digital environment. This document also suggests that "the *Copyright Act* should be amended to provide that students, teachers and educational institutions do not infringe copyright when they use publicly available material on the Internet for educational purposes."

The Canadian Library Association in its statement *Fair and Balanced Copyright for Canadians* (February 2008) takes the position that:

- New copyright legislation must be carefully crafted so that it punishes copyright-infringing behaviour, but does not ban devices that might be used to circumvent technological prevention measures for legal purposes (a position also supported by CARL, AUCC, and CAUT)
- The Government needs to recognize that government documents and government data belong to all Canadians and that all Canadians should have access to these materials.

On this last point, the relatively recent launch of the GeoGratis website ([www.geogratias.ca](http://www.geogratias.ca)) and the GeoBase website ([www.geobase.ca](http://www.geobase.ca)) both represent a federal, provincial and territorial government initiative designed to provide Canadians with ready access to and public use of government data at the national level. The GeoBase and GeoGratis license agreements state that: "Canada hereby grants to the Licensee a non-exclusive, fully paid, royalty-free right and licence to exercise all Intellectual Property Rights in the Data." (e.g., <http://www.geobase.ca/geobase/en/licence.jsp>). This geospatial data liberation initiative builds on the work of the successful Data Liberation Initiative, and yet goes even further. We now have made-in-Canada Geospatial Data Liberation whereby the data is freely available to all under the terms of a highly liberalized licence grant.

However, with respect to government paper maps, there is still a requirement that "Anyone wanting to exploit or reproduce information shown on NTS maps requires the authorization of the Government of Canada." The use of the word "exploit" seems antediluvian in this context. As one of our members pointed out earlier this year on Carta, it is: "odd that one can download

and print the very same map from the web but not be able to photocopy it.” In other words, one can download and use georeferenced, scanned NTS maps from the GeoGratis website and yet in order to reproduce the paper-based equivalent there are restrictions which vary depending upon whether the use is educational or is non-academic. ( [maps.nrcan.gc.ca/permission/edu\\_e.php](http://maps.nrcan.gc.ca/permission/edu_e.php) ). It may be that in this new dawn of geospatial data liberation, there might soon be similar developments with respect to the use of government non-digital cartographic products.

Respectfully submitted,  
Richard Pinnell, Chair  
Copyright Committee  
13 May 2008