

Education Ministers' Policy Statement on Fair Dealing

Ministers of education strongly support copyright

The ministers of education comprising the Council of Ministers of Education, Canada (CMEC) Copyright Consortium¹ believe that they play an important role in ensuring that educators comply with copyright law. As responsible stewards of copyright, ministers actively promote compliance with fair dealing in schools.

Current copyright law strikes a good balance between the needs of Canadian students and the publishing sector

Five years ago, the federal government changed the *Copyright Act* to include “education” as a stated purpose in the “fair dealing” provision of the act. This approach gives students access to a wide range of material they need to obtain 21st-century learning outcomes. Education ministers view the current *Copyright Act* as good public policy that achieves an important balance between user rights and creator rights.

The *Fair Dealing Guidelines* were developed to ensure that teachers know how to apply fair dealing in the classroom

The Supreme Court of Canada has ruled that it is fair for teachers to communicate or make copies of “short excerpts” from a copyright-protected work for students in their classes without having to purchase a copy of the entire work for each student in a class. This decision recognizes that students benefit when teachers can use short excerpts for educational purposes, such as one article from a newspaper. When longer excerpts are used, such as more than a single chapter of a book, schools pay a fee or a copyright tariff.

The consortium developed the *Fair Dealing Guidelines* to help teachers understand the Supreme Court of Canada’s interpretation of how fair dealing applies in the classroom. It also developed an on-line tool—www.CopyrightDecisionTool.ca—that allows teachers to quickly see how fair dealing applies. The *Fair Dealing Guidelines* ensure consistent application of the Supreme Court decision and are relied on in schools, school boards, and ministries/departments of education across Canada (outside of Quebec) to determine whether particular dealings with copyright-protected works for others are “fair” or “unfair.”

The *Fair Dealing Guidelines* respect the rights of authors and publishers

Fair dealing does not mean that an educator can make unlimited use of any copyright-protected work without permission or payment. Fair dealing only permits the use of “short excerpts” for educational purposes. The *Fair Dealing Guidelines* describe “short excerpts.”

Canadian copyright law is aligned with copyright law around the world

The current *Copyright Act* and the *Fair Dealing Guidelines* place Canadian students on a level playing field with students in other countries. For example, copying up to 10 per cent of a work or a single chapter of a book is considered to be fair dealing in other countries, including the United States.

¹ The CMEC Copyright Consortium is composed of the ministers of education of the provinces and territories, with the exception of Quebec.

Canadian students and creators can compete with the best in the world

Ministers want to ensure that Canadian students are able to access the very best educational content available. They believe that we have the capacity in Canada to compete on an international stage as well as to develop high-quality materials specifically focused on Canada.

The challenge for developers and publishers of Canadian content is to stay current with advancing technology and new ideas about teaching and learning

The way textbooks and other resources are used in the classroom is very different from what it was even five years ago. Many factors have affected textbook sales, including the adoption of semester teaching, declining enrolment in some areas, the longer lifespan of textbooks, increased use of the Internet and other electronic tools, increasing use of open access resources, the huge transition from print to digital learning resources, new media players like Google and Apple, more resource-based learning, and the development of Open Textbooks, as they have in Ontario.

The current *Copyright Act* works to support Canadian students without harming the publishing industry

Statistics Canada reported that the publishing industry in Canada showed an operating profit margin of 11.7 per cent in 2014. Promoting a continued, vibrant publishing industry in Canada does not require a change to the fair dealing provisions that have been developed by the Supreme Court of Canada and Parliament.



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