

## RECOMMENDATION

Education should continue to be considered fair dealing under the Canadian Copyright Act.

Since 2013, educational use has been considered fair dealing under the Canadian Copyright Act, giving educators, including university instructors, the ability to make limited and fair use of copyrighted material for student learning.

This change to the Copyright Act improved the quality and access of education at Canadian institutions, while avoiding unreasonable charges for copyright usage in education. Use of real world or applied examples in the classroom allows students to engage with classroom material in the context of select readings and contemporary media reports. Prior to the Modernization Act, Universities Canada reported that exorbitant costs were frequently charged for the use of materials. One of the most egregious examples of exploitative costs, included a \$66 per second assessment to show a short film segment in the classroom.<sup>1</sup>



Without question, fair dealing contributes to affordability in education. For example, the University of Toronto's Zero-to-low Cost Course project (ZTLCC), which was enabled by the fair dealing exception, saved 1,900 students collectively over \$400,000.<sup>2</sup> Often, the cost savings enabled by the Canadian Copyright Act are by educational exceptions to reproduction licenses on material that Canadian university libraries have already acquired. University libraries spend over \$300 million in acquisitions every year, despite the fair dealing exception.<sup>3</sup>

Post-secondary institutions drive innovation and knowledge. They produce future leaders across sectors, including business, healthcare, academia, and politics. Copyright materials are integral to providing students with the most effective, affordable, and relevant resources in the classroom. The Canadian Copyright Act should continue to consider education as a provision for fair dealing. Students accept that education comes at a price; however, the affordability of copyright materials helps reduce the financial barriers that students face.

<sup>1</sup>Universities Canada, The Changing Landscape of Canadian Copyright and Canadian Universities (2018), 2, <https://www.ourcommons.ca/Content/Committee/421/IDU/Brief/BR10002433/br-external/UniversitiesCanada-e.pdf>

<sup>2</sup>University of Toronto, The zero-to-low cost course project is estimated to have saved students over \$400,000 (2016), <https://www.utoronto.ca/news/u-t-library-project-takes-cost-burden-out-course-packs>.

<sup>3</sup>Universities Canada, The Changing Landscape of Canadian Copyright and Canadian Universities (2018), 4-5, <https://www.ourcommons.ca/Content/Committee/421/IDU/Brief/BR10002433/br-external/UniversitiesCanada-e.pdf>