

Canadian Copyright Act Amended

In the final weeks before the Parliament was dissolved for elections, the Canadian Government acted to adopt a Copyright Reform Act (Bill C-32). From the point of view of libraries and higher education in Canada, the reform has mixed implications. According to an analysis by the Association of Universities and Colleges of Canada (AUCC), the most important positive outcome is the establishment of the principle of educational and library exceptions in the Copyright Act, many of which are operational irrespective of the existence of collective licensing. Previously, Canadian law provided only one exceptions. The new exceptions are an important precedent for future reforms that will address copyright in the digital environment.

The AUCC also finds provisions in the reformed law that are "disadvantageous to educational institutions, libraries, and students which will further strengthen the position of copyright holders, especially collectives." The provisions cited include:

- a new definition of the term "commercially available" that "effectively undermines certain educational and library exceptions by making them inoperable where a license is available from a collective;"
- a new prohibition on the importation of used textbooks into Canada;
- a new provision that provides educational institutions, libraries, etc. protection from liability for infringements by patrons using free standing photocopy machines *only* if the institution has a collective license; and
- a new statutory damages regime from which educational institutions and libraries are shielded if they have a license with a collective society.

Another round of copyright reform in Canada is promised for the next session of Parliament, when both rightsholder groups and educational/library groups are expected to again urge their respective positions to the government. Creator groups are expected to press for the elimination or evisceration of the new educational and library exceptions.

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