

Position Statements

Copyright

Approved by Executive Council ~ November 5, 1995

Throughout the 1980s, the Canadian Library Association (CLA) submitted briefs to the federal government, stressing the need for balance between the rights of copyright holders and copyright users. Bill C-60 (1988-89) allowed for the establishment of collectives and a new Copyright Board. It enhanced the rights of creators, but matters related to the rights of users were to be covered in the next round of amendments, "Phase II."

In 1995, the discussions of the Information Highway Advisory Council and its subcommittees caused CLA to amend its position to ensure that the balance between rights holders and users is maintained in the electronic environment.

CLA reaffirms its support for legislation which reflects a balance between the rights of copyright holders and copyright users. More specifically:

1. A library must be able to:
 1. do any act for the purpose of maintaining or managing a collection, with the exception of copying when with reasonable efforts it can be
 2. determined that the work is commercially available at a reasonable price within a reasonable time;
 3. reproduce a single copy of an article in a periodical;
 4. enjoy all exceptions available under the Act, as well as the defence of fair dealing, which are enjoyed by its patrons;
 5. enjoy the access intended under fair dealing by providing specific criteria and guidelines as to its scope;
 6. incur limited liability for patrons of its photocopying machines provided that the library or archives informs patrons of the law regarding copyright infringement in a notice affixed near each machine; and
 7. do any act for another library that it is entitled to do under the Act.
2. The Copyright Act should be amended to include a definition of 'browsing' as the temporary display of a work on a video screen or other similar device, but not the making of a copy by downloading the work to a user's hard drive or other memory device, for the purposes of creating or retaining a permanent copy in any format.
3. The Copyright Act should be amended to provide the right to browse all works placed on the information highway, with the exception of works on which the

copyright owner has placed a notice that the work may not be browsed without his/her consent, and with the exception of works which the user knows to have been placed on the Information Highway without the consent of the copyright owner.

4. The Copyright Act should be amended to provide explicit clarification that fair dealing applies to the making of an electronic copy of a work and to the storage and transmission of that copy by electronic means.
5. Crown copyright should be maintained, and the Crown in Right of Canada should as a rule place federal government information and data in the public domain. The use of Crown copyright materials for purposes of teaching, education, scholarship or private study should be free of charge.