

Canadian publishers urge action following conclusion of Parliamentary Review of the *Copyright Act*

TORONTO, ONTARIO—(June 5, 2019)—The Association of Canadian Publishers (ACP) urges the Government of Canada to move quickly following the October election to table legislation to clarify fair dealing for education. This call follows the tabling of the Standing Committee on Industry, Science and Technology’s Statutory Review of the *Copyright Act* in the House of Commons earlier this week.

ACP is gratified by the Committee’s assessment of challenges stemming from the 2012 *Copyright Modernization Act*, particularly around fair dealing for education. The broad interpretation of fair dealing by the education sector, and its resulting economic damage, was also identified by the Standing Committee on Canadian Heritage in its complementary study, *Shifting Paradigms*. In preparing these studies, MPs from all parties have recognized the problematic nature of the education sector’s copying guidelines and practices, and have called for resolution of this issue.

After hearing from a broad range of witnesses from the publishing and education sectors, and legal experts and scholars, the Industry Committee concluded that the expansion of fair dealing to include education in 2012 has changed the behavior of educational administrators, educators, researchers, and students, and has resulted in a loss of revenue to Canadian publishers and creators. Importantly, the committee has stressed that fair dealing exceptions are meant to be applied on a case-by-case basis, which makes the establishment of bright-line criteria—like those adopted by the education sector after 2012—incompatible with Canadian copyright law.

“We are encouraged by the Committee’s recognition that our sector has experienced significant financial losses since 2012, and welcome their recommendation that the government bring the education sector and copyright collectives together to build consensus around the future of fair dealing in Canada,” said ACP President Glenn Rollans. “For many years ACP has called on government to take a leadership role in bringing parties together to identify areas of common ground, and we remain ready and willing to participate in these discussions.”

Through their reports, the Industry and Heritage Committees have provided the Minister of Innovation, Science and Economic Development and the Minister of Canadian Heritage a number of concrete actions to consider as they prepare their response to the review in the coming weeks. ACP encourages the Government of Canada to consider both sets of recommendations when formulating its response, particularly with respect to challenges faced by Canadian publishers and writers.

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The ACP is the national voice of Canada’s independent English-language book publishers. The ACP supports its 115 members in creating an economically sustainable Canadian-owned and -controlled publishing industry. Visit www.publishers.ca for more information about the association’s programs and mandate.

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