

Copying Internet Resources in Education

For Canadian students and teachers alike, reasonable access to Internet resources is a critical necessity for learning and teaching. Canada's current Copyright Act, however, makes it illegal for students and teachers to participate in routine classroom activities where they download, save, and share Internet text or images that were intended by their creators to be freely downloaded and distributed.

Copyright infringement is of key concern to educators and authorities across the country. The education sector believes that clarity and balance in the Copyright Act must be vigorously championed, such that copyright infringement is eliminated and that every student and teacher can be assured of timely and fair access to Internet materials.

To this end, the provincial and territorial ministers responsible for education across Canada¹, in collaboration with teachers, school boards, colleges, universities, and professors, have proposed to the Government of Canada that it enact an education amendment in the Copyright Act to permit the educational use of freely available Internet materials. The proposed amendment is intended to address educational needs and ultimately clarify and enhance respect for copyright ownership on the Internet.

Broad support exists for the proposed education amendment. Thirteen national organizations representing the K-12 and postsecondary education sectors, as well as museums, libraries, and archives, support the proposed amendment. Together, the members of these organizations play a major role in furthering education, learning, research, and in fostering social, cultural, and economic development in Canada. They also function as key players in the provision of public access to Canada's cultural and heritage resources.

The education sector has proposed an amendment that is limited in scope, in two respects:

1. It applies exclusively to participants in a program of learning under the authority of an educational institution. For example, the proposed amendment would permit students to use freely available Internet materials by incorporating text or images in homework assignments, performing music or plays on-line for their peers, and exchanging materials with teachers or peers. To encourage copyright awareness and respect in all circumstances, students and educators would be required to cite the source of the Internet materials that they use.

2. It applies strictly to the use of freely available materials on the Internet. Freely available materials are those posted on-line by content creators and copyright owners without any technological protection measures such as a password, encryption system, or similar technologies intended to limit access or distribution. These materials, intended to be widely accessed and shared, may include text, images, music recordings, theatrical performances, or instructional demonstrations. The proposed education amendment will ensure that it is legal for students and educators to reasonably access and use freely available Internet materials.

The proposed amendment will not exempt institutions from paying for digital materials such as commercial CD-ROMS, subscription databases, licensed software, on-line courses, and other curriculum resources. Copyright owners who wish to sell or otherwise limit access and distribution of their digital or online materials can continue to do so through subscription, password, and payment technologies. The proposed education amendment will not apply to such commercial materials, thus allowing content creators and copyright owners to continue to sell and receive payment for their works.

Rapid advances in technology-enhanced learning call for a modernized Copyright Act that serves the public interest in permitting reasonable access to and use of Internet materials for purposes such as education, teaching, research and innovation, and the dissemination of knowledge. If the education amendment is not enacted, schools and postsecondary institutions across the country may be legally obliged to curtail Internet use in order to avoid liability. Imposing limitations on the access to and use of a tool as valuable as the Internet could ultimately compromise the quality of education in Canada.

The Government of Canada has announced its plan to reform the Copyright Act and table legislation relating to education and access. The education sector welcomes this focus on the needs of students and educators. Provinces and territories have long maintained that a modern and balanced copyright framework will protect the public interest. The need for such a framework has never been more important than now, when all levels of government are investing in connecting Canadians and promoting skills development and innovation.

By enacting balanced copyright legislation, addressing the needs of students and teachers, promoting access, and making other much-needed updates, Canada has an extraordinary opportunity to enhance learning opportunities for generations to come.