Copyright in Libraries 2020

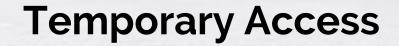
COPPUL Scholarly Communications SkillShare - Online conference April 30, 2020

Christina Winter, University of Regina Kate Langrell, University of Saskatchewan

Agenda

- Copyright and COVID-19
- Summary of Copyright Act review
- Copyright court cases
- Copyright Board of Canada
- CUSMA
- Crown copyright

COVID-19, Copyright and Libraries



Project Muse, Vital Source, Proquest ebooks

Most of these offers are currently scheduled to end in the spring.

Covid-19, Library Response and Calls for Increased Access

- ICOLC List of resources being temporarily opened up -https://bit.ly/icolceas
- IARLA Statement on Access to Digital Content for Education and Research During the Period of COVID-19 Response https://iarla.org/2020/04/statement-access-digital-content/
- ICOLC's Statement on the Global COVID-19 Pandemic and Its Impact on Library Services and Resources

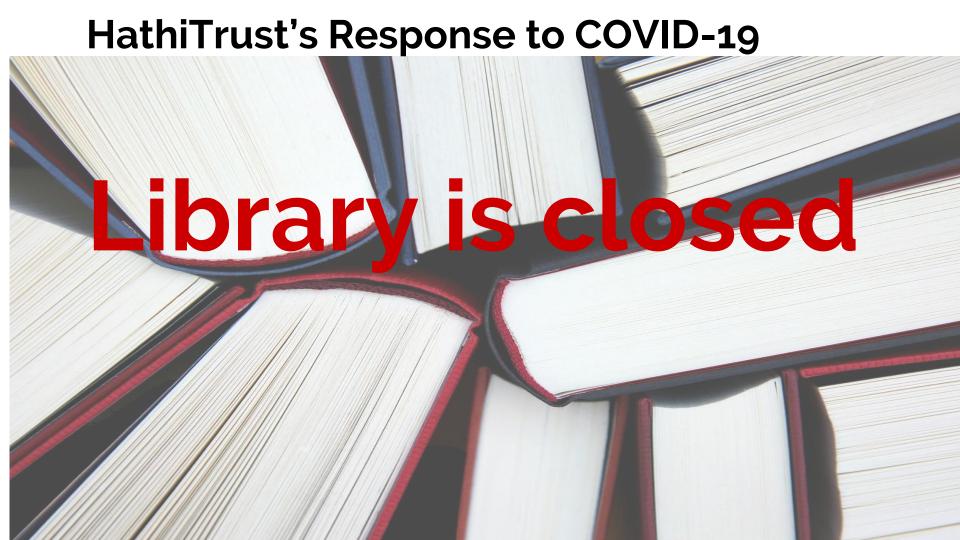
COVID-19 and Copyright Advocacy

Position statements and open letters

- <u>CARL Statement</u> on Optimal Equitable Access to Post-Secondary Learning Resources During COVID-19
- Open letter to WIPO
- UK <u>Letter to ministers</u>: Copyright and enabling remote learning and research during the COVID-19 crisis

COVID-19 and Copyright Guidance from the Library Community

- Canada: Serving Student Access Needs As We Rapidly Shift to Online Course and Exam Delivery: Copyright Considerations (CARL)
- Fair Dealing and Emergency Remote Teaching in Canada (Sam Trosow & Lisa Macklem)
- US: Statement on Fair Use & Emergency Remote Teaching & Research: https://tinyurl.com/tvnty3a
- UK: Copyright, Fair Dealing and Online Teaching at a Time of Crisis (UK Copyright Literacy <u>blog post</u>)



Internet Archive's Response to COVID -





https://opencovidpledge.org/about/

"...developed by the Open COVID Coalition, an international group of scientists and lawyers seeking to accelerate the rapid development and deployment of diagnostics, vaccines, therapeutics, medical equipment and software solutions in this urgent public health crisis."

COVID-19 & Importance of OPEN CACCESS

"It is a practical and moral imperative that every tool we have at our disposal be applied to [halt the COVID-19 Pandemic and treat those it has affected] on a massive scale without impediment.

We therefore pledge to make our intellectual property available free of charge for use in ending the COVID-19 pandemic and minimizing the impact of the disease.

We will implement this pledge through a license that details the terms and conditions under which our intellectual property is made available." - https://opencovidpledge.org/

COVID-19 & Importance of OPEN COVID-19 & Importance of OPEN

"Every Open COVID License (OCL) grants the public worldwide permission to use the pledgor's intellectual property rights (copyright and patent rights, or patent rights only) so long as they are used for the purpose of diagnosing, preventing, containing, and treating COVID-19." https://opencovidpledge.org/license/

- 1. OCL-PC v1.0: Patents and copyright, ends one yr. after pandemic ends
- 2. OCL-PC v1.1: Patents and copyright, ends when "the WHO declaration that the COVID-19 pandemic has ended, or January 1, 2023" (whichever first)
- 3. OCL-P v.1.1: Same as OCL-PC v1.1 but for patents only

Canadian Copyright Act Review

- INDU Committee <u>report</u> released June 2019
 - Positive for education, research, user rights
 - Recommendation Highlights: expansion and further study of fair dealing, digital lock exception for permitted purposes, openly-licence government material (instead of using Crown Copyright), create a new informational analysis exception
 - May 2019 Canadian Heritage released a <u>related report</u> on remuneration models for artists and creative industries

Canadian Copyright Act Review

"In March 2018, INDU invited CHPC to contribute to the review by conducting a study on remuneration models for artists and creative industries, and by providing INDU with a summary of its findings.

As master of its own proceedings, CHPC chose instead to present a report to the House of Commons and ask for a response from the Government of Canada."

INDU Committee News Release, June 18 2019,

https://www.ourcommons.ca/DocumentViewer/en/42-

1/INDU/news-release/10581857

K-12 Lawsuit

2018

Federal Court Action T-326-18

- K-12 school boards in Ontario and Ministries of Education (outside of Quebec, Ontario and British Columbia) filed a lawsuit against AC for repayment of copyright royalties
- AC filed a statement of defense and a counterclaim

2019

Court order for 300 schools to participate in the discovery process

Access Copyright vs. York University

York University v The Canadian Copyright Agency ("Access Copyright"), 2020 FCA 77

- AC's Copyright Board interim tariff and final tariff are not mandatory
- Dismissed York's counterclaim with regard to its fair dealing guidelines

Post-Secondary Tariffs

- Copyright Board of Canada literary works tariffs: https://cb-cda.gc.ca/decisions/reprographic-reprographie-e.html
- To cover copying in the years 2011-14 & 2015-17, but not released until December 2019
- Final amounts similar to those requested by Access Copyright
- Copyright Board did not weigh in on mandatory vs. voluntary nature of the tariffs

CUSMA

- Bill C-4 received royal assent on March 13, 2020
- Term of copyright protection will first be increased for anonymous and pseudonymous works; sound recordings; cinematographic works



- Not retroactive
- Gov. has 30 months to determine the process (e.g., possible registration system to extend © for literary works)

Crown Copyright

- Private member's bill put forward by NDP MP Brian Masse
- C-209 An Act to amend the Copyright Act (Crown copyright)
- Bill C-209, An Act to amend the Copyright Act (Crown copyright), 1st Sess, 43rd Parl, 2020:
 https://www.parl.ca/DocumentViewer/en/43-1/bill/C-209/first-reading

Crown Copyright

1 Section 12 of the *Copyright Act* is replaced by the following:

No copyright — Her Majesty

12 Without prejudice to any rights or privileges of the Crown, <u>no</u> copyright subsists in any work that is, or has been, prepared or published by or under the direction or control of Her Majesty or any government department.

Thank You!

Questions?

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Image credits

Slides

COVID-19, Copyright and Libraries

https://www.pexels.com/photo/row-of-books-in-shelf-256541/

Temporary Access

Photo by **Bilakis** from **Pexels**

Hathi Trust Response to COVID-19

Photo by <u>Hermann from Pixabay</u>

Internet Archive Response to COVID -19

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COVID-19 & Importance of Open Access

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CUSMA

North American Agreement (orthographic projection) by Heraldry is licensed under CC BY-SA 3.0

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