Copyright and Canadian Universities: Current Issues

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The copyright environment in the Canadian post-secondary education sector has been changing rapidly over the past three years. The growing movement towards online open access publishing and Creative Commons public licensing has made information more widely available without requiring payment and with fewer restrictions on use. The addition of education to the list of fair dealing purposes in the Copyright Act, along with the inclusion of provisions allowing for non-commercial user-generated content and use of materials available on the Internet, means that educational institutions can more confidently rely on the user rights afforded by the law. The 2012 Supreme Court decision in Alberta (Education) v Access Copyright reiterated its earlier ratio that exceptions to copyright infringement in the legislation should be interpreted broadly.

Meanwhile, the copyright collective known as Access Copyright has taken steps to ensure its continued existence in this new copyright environment. It has applied to the Copyright Board for a tariff, and has taken legal action against the country’s second-largest university.

In this presentation I will discuss these changes and events in more detail, and how they are leading Canadian universities to re-examine their copyright policies and practices.