



CANADIAN ALLIANCE OF STUDENT ASSOCIATIONS
ALLIANCE CANADIENNE DES ASSOCIATIONS ÉTUDIANTES

FOR IMMEDIATE RELEASE

**Copyright Balance in Danger, Students say Flexible
Fair-Dealing Must Be Preserved**

OTTAWA, ON, February 10, 2012 –C-11, Canada’s Copyright Modernization Act will soon be referred to a parliamentary committee, and students from across the country are concerned that amendments may threaten important educational rights. There is real fear that so-called “technical amendments” will be introduced that limit educational fair-dealing.

“The addition of education to Canada’s fair-dealing regime is a needed change,” said Zach Dayler, National Director of the Canadian Alliance of Student Associations. “It will allow teachers and students to use copyrighted works in certain circumstance without fear of breaking the law.”

Fair-dealing allows for individuals in certain circumstances to use copyrighted materials. Traditionally, this has been limited to research and private study, but C-11 specifically includes educational uses within the fair-dealing framework. Importantly, these uses must not bring undue commercial harm to the copyright holder.

It is equally important that amendments not overstep and entrench a definition of what is “fair” in legislation. The Supreme Court of Canada outlined the boundaries of fair-dealing as a user right in the landmark case *CCH Canadian Ltd. vs. Law Society of Upper Canada*, setting a means of establishing the “fairness” of uses.

“Fairness is a moving target, as business practices change with technology,” said Dayler. “It is important not to handcuff the courts’ ability to maintain a balanced approach to user and creator rights,” he added.

“The educational aspects of C-11 are of real benefit to students, and it would be a mistake to remove them. It would be a real step-back for students for these to be taken out of the legislation now,” concluded Dayler.

The Canadian Alliance of Student Associations will continue to promote the inclusion of flexible educational fair-dealing as debate continues in committee and through the rest of the legislative process.

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The Canadian Alliance of Student Associations represents 320,000 students at 27 member associations from across Canada. CASA advocates for a Canadian education system that is accessible, affordable, and of the highest quality.

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