

The effect of fair dealing for digital content in canadian education system - dis...

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The paper is about copyrights reforms in Canada and how they affect Distance education. Distance educators develop content which includes course books and digital material available on the internet. They should be aware of copyright laws because by accessing information, they may be unknowingly stepping upon legal boundaries. The paper refers to CCH (2004) case which established that fairdealing encompasses use of copyrighted material for educational purposes. Bill C32 supports the case, however, prohibits use of material which is digitally locked. Bill C-32 tabled in June 2010 contains new exceptions to copyrighted material for parody, satire and educational purposes. Copyrights are rights granted to the author or creator of an original work. Copyright Act of Canada (1921) underwent several amendments, and finally emerged as protecting the original author with the exception of fairdealing laws that protect public interest. Fairdealing is an exception to copyright laws, which allows use of copyrighted material in specific cases like research articles, study, criticism, review and news reporting, without purchasing licenses. This is important in education because the cost of material is reduced. Fairdealing in Canada is not merely a defense but it tries to maintain a balance between the users' and copyright owner's rights. The court clearly laid 6 criteria which are considered as norms for fairdealing. They are the purpose of the dealing, the character, amount, nature of work, and effect of dealing on the work and whether there are any alternatives to dealing. The Copyright Act states that copying should fall within the fairdealing exceptions, its use should be fair and ensure that there is no copyright infringement. Access copyright is the main collective for rights owners of writings and academics. It made licensing agreements with

Canadian educational institutes and permitted them to reproduce works that come under the collective and are indemnified by it. Tariff was imposed later by Access Copyright, raising the cost of educational material. Licensing included scanning, faxing, e-mailing, uploading, displaying and projecting. Laws in Canada are also affected by International Trade agreements. Member countries of UNO have to follow regulations of TRIPS and WIPO but they affect the Canadian system of education adversely. WIPO restricts use of digital content and limits use of material freely available on the internet to students. TRIPS affects distance education as it inhibits the government from widening the exceptions to copyrights, leading to an increase in the cost of knowledge and educational texts. The TPM also limits the Canadian's legal rights to access information. These restrictions are in line with international agreements but they hinder the growth of distance education by limiting access to content that is not easily available to remote learners. Thus, copyright laws are confusing and ignorance about them can be risky for institutions. Distance Education in Canada is flourishing on account of a number of reasons. Fairdealing laws in Canada need to be reviewed on this background, in order to maintain a fair balance of rights and promote the cause of Distance Education.