

# Bill C-11: A guide for academic instructors

By Devin Soper.

*The Information Policy Committee and students at the School of Library, Archival and Information Studies, The iSchool at The University of British Columbia have partnered to provide a valuable resource to information professionals.*

*The BCLA Browser and the IPC are pleased to feature work researched and written by students participating in the iSchool's Information Policy course. The students created entries on a variety of current information policy issues for posting on a private class wiki. Students then had the opportunity to have their complete entries posted on the [IPC blog](#) and synopses published in the BCLA Browser.*

Read Devin's full article [here](#).

## Change is on the horizon

Bill C-11 is poised to change Canadian copyright law in important ways, and these changes promise to have a significant impact on the copyright environments at academic institutions. This paper outlines the amendments that are most likely to affect academic instructors, speculates about their practical implications, and addresses some of the main controversies concerning the act as a whole.

Moreover, this paper examines these topics strictly in terms of the best interests of academic instructors, and thus avoids the broader debate about whether the amendments constitute good public policy or are in the interests of Canadian society, more generally. This approach is directly relevant to the work of academic librarians, who are often called upon to inform instructors about copyright issues, and who act as instructors themselves during information literacy instruction. While the ensuing discussion is far from comprehensive, it aims to provide a broad overview of the main issues and the potential implications for everyday instructional practice.

## Fair dealing expanded

Of the changes that Bill C-11 would introduce, the expansion of fair dealing to include the purpose of education is arguably the most important for academic instructors. This paper discusses this expansion in detail, first contextualizing it in relation to legal precedent, and then considering the factors that will determine the extent of its practical

significance. In addition to fair dealing, the *Copyright Act* includes special exceptions for educational institutions (and persons acting under their authority), and Bill C-11 contains numerous amendments that promise to make these exceptions more permissive. This paper not only identifies which of these amendments are most likely to benefit academic instructors, but also outlines their numerous limitations.

## Digital locks controversy

Finally, there is widespread concern that Bill C-11's provisions concerning technological protection measures (TPMs or "digital locks") will impinge upon the rights and exceptions available to educators, and this paper concludes by discussing the controversy around these TPM provisions and their potential to adversely affect the work of academic instructors.

On the whole, Bill C-11's educational provisions bode well for academic instructors, as they include a number of rights and exceptions that are not currently available to instructors under Canadian law. The expansion of fair dealing to include the purpose of education, the new special exceptions for the use of publicly available online materials and the online transmission of lessons, the broadening of existing exceptions to accommodate the use of new technologies—all of these changes promise to ease long-standing restrictions on the use of copyrighted materials for educational purposes. Although these changes certainly look promising on paper, it is difficult to predict the extent to which they will contribute to a more permissive copyright environment for academic instructors, as academic institutions have yet to provide any indication of how they will interpret Bill C-11's educational provisions, and there is also considerable uncertainty over the practical implications of the Bill's TPM provisions.

Despite these areas of uncertainty, however, academic instructors have every reason to be hopeful, as there is little doubt that Bill C-11 will have a positive impact on their everyday instructional practice, even if the extent of this impact is presently unclear.

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