



**Film Studies Association of Canada
Association Canadiennes d'Études Cinématographique
FSAC / ACÉC**

For Immediate Release

**FSAC Dismayed by Proposed Copyright Reform Legislation
Proposed legislation would seriously threaten educational and
scholarly rights, and would restrict legitimate uses of copyrighted
material in the classroom**

Ottawa, ON (June 23, 2008) – The Film Studies Association of Canada (FSAC) is concerned that newly proposed copyright reform legislation will seriously threaten educational and scholarly rights, limiting access to copyrighted material and eroding academic protections offered by the “fair dealing” provision in current legislation. If passed, Bill-C61 would severely restrict the fair use of copyrighted material in educational and scholarly contexts.

“The proposed legislation would impose a serious burden on educators, scholars and librarians,” said Marc Furstenu, Carleton University film studies professor and FSAC President. “The blanket “anti-circumvention” provisions would make it difficult if not impossible to legitimately copy and present material in the classroom and other academic contexts, a right that is currently protected by the educational exemption in the “fair dealing” section of existing law. This government is moving in the wrong direction, as far as we’re concerned, and has failed to take into account the dynamic technological context within which educational and scholarly work now takes place. Scholars and educators, especially those of us who teach film and media studies, need the freedom to engage critically and creatively with cultural materials, and that freedom needs to be protected by a clear and unambiguous educational exception, and a robust ‘fair dealing’ provision. The proposed legislation would undermine our academic rights.”

The FSAC membership has unanimously ratified a *Statement on Copyright*, describing common scholarly and educational uses of copyrighted materials in colleges, universities and other academic institutions across Canada, and calling for a truly balanced Copyright Act, one that would protect the rights of copyright holders while also recognising the legitimate rights of users. A summary of the *Statement* is offered here:

1. Given the importance of providing students with the critical tools necessary to analyse a complex visual media culture, of fostering a vital and dynamic field of film and media scholarship in Canadian colleges and universities, and of promoting a vibrant, democratic culture of exchange, discussion and debate, we need copyright legislation that strikes a fair balance between the rights of owners and the rights of users.

2. FSAC calls for a clear and expansive “fair use” or “fair dealing” provision, with a broad and unambiguous scholarly and educational exception, in any reformed version of the Copyright Act. Copyright legislation should enlarge the scope of scholarly and educational use, and allow for less fettered access to copyrighted material – publicly circulating and archival material – for use in teaching, research, and scholarly publication. The concept of fair use or fair dealing is the basis upon which a thriving research culture will be maintained and developed in Canada.
3. FSAC opposes further restrictions on legitimate copying, and is particularly opposed to any blanket anti-circumvention provisions. We support the expansion of the rights to access and fair dealing, which would allow for the legitimate use, broadly defined, of copyrighted material in scholarly and educational contexts.
4. The primary goal of copyright legislation is to provide for the free but orderly circulation of ideas to foster creativity and innovation, and to protect the democratic right to critically engage with cultural material. As an association representing film and media scholars and educators, for whom the freedom to engage critically and analytically with copyrighted material is a fundamental interest, we feel it is important to insist on the need to maintain a fair balance of rights.
5. As new technological innovations offer educators and researchers more pedagogical and scholarly opportunities, these protections and exceptions should not be eroded, but should be revised to reflect the current practices and methods being developed through creative and critical scholarly engagement with new digital media. FSAC urges Industry Minister Jim Prentice and Heritage Minister Josée Verner to take the interests of scholars and educators into account during the process of copyright reform.

The full FSAC *Statement on Copyright*, and more information on the Association, may be found at <http://www.filmstudies.ca/>

FSAC is a national scholarly association, representing the interests of film and media scholars at colleges, universities and research institutions across the country.

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