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Ⓜ (1535)

[English]

**The Chair (Mr. Dan Ruimy (Pitt Meadows—Maple Ridge, Lib.)):** Welcome, everybody, to meeting number 102 of the Standing Committee on Industry, Science and Technology. Pursuant to order of reference of Wednesday, December 13, 2017, section 92 of the Copyright Act we are continuing our review of the Copyright Act.

Today with us we have from the Canadian Alliance of Student Associations, Michael McDonald, executive director. From the Canadian Association of Research Libraries (CARL), Susan Haigh, executive director, and Mark Swartz, program officer. From the *Union des écrivaines et des écrivains québécois*, Suzanne Aubry, president, and Lauren Dubois, general manager. From the Canadian Research Knowledge Network, Carol Shepstone, past vice-chair, chief librarian, Ryerson University. We will start with the Canadian Alliance of Student Associations, and you have seven minutes, sir.

**Mr. Michael McDonald (Executive Director, Canadian Alliance of Student Associations):** I'll take seven. That's a great trade.

Good afternoon, Mr. Chair, esteemed committee members, and fellow witnesses and members of the gallery.

My name is Michael McDonald. I'm the executive director of the Canadian Alliance of Student Associations, otherwise known as CASA.

CASA is a non-partisan organization that represents over 250,000 students at colleges, universities, polytechnics from across the country. We advocate for a post-secondary education system that is affordable, accessible, innovative, and of the highest quality for all.

Thank you for the invitation to speak today about the Copyright Act. Copyright law has a profound impact on students in Canada and we believe the statutory review presents an excellent opportunity to reflect on what has worked and to address what has not.

Students purchase, study, and create copyrighted material daily. It will surprise no one in this hearing to learn that students are seeing the rapid shift towards digital content delivery and the adoption of new learning tools firsthand. For example, open-access journals are ensuring that more content is available freely than ever before and in many academic fields, including the STEM fields, these journals are now becoming the primary way through which new research is shared.

Open educational resources are also reshaping the academic materials landscape. These high-quality, open-sourced materials allow for content, such as textbooks, to be available to students and educators for free. Such materials have immense potential to be adapted to meet the needs of diverse students and diverse audiences. British Columbia and Ontario have already committed to providing funding for the creation of OER textbooks and the savings students have seen for these programs has been growing daily.

Both open-access and open-educational resources are modern innovations whose returns for students in both cost-savings and quality improvements are only just being realized. While we understand this is outside of the Copyright Act itself, we believe it is crucial to understand what educational content will look like in the years to come when reviewing the act and the arguments presented here today. They also present a valuable opportunity for the federal government to foster further innovation and learning.

A further facet of the modern learning environment has been fair dealing. The official inclusion of education as a component of fair dealing in 2012 clarified the rights articulated by the Supreme Court. While this right has helped reduce some of the transactional costs associated with accessing content for students, we think it is important to give special attention to how fair dealing has improved the quality of the post-secondary education experience provided here in Canada. The inclusion of education as a component of fair dealing creates a mechanism that facilitates the legitimate exchange of small amounts of information. This encourages a diversity of sources and perspectives to be used. In an academic setting, to use a metaphor, this is an intellectual lubricant. This can be content-delivered by professors in classrooms, but it can also be through the peer-to-peer learning experiences fostered in study groups and group presentations. This is the organic teaching that is so hard to be able to quantify, and we think is so precious in order to be able to protect.

CASA believes that fair dealing for educational provisions in the Copyright Act must remain intact. We also recommend that to further strengthen the system the committee examine any punishments for bypassing digital lock systems and consider their removal since these restrict users' ability from exercising their legal rights over that content.

It is critical to note that throughout this era of digital disruptions that students, professors, and post-secondary institutions continue to pay for academic materials. According to household survey data from Statistics Canada, average household spending on textbooks alone was over \$650 in 2015 for university texts and \$430 for college texts. These expenditures are clear evidence of the continued use and purchase of effective published materials.

This leads us to discuss the Copyright Board. CASA believes that the current regime overseen by the Copyright Board does have some flaws. Transparency, openness to feedback, and honesty are values that we would expect from Facebook and these are values that we would expect also from our tariff system. While post-secondary education tariffs are presented as an agreement between rights holders and the post-secondary education institutions, we believe that it's important that the primary consumer of these materials, students, be considered. Students either directly, through ancillary fees administered by provincial ancillary fee structures, or indirectly through operations budgets, pay for these tariffs. It is the cost they are expected to bear and one that we do not believe is being adequately considered. CASA believes that any fee assessed on students must clearly be explained and justified. This is something we would ask at an institution and it's something we expect at the federal government level as well.

Access copyright fees so far have lacked many of the attributes that we would expect from normal service provision. Firstly, these fees seem to be determined sometimes at random.

While this fee on the website was being offered at \$26. Students are concerned about what kind of product that has this kind of variability. The attempts that have been made to understand this fee more clearly has been met with opposition from Access Copyright, when requests for the transparency has been made by the Copyright Board.

At it stands there's no clear rationale as to why these fees apply to all students equally. Especially considering the different licensing needs of faculties. We believe that administration at universities are excellent decision makers when deciding what kind of content to purchase in these environments.

We're also extremely concerned that the fees proposed in other sectors by Access have so far been found much higher than deemed appropriate by the Copyright Board. This is deeply troubling and we're calling on the committee to ensure that the Copyright Board provides clear, public rationale for why fees exist and to demand public accounting for those who wish to operate tariffs.

CASA hopes that the committee through it's consultations and deliberations, keeps in mind the importance of preserving flexible, adaptable copyright systems that serve the needs of both creators and users.

Students appreciate the committee's dedicated work on this complex subject.

I look forward to answering your questions.

⊕ (1540)

**The Chair:** Thank you very much.

We are now going to move on to the Canadian Association of Research Libraries. Susan Haigh, executive director.

How do you pronounce your last name, sorry?

[*Français*]

**Mme Susan Haigh (directrice générale, Association des bibliothèques de recherche du Canada):** Bonjour, je m'appelle Susan Haigh et je suis la directrice générale de l'Association des bibliothèques de recherche du Canada.

[*English*]

The Canadian Association of Research Libraries, or CARL, is the national voice of Canada's 31 largest research libraries, 29 of which are located in Canada's most research intensive universities.

With me today is Mark Swartz, a visiting program officer at CARL, and copyright manager at Queen's University.

Research libraries are deeply committed to enabling access and use of information, to fostering knowledge creation, and to ensuring a sustainable and open Canadian scholarly publishing system.

Our remarks today will focus largely on fair dealing.

The use of fair dealing in the post-secondary context follows an extensive body of Supreme Court guidance on its correct interpretation.

Since 2004, the Supreme Court of Canada has made it clear that fair dealing is a “users' right”, and that this right must be given a “large and liberal interpretation”.

With three supportive Supreme Court decisions on fair dealing since 2004, and the 2012 changes to the Copyright

Act, Canada has achieved well balanced legislation and jurisprudence, landing between the more restrictive version of fair dealing in the U.K. and the more permissive fair use approach of the U.S.

The U.S. approach, in place since 1976, applies explicitly to purposes—here I quote—

such as teaching (including multiple copies for classroom use), scholarship and research.

In the interest of maximum flexibility and future proofing, we think Canada could look to add the words “such as” to the fair dealing purposes given in section 29 of our act.

We wish to stress that the current application of fair dealing in the post-secondary context is responsible, informed, and is working.

Canada's university libraries recognize that educational fair dealing is a right to be respected, used, and managed effectively.

Universities have invested substantially in copyright infrastructure. They have expert staff dedicated to copyright compliance and to actively educating faculty, staff, and students, on their rights and responsibilities under the act.

The Supreme Court ruled in 2015 that Copyright Board tariffs are not mandatory, and university libraries are working under this assumption.

I note that the Federal Court's controversial decision in 2017 in the Access Copyright versus York University case appears to be contrary to the Supreme Court's ruling. The York decision is under appeal, and will hopefully be reversed.

Research libraries are often responsible for administering copyright clearances on campus. Increasingly, the works copyright offices deal with are, open access scholarly content, in the public domain, openly available on the web, or already library licensed for use in learning management systems. This leaves a relatively small portion of works that will either be shared under fair dealing or will require a one-time license. We routinely seek such licenses when the test for fairness is not met.

It is clear that mandatory tariffs are not necessary to good copyright management. Choice is important to us. For some institutions, blanket licenses—assuming they're based on reasonable rates—are practical. For others, active local management with transactional licensing as needed, is the preferred route.

Some parties are portraying fair dealing as the cause of diminishing revenues for creators. This is a fallacy. The shift from paper to electronic delivery of educational content over the past twenty years has fundamentally changed the way that works are accessed and used, and such shifts inevitably impact how rights holders are compensated. They don't necessarily how much rights holders are compensated. However, despite these pressures, Statistics Canada reported last month that the profit margin of Canadian publishing industry is a healthy 10.2%.

We believe that direct support outside of the copyright system, such as grants to creators and publishers, is more appropriate in this time of transition. The public lending right program administered by Canada Council is one example of an alternative form of support.

Our final point, is that there are forward-thinking changes that should be considered in this review.

We urge you to clarify that technical protection measures can be circumvented for non-infringing purposes. Likewise, we urge you to add language so that contracts may not override the provisions of the act, and prevent legal uses.

These, and suggestions related to Crown copyright, indigenous knowledge, and some other areas, will be included in our forthcoming brief.

In conclusion, research libraries support the concept of balance in copyright, which dates right back to the original Statute of Anne in 1709.

Fair dealing in the Copyright Act is serving its intended purpose, enabling fair portions from works of creativity or scholarship to be drawn upon within learning environments, thereby stimulating innovation and the creation of new knowledge.

*Merci*, thank you. We look forward to your questions.

Ⓜ (1545)

**The Chair:** Thank you very much.

We are now going to move on to the Canadian Research Knowledge Network. Ms. Shepstone, you have up to seven minutes.

**Ms. Carol Shepstone (Past Vice-Chair, Chief Librarian, Ryerson University, Canadian Research Knowledge Network):** Thank you.

Thank you for the opportunity to join you today, and on behalf of the members of the Canadian Research Knowledge Network, I want to thank each of you for your work in this important statutory review. My name is Carol Shepstone and I am past vice-chair of the board of the Canadian Research Knowledge Network or CRKN.

CRKN is a partnership of Canadian university libraries from across 10 provinces and encompassing two official languages. The 75 institutions that currently participate in CRKN include all research universities as well as the vast majority of teaching universities. We collectively serve over one million students and 42,000 faculty. Twenty-nine of CRKN's members are also members of the Canadian Association of Research Libraries and all our members are also member institutions of Universities Canada.

Through the coordinated leadership of librarians, researchers, administrators and other stakeholders in the research community, CRKN undertakes large-scale content acquisition and licensing initiatives in order to build knowledge and infrastructure, and research and teaching capacity in Canada's universities. As such CRKN provides an important voice in understanding the evolving scholarly creation and communication landscape within higher education in Canada.

The members of CRKN support a balanced copyright law that recognizes both the rights of copyright owners and the fair dealing rights of our users. We are pleased to add our voice to other higher education sector stakeholders, including Universities Canada and CARL, in supporting the preservation of fair dealing, particularly as it pertains to educational uses.

Leveraging the purchasing power of all universities in Canada, CRKN negotiates and manages licenses for digital scholarly content on behalf of its member libraries at an annual value of \$125 million. The vast majority of this scholarly journal content is authored by faculty as part of their academic research expectations. In the current scholarly publishing model, faculty as creators typically provide these research outputs to journals for no financial compensation, and then journal publishers sell this research output back to universities through library subscriptions such as those licensed through CRKN.

CRKN negotiates licenses that ensure access and terms of use that are valuable to students and faculty, including the ability for universities to use this material in course packs and e-reserve systems as well as permitted uses that fall within the Canadian Copyright Act.

As the national licencing consortium in Canada, CRKN facilitates investment in key Canadian scholarly publications across a variety of disciplines. Through subscriptions to journals and purchases of ebooks, CRKN members provide faculty and students with valuable Canadian content. An annual investment of \$1.3 million includes a subscription to Canadian Science Publishing journals, and access to the ebooks of the Association of Canadian University Presses. In addition, CRKN members have made one-time investments of more than \$11 million to secure perpetual access to the Canadian Electronic Library ebook collection, and \$1.5 million for access to digital, historical *Globe and Mail* content.

CRKN also partners with Canadian publishers to advance new models of open access scholarly publishing. Through

our long-term relationship with the Erudit consortium, which began in 2008, students and faculty have had access to Canadian French scholarly content. This has evolved into a collaborative partnership including both Erudit and the Public Knowledge Project, and in 2018 the Coalition Publica initiative was launched as a model of sustainable Canadian scholarly production. CRKN members have committed more than \$6.7 million to support this initiative over the next five years.

Through our support of, and now merger with Canadiana.org, CRKN members have also facilitated digitization, access, and preservation of Canadian heritage materials. Members currently invest nearly \$1.3 million annually and have made a one-time investment of \$1.8 million to support this unique historic content.

Overall CRKN university members are annually committing \$2.9 million to Canadian content licences, and over CRKN's 19-year history, have made \$15 million worth of one-time investments in purchasing Canadian content.

These investments demonstrate a commitment to Canadian scholarly publishing and to a robust and healthy research infrastructure in Canada. CRKN members support scholars as creators and authors; respect the rights of copyright owners; and at the same time ensure students and researchers, as users, have access to essential international scholarly content.

Thank you, and I look forward to your questions.

🕒 (1550)

**The Chair:** Thank you very much.

[*Français*]

Pour la dernière présentation, nous recevons M. Dubois, de l'Union des écrivaines et des écrivains québécois.

**M. Laurent Dubois (directeur général, Union des écrivaines et des écrivains québécois (UNEQ)):** Je ferai ma présentation en français.

Monsieur le président, messieurs les vices-présidents et mesdames, messieurs, les membres du comité, nous vous remercions tout d'abord de nous permettre de porter aujourd'hui devant vous la parole et le mémoire rédigé par notre association, qui représente, au Québec, 1 650 écrivaines et écrivains.

Mon nom est Laurent Dubois. J'en suis le directeur général. Je suis accompagné de ma présidente, Mme Suzanne Aubry, qui, en plus d'être présidente de l'Union des écrivains, est elle-même écrivaine et scénariste.

Nous allons profiter de ces cinq minutes qui nous sont allouées pour vous parler de la situation économique des écrivains professionnels au Canada qui, selon nous, est alarmante. Nous vous alerterons également sur l'aggravation de la situation, suite à l'introduction de nombreuses exceptions dans la loi de 2012.

Dans le mémoire que nous avons d'ores et déjà déposé et que, peut-être, vous avez pu recevoir, nous vous faisons des recommandations pour que la loi puisse évoluer dans l'intérêt de chacun pour les années à venir. Évidemment, à la fin de cette présentation, nous serons heureux de pouvoir répondre aux questions que vous pourriez avoir envie de nous poser.

Pour nous, une loi sur le droit d'auteur ne doit pas se limiter à des aspects techniques. C'est d'abord une loi qui doit s'inscrire dans une vision politique claire avec des finalités précises. Nous aimerions que le Comité puisse saisir cette opportunité pour répondre aux questions que nous nous posons.

Le gouvernement veut-il favoriser l'expression culturelle canadienne, encourager la créativité, proposer à ses citoyens d'accéder à une culture diversifiée et riche de propositions créatives, libres et variées et à une culture qui contribue à rehausser la qualité de vie des Canadiens, leur autonomie de pensée et leur compréhension du monde?

À l'opposé, le gouvernement veut-il plutôt renforcer une logique de consommation au plus bas coût, laisser croire aux

Canadiens qu'il est possible d'accéder dorénavant presque gratuitement à tout contenu culturel, de le modifier à loisir et de laisser le rouleau compresseur de Hollywood et de la Silicon Valley nous dicter des lois commerciales en appauvrissant les artistes d'ici? Nous espérons que ces questions pourront alimenter le lourd travail qui vous attend pendant les nombreux mois à venir.

Il nous paraît essentiel de rappeler également que le concept de droit d'auteur ne se limite pas à une dimension économique. Effectivement, il y a le droit d'auteur et le droit économique pour payer des redevances, mais il y a également la question du droit moral que nous souhaitons mettre sur la table, aujourd'hui. Cette question nous paraît un peu absente, aujourd'hui, de la loi dans sa version actuelle. Nous souhaiterions qu'elle puisse être remise en débat.

La loi morale est cette idée qu'un artiste est en droit de décider de donner ou non l'autorisation à ce que son oeuvre puisse être utilisée, diffusée ou déformée éventuellement. Avec ses nombreuses exceptions, en 2012, la loi a privé de rémunérations bon nombre d'artistes et d'écrivains. Je ne veux pas être plus dramatique qu'il faut, mais je veux simplement vous donner quelques chiffres.

Le revenu moyen d'un écrivain professionnel canadien est de 12 879 \$, annuellement. Au Québec, le revenu médian d'un écrivain était de 2 450 \$, en 2008. C'est approximativement la même chose, au moment où l'on se parle. Cette situation fait que nos écrivains professionnels — ce sont les écrivains de métier —, au Canada, sont peut-être une espèce en voie de disparition.

**Mme Suzanne Aubry (présidente , Union des écrivaines et des écrivains québécois (UNEQ)):** Je te remercie, Laurent.

Je souhaite d'abord dire que mon père était le chef de la Bibliothèque publique d'Ottawa pendant de longues années, pendant une trentaine d'années. Je suis sa fille. Nous aurions eu une bonne discussion aujourd'hui s'il avait été là, parce que, évidemment, notre position n'est pas celle des bibliothèques, pour les raisons que nous vous expliquons en ce moment.

Les écrivains fournissent une part importante de la matière première du système d'éducation, une matière première dont le gouvernement conservateur de Stephen Harper voulait rendre l'accès gratuit en s'appuyant sur l'utilisation dite équitable au sens défini par la Cour suprême en 2014. L'absence d'obligation claire pour les établissements d'enseignement de rémunérer les auteurs pour l'utilisation de leurs oeuvres a constitué un préjudice sans précédent. Selon l'article 29 de la loi, il est légal d'utiliser une oeuvre protégée à condition que l'usage soit destinée à l'une des fins citées dans l'article. Je ne veux pas vous endormir alors je ne vous nommerai pas toutes les fins de l'article.

Toutefois, c'est la portion de l'oeuvre qui peut utilisée sans qu'il y ait de violation de droits d'auteur qui n'a pas été définie. Ce flou a provoqué comme prévu une judiciarisation des rapports entre les créateurs et les utilisateurs. On a vu les causes en cour se multiplier ces dernières années, dont celle de l'Université Laval, qui a décidé de son propre chef, et sans l'approbation des tribunaux ou de la loi, que l'utilisation équitable permet de reproduire un court extrait allant jusqu'à 10 % de l'oeuvre ou à un chapitre entier, précisant dans sa politique que dans chaque cas où on envisage d'utiliser un court extrait, il importe de se prévaloir de la plus avantageuse des possibilités offertes.

Ces trop nombreuses et imprécises exceptions ont eu comme effet de réduire les revenus des écrivains et éditeurs provenant de la gestion collective de 30 millions de dollars depuis 2012. Ces paiements provenant de licences secondaires représentaient jusqu'à 20 % des revenus des écrivains avant l'introduction de l'exception pédagogique. concernant les exceptions, elles sont très nombreuses, très présentes dans la loi de 2012 et elles ont multiplié de manière considérable les occasions de perdre un revenu pour les créateurs.

Si ces liens à l'éducation nous paraissent louables, parce que nous sommes absolument pour l'éducation bien sûr, et pour l'accès aux oeuvres, il faut quand même les définir précisément. L'intégrité des oeuvres n'est plus garantie, le droit moral d'un artiste est bafoué et d'une certaine manière, le piratage est encouragé, par exemple, par l'article 29.21, qui confère une exception d'utilisation de contenus protégés par des usagers qui souhaitent s'en servir pour les modifier à des fins non commerciales. De plus, les sanctions prévues par la loi en cas de violation sont si faibles qu'elles sont loin d'être dissuasives.

Je laisse M. Dubois conclure.

⌚ (1555)

**M. Laurent Dubois:** En conclusion, vous l'aurez compris, ce que nous appelons de nos vœux, c'est que cette révision soit une occasion de poser une politique claire sur ce qu'est le droit d'auteur et comment le gouvernement souhaite que la société puisse évoluer avec cette question dans les années à venir.

Merci de votre écoute. Nous sommes à votre disposition.

**Le président:** Merci beaucoup.

Nous allons commencer avec M. Longfield. Vous avez sept minutes.

[English]

**Mr. Lloyd Longfield (Guelph, Lib.):** Thank you, Mr. Chair. It is seven minutes.

Thank you, everybody, for coming. We have a large panel today. We're trying different formats in this study for getting as many diverse opinions in front of us as we can, and sometimes on the same panel, which we've seen today.

I have some questions. I'm going to start with Ms. Shepstone because you were talking about new forms of delivery of material. I've been looking at the German review of copyright that they have just completed. Australia is in the process of completing a similar review. They're comparing themselves to other countries.

Something that comes up again and again is the new delivery format and whether current legislation is changing quickly enough to address that. In a previous meeting I was asking about Sentex as one of the forms of delivery. Could you maybe speak to what we need to look at in our study in terms of new forms of delivery and how we could try to make sure we cover the proper legislation around that?

**Ms. Carol Shepstone:** I could do my best.

What might be really valuable is to continue to consider a very flexible act that can adapt to changing technology and changing forms of delivery. That will add some longevity most certainly. Keeping that in mind, if I recall correctly, your question was regarding Cengage, was it?

⌚ (1600)

**Mr. Lloyd Longfield:** Cengage. I'm sorry.

**Ms. Carol Shepstone:** I think that's a really interesting model. As I understand it, it's a way for students to access directly a whole collection of textbooks. I think some of the challenges within our institutions or within universities are around the assignment of those textbooks. It would need to be in a fairly collaborative model I think with our faculty instructors certainly.

**Mr. Lloyd Longfield:** Along those lines of having the policy of proving that you have purchased course material in order to get your mark statements, Michael, you might have an opinion on that or anybody else cross the table.

**Mr. Michael McDonald:** Indeed, I would have an opinion on that. As it's currently laid out, and this includes textbooks, you have no mandate to have to purchase that textbook. There are models that individuals can adopt, whether that be working with another colleague, whether that be going to the library and very often checking out a textbook, that we think are essential for ensuring that, again, a PSE remains accessible to anybody from whatever income background they may come from.

Broadening the question to something like a Cengage model, these, especially when the content is delivered in a more effective fashion, if you're improving educational outcomes, then, obviously, we're definitely interested in going down

those kind of routes.

Where we have some concerns are, again, bundling policies where you end up in a situation where a textbook and the course materials that are going to be used in an instructional way become tied together, and this increases the prices of the materials. Very often this then prevents the resale of a textbook that might exist.

These are problematic and we think, again, is a mechanism that is trying to prop up what is a textbook that may not be as valuable anymore because some of the intellectual material in there may have been reproduced in an open educational resource. We do think those other options must remain at the disposal to any kind of professor or instructor who's determining those courses.

But this is promising. We think there is good new content.

**Mr. Lloyd Longfield:** Great. Thank you.

It strikes me that we have librarians in the room or people who represent librarians in the studies that might be out there to help us inform our study. When we talk about the U.K. model, you have mentioned some of the differences in restrictions.

Is there something we could ask for from the universities to give us some graphics around, like some Venn diagrams, or something that could show the difference between Canada, where we're at now, where some of our trading partners are at, some ideas of where we could be in the future?

**Ms. Susan Haigh:** My sense would be we would be very happy to provide such a thing. We can certainly do our best to research it and provide it because I think the clarity of where we fit in the international picture is very important for the committee for sure.

**Mr. Lloyd Longfield:** Great.

There was a report published from Australia in March 2018 that started off with that. I found that very helpful, but one of the missing pieces was Canada, of course, because we weren't part of their study.

Going back to Ms. Aubry, you were talking about being specific in terms of our language of exemptions. Germany was also facing that and said they have to be very specific on percentages of use before you have to pay for use, types of use, and exactly what types of people would have access to that.

When we're developing legislation, we need to keep in mind the creators, and to make sure they are compensated, and that the rules are fair. Do you have anything you could expand on when you were talking about this being specific?

*[Français]*

**Mme Suzanne Aubry:** Merci de votre question.

Nous avons libellé très précisément les exceptions qui sont actuellement dans la loi qui date de 2012 et je pourrais vous en faire la lecture, mais vous avez chaque précision, article par article, et nos demandes de précision et aussi d'abolitions de certains articles, qui sont très clairement indiquées dans notre mémoire, qui est traduit d'ailleurs en anglais. Vous avez eu la version en anglais en même temps que la version française. Est-ce que vous voulez que je développe cela?

*[English]*

**Mr. Lloyd Longfield:** I just thought if you had something you wanted to add to what you have given us. There was a lot information in a short period of time, but I'm trying to get an overview of where the worst parts are for us.

Mr. Dubois or anybody else.

[Français]

**Mme Suzanne Aubry:** Je vais vous lire les recommandations, parce qu'elles sont très précises et elles vont vous donner probablement une indication très claire du chemin qu'on aimerait faire et qu'on aimerait que le processus de la loi prenne.

Notre première recommandation est la suivante:

Que Patrimoine canadien, en amont, définisse précisément dans quel projet politique et de société s'inscrit la *Loi* et en mesure les impacts.

🕒 (1605)

[English]

**Mr. Lloyd Longfield:** Okay.

Thank you.

The heritage piece was something that flashed for me because we do have to make sure we're protecting Canadian heritage. I think you both said that.

I'm running out of time so I'm going to have to turn it back to the chair.

There was some French language stuff that I'd like to bring forward but maybe next time.

**The Chair:** Thank you very much.

[Français]

Monsieur Bernier, vous avez la parole pour cinq minutes.

**L'hon. Maxime Bernier (Beauce, PCC):** Merci beaucoup, monsieur le président.

Ma question s'adresse à M. Dubois. Je vous remercie d'être ici, avec nous, aujourd'hui.

En ce qui concerne les auteurs, pouvez-vous nous dire quel pourcentage de droits d'auteurs ils reçoivent normalement pour leurs oeuvres et leurs publications?

Est-ce que des pourcentages devraient être établis dans la loi ou le libre marché fait bien les choses?

Quel est le pourcentage, du prix d'une oeuvre, reçu par la chaîne de distribution, l'éditeur et les différentes personnes de la chaîne de publication, comparativement aux auteurs?

**M. Laurent Dubois:** Merci de votre question, monsieur Bernier.

Dans un contrat d'édition, un auteur reçoit 10 % des droits d'auteurs relatifs à la vente du livre. C'est ce qui devrait être le modèle type du contrat. Malheureusement, la Loi sur le statut de l'artiste n'oblige pas les éditeurs à négocier avec les écrivains. Il n'y a pas d'entente collective, c'est donc du cas par cas. Concernant les autres droits d'auteurs inscrits dans le cas des exceptions, l'utilisation équitable laisse beaucoup plus de place à l'imagination et la créativité des deux parties, mais c'est rarement à l'avantage des écrivains.

**L'hon. Maxime Bernier:** D'accord.

En ce qui a trait aux nouveaux moyens technologiques, dont la numérisation des oeuvres, est-ce que cela a un impact sur les revenus des auteurs?

Est-ce que la technologie a un effet positif ou négatif sur les revenus des auteurs?

**M. Laurent Dubois:** C'est encore difficile à mesurer puisqu'il s'agit d'un phénomène en développement. Le bon vieux livre en papier reste la valeur sûre. Toutefois, c'est sûr que, à terme, il y aura un impact.

Présentement, l'impact concerne surtout la façon dont les gens utilisent un extrait, soit le plagiat, la satire ou l'utilisation à des fins commerciales d'un extrait qui servira d'appui à une publicité. On a vu tout cela. Effectivement, les technologies amplifient ces phénomènes et rendent sérieusement plus compliqué le contrôle des utilisations d'une oeuvre.

**L'hon. Maxime Bernier:** Merci.

Il y a quelques jours, nous avons reçu les représentants des étudiants. Ils nous ont dit que le système actuel les satisfait et que, si on change le système, on risque d'augmenter les coûts pour les étudiants. Ce coût pourrait diminuer l'apprentissage. Ils sont donc contre un changement du système.

Comment voyez-vous cela?

Est-ce qu'il y a un coût supplémentaire, que les étudiants devront payer, pour avoir accès au matériel d'un auteur de qualité?

**M. Laurent Dubois:** Je ne sais pas si ce sont les étudiants qui doivent le payer, mais je ne crois pas. Dans tous les cas, notre recommandation ne va pas dans ce sens.

Nous représentons des écrivains qui sont en accord avec les étudiants. Effectivement, nous voulons que la matière première de l'enseignement bénéficie d'un encadrement et d'un paiement spécifique, qui ne peuvent pas être les mêmes que dans le commerce. Plus que jamais, on a besoin que la littérature soit diffusée dans les écoles ainsi que dans les universités et utilisée par les enseignants et les étudiants.

En revanche, ce que nous demandons, c'est que l'encadrement soit précisé lors de la révision de la loi. On aimerait que la loi encadre à la fois le terme « éducation » et le terme « utilisation équitable ». Notre volonté n'est pas du tout d'augmenter les frais de scolarité. Ce qu'il faut, c'est contrôler davantage pour ne plus observer d'actions comme celles qu'on observe actuellement, qui ont pour unique but de ne pas payer de redevances aux écrivains. C'est comme si on oubliait que l'auteur est à la base du livre. Sans auteurs, la rédaction d'un ouvrage est beaucoup plus compliqué.

🕒 (1610)

**L'hon. Maxime Bernier:** Votre position est donc qu'il faut modifier la loi afin de resserrer les exceptions, comme vous l'avez dit dans vos propos sur votre mémoire. Selon vous, il n'y a pas de possibilité de négociation avec les universités?

**M. Laurent Dubois:** Oui, bien sûr, il y a des négociations. Nous sommes très ouverts à venir à la table pour négocier, ce serait même... Et les sociétés de gestion que sont Access Copyright et Copibec pour le Québec sont tout à fait disposées, j'en suis certain, à se mettre à la table pour ouvrir des discussions. C'est juste que, pour l'instant, le flou qui est dans la loi fait que l'action la plus évidente semble être la voie juridique. Nous aimerions que ce soit et une voie politique et une voie de négociation entre des partenaires utilisateurs et créateurs qui ne sont pas en opposition, mais qui sont bien... Tout créateur a envie que son oeuvre soit utilisée et tout utilisateur a envie de pouvoir accéder à des oeuvres. Je pense que c'est cela la réalité, il faut juste trouver ensemble le meilleur moyen d'y arriver.

**L'hon. Maxime Bernier:** La loi devrait donc faire en sorte de modifier les exceptions, de restreindre les exceptions et d'avoir un impact sur la jurisprudence, parce que là vous êtes un peu en désaccord avec celle qui a été établie avec la loi de 2012, si je comprends bien.

**M. Laurent Dubois:** Oui, c'est exactement cela. Et puis, sur les exceptions, on s'entend que dans la définition d'une exception il existe le caractère exceptionnel. Quand on voit la liste des exceptions qui figurent à la loi aujourd'hui, cela

ne ressemble pas à des exceptions, disons que cela revient un peu de cette dimension exceptionnelle.

**L'hon. Maxime Bernier:** Merci.

**Mme Suzanne Aubry:** Juste pour terminer, pour dire, monsieur Bernier, que le terme « éducation » de l'article 29 doit être mieux défini afin qu'il ne permette pas une utilisation abusive des oeuvres. Cela fait partie de nos recommandations.

**L'hon. Maxime Bernier:** Parfait. Non, merci bien, votre rapport est très concis et explicite, donc ce sera très utile pour nos travaux. Merci.

J'ai terminé, monsieur le président.

[English]

**The Chair (Mr. Dan Ruimy (Pitt Meadows—Maple Ridge, Lib.)):** *Merci beaucoup.*

Mr. Masse, you have seven minutes.

**Mr. Brian Masse (Windsor West, NDP):** Thank you, Mr. Chair, and thank you for the delegations for being here today.

One of the things that will be interesting is that one of the positions the government and the minister could take at the end of the day is basically to do nothing. This is just a statutory review. There has been no proposed amendments to the legislation. There has been no regulatory changes that have been made. There are some court challenges right now to a couple of cases.

Maybe we'll start with you, Mr. Swartz, and go across. What happens in your field or just a general thing if say, for example, nothing changes and we continue the status quo aside from maybe court interventions and what is the pros and cons perhaps of those situations? Because that is one of the potential outcomes of all of this work. Even if there is an intent to change our timeframes in Parliament, although we don't have an election directly looming, they are starting to get constrained. It's time we actually do a review. We have ministers evaluate that review then submit legislation so if it's outside the regulatory framework and that to pass in the House of Commons and the Senate prior to the next election.

**Mr. Mark Swartz (Program Officer, Canadian Association of Research Libraries):** So, from my perspective if nothing changes universities will continue to manage copyright effectively and responsibly. We will continue to use the fair dealing guidelines and policies that we have in place so the 10% guideline that you are very familiar with and will continue to offer services to aid instructors in the responsible management of copyright. So, many institutions now offer what are called syllabus services or within libraries they are called electronic reserve services. So with those services individual faculty members or instructors submit their reading lists to staff and each individual item is vetted and then made available to students. So very frequently anything that's available through library licenses, which is a big chunk of the stuff that is being made available to students, is made available through those licenses. If things are available openly—Michael mentioned open educational resources in his opening talk—anything that's available open access or even openly available on the web is made available in that way. Then we also apply fair dealing and anything that falls outside of fair dealing we'll purchase in potential e-book form in our library or we'll buy a transactional license. There is also still print reserve so if you can't purchase a transactional license it doesn't fall under fair dealing we will put it on print reserve and students will have to come and check it out of the library.

So, from our perspective that's what we would continue to do and that is the good.

As for the things that we would change, there are a lot of things that are causing issues for libraries in relation to digital disruption. As mentioned, a lot of the stuff that we're collecting has shifted from individual purchases of items to licenses so all of the things in a library, most of them are governed by licensing agreements. We don't have a lot of the exceptions that we would like to be available for those things. So in our forthcoming brief later on hopefully we will be

able to discuss a few ideas.

🕒 (1615)

**Mr. Michael McDonald:** For us fundamentally again there is going to probably be a legal decision that will have an impact on the nature of how it fairly only gets interpreted currently. This obviously has a significant impact on how this act will be interpreted into the future. I would say that without a statutory decision there's still going to be some action that will have an impact on how everyone on this side of the table will be interpreting their rights moving forward.

On the positive side we do think that we are in a situation that has been generally beneficial to the educational material that's being provided to students. We think that real growth in places like open educational resources, and I do stress this across the country, it's something that you're going to see more investment in. You just saw the investments in Ontario, and eCampusOntario this year, and these are places that provide direct supports to creators to make materials that are going to be in an open format. These are things that you're seeing pioneered. Again, other jurisdictions are going to consider this open access journals, and especially in a lot of the stem fields are dominant discussions. I think it's important also to take from this is that this will have a different impact on the different content. We may be talking about at times a poem, but we may also be talking about scientific research, or legal research. This does have significantly different impacts in all of those different cases and we think it's going to be something that overall has a trend towards the positive, and we think in the instances where, and we fundamentally agree that creators need to be compensated, but other mechanisms can be found to do so, and we really support that.

**Mr. Brian Masse:** Ms. Shepstone.

**Ms. Carol Shepstone:** From the perspective of CRKN we would continue on to license material where possible, and to move forward with open access collaborations and initiatives and really invest time and energy in that work.

**Mr. Brian Masse:** Ms. Aubry, I'm not sure who wants to answer on your behalf.

[*Français*]

**M. Laurent Dubois:** Est-ce que je pourrais vous demander de reformuler la question?

[*English*]

**Mr. Brian Masse:** Right now we're doing a review and the review may not have any changes. What will transpire for you on that, or what's at risk if there isn't any? There's a high probability that there will not be any changes. It might just be left for some legal cases and some regulatory alterations.

[*Français*]

**M. Laurent Dubois:** Tout à fait.

S'il n'y a pas de changements, si tout se règle au tribunal, l'évidence, selon nous, c'est que le métier d'écrivain va devenir un métier difficile à exercer dans notre pays. Les risques associés à cela, selon moi, c'est la diversité culturelle. Veut-on que tous les produits culturels nous arrivent de l'étranger? Veut-on que les livres qui arrivent ici soient de livres provenant de l'Europe ou, plus probablement, des États-Unis?

Il faut comprendre que, si on ne peut pas rémunérer les auteurs des livres, ce métier ne pourra plus intéresser. On aura toujours des gens, des universitaires, des chercheurs et des gens qui cumulent plusieurs professions qui, eux, vont continuer à écrire et à alimenter une banque générale, mais un écrivain dans le sens d'un artiste et créateur qui, lui, va se lancer dans une oeuvre littéraire, cela risque forcément de disparaître.

**Mme Suzanne Aubry:** Je me permets de compléter la réponse

L'esprit de la loi, c'est de défendre les créateurs. C'est une loi du droit d'auteur. C'est devenu, en 2012, une loi qui

favorisait les utilisateurs grâce à toutes les exceptions qui ont été introduites. Nous n'avons rien contre les utilisateurs, au contraire. On veut que nos oeuvres soient connues et lues. C'est très important, mais nous le voulons de façon équitable.

**Le président:** Merci beaucoup.

**Mme Suzanne Aubry:** J'ajouterais une chose. Un intervenant a parlé de subventions qui pourraient servir à compenser les auteurs pour leurs oeuvres. Or, on sait bien que les subventions ne sont pas données à tous les auteurs. Seulement un tiers des auteurs les obtiennent. On ne peut pas compter uniquement sur les subventions pour être un écrivain qui puisse gagner honorablement sa vie de sa plume.

[English]

Mr. Baylis you have seven minutes.

**Mr. Frank Baylis (Pierrefonds—Dollard, Lib.):** Thank you, Mr. Chair. One of the points that was brought up about the change and fair use in 2012 is that it's improved education. You seem to think it's really helped the libraries and the students and all of that. What are you doing today that you weren't doing in 2012? I'll start with you, Michael.

🕒 (1620)

**Mr. Michael McDonald:** One of the clear places, and I will differ on part to my library compatriots beside me, is you have seen a major uptake in the amount of copyright experts in post-secondary institutions who are making the assessments about these. Across the university sector copyright offices have become significant roles within those institutions. These are providing the kinds of instructional education both to faculty and to students that there's terms of the parameters in which they can operate under. This was an understanding especially from institutions that they needed to be able to explain what they actually were doing with this material. This is becoming a more important request I would say for students in general. The challenge is that intellectual property—the whole gamut of it—is becoming so incredibly important for anybody's livelihood and for the production of that.

**Mr. Frank Baylis:** Are you using more of it? If the law hadn't come in, in 2012, you wouldn't be using something, and now you're taking access, which is helping improve your education? Is that what's happening, because you have fair dealing there?

**Mr. Michael McDonald:** I think you are in an environment where there is more comfort and ability to access sources, to quote from sources, to be able to use those and say that this is something you should be able to experience in context.

**Mr. Frank Baylis:** Then you are using more?

**Mr. Michael McDonald:** I would say, yes, but I'd also say that's a demonstration of what is the modern content-generating era, too. In the last five years, we have significantly more content that's being brought forward in every digital space.

**Mr. Frank Baylis:** Okay. For the libraries, how has that change impacted your ability to operate?

**Mr. Mark Swartz:** That change that you point to in the last review, it's actually earlier than that. The Supreme Court's been [*Inaudible*] in relation to the use of fair dealing since 2004. It just took a bit of time for universities to adapt to those changes.

For us, in universities and university libraries, there's a variety of benefits to having a liberal fair dealing exception. For one, it really helps instructors in the way they compile course materials, so they can take materials from a variety of different places, they can compile them all together, they can use materials on the fly, and they can build the course that really works. As we mentioned, universities have been putting together a variety of systems to help instructors do that. As per that, that's a real way that it has benefited us.

The liberal fair dealing exception also benefits researchers in a variety of ways. They can use and reuse copyrighted material in their research. In addition, we use it in the library for a number of ways as well, and inter-library loans is one.

**Mr. Frank Baylis:** Since 2004, you've been in this trend, if you will, to be using it more. You've been getting from the courts the interpretation that allows you to have broader use. In 2012 it was put into law? Is that what I understand, going in that direction?

**Mr. Mark Swartz:** Fair dealing did exist beforehand. In 2004, it was the CCH and Law Society case, which was a very significant case that started helping to establish fair dealing as a user right in Canadian law. Then there have been a number of other court cases. There were a number in 2012 as well that helped establish that.

**Mr. Frank Baylis:** If I'm looking at the writers, and

[*Français*]

On va venir à vous bientôt.

[*English*]

However, we're in Canada, we're interested in helping Canadian industry, and our Canadian writers. How much has been taken out of their pocket? You're a purchaser for all students from around the world of data. Do you have any idea of how much you're saving from Canadian content? For example, if the government—and I don't speak for the government—but were we to say, here's an extra chunk of money that you can only use to buy Canadian content, how much would you need to buffer up what you're taking, or what they perceive to be taken from them, without getting paid?

**Mr. Mark Swartz:** I can't speak for other sectors other than the university sector, but for most of the courses that we process, most of the content that we're providing is scholarly content. A lot of it is from a variety of different places. The amount of Canadian content is fairly small, but it is still very significant. We get some of it through the licences, through organizations like the Canadian Research Knowledge Network and others.

**Mr. Frank Baylis:** Would it be possible for you to go back and look and give us an idea? You don't need to answer right now, but say for example since 2004 we've used about 5%, and now it's down to 2%, or we used 5% and we paid for 5%, now we're only paying for 1% due to fair dealings. Could we get an assessment or an idea from the universities, but only for Canadians?

🕒 (1625)

**Mr. Mark Swartz:** Only Canadian content?

**Mr. Frank Baylis:** Yes, so we can try to get an impact of that. Could you provide that, please?

**Mr. Mark Swartz:** Yes, we can work on that.

**Mr. Frank Baylis:** Thank you.

[*Français*]

Là, je me tourne à vous, M. Dubois et Mme Aubry. Si je comprends bien, vous opérez dans un environnement dont vous ne connaissez pas l'encadrement. C'est très difficile à dire si on peut s'attendre à une certaine redevance après une publication. Est-ce bien cela? Comme vous l'avez dit, il y a aussi un autre point selon lequel il y a trop d'exception. Est-ce que j'ai bien compris vos deux points?

**M. Laurent Dubois:** Monsieur le député, vous avez complètement compris nos deux points.

Par rapport à la question que je vous remercie d'avoir posée juste avant, nous constatons une augmentation de l'utilisation des oeuvres dans le système de l'enseignement et dans l'éducation, alors que, en même temps, depuis 2012, les sociétés de gestion de ces droits ont perdu 30 millions de dollars de revenu.

**M. Frank Baylis:** Donc, vos écrivains ont perdu 30 millions de dollars...

**M. Laurent Dubois:** Les sociétés de gestion qui versent aux écrivains leurs droits...

**M. Frank Baylis:** ...au Québec ou à l'ensemble du Canada?

**Mme Suzanne Aubry:** C'est dans l'ensemble du Canada.

**M. Frank Baylis:** Cela représente les écrivains, les éditeurs...mais ce 30 millions de dollars représentent qui?

**M. Laurent Dubois:** Excusez-moi, mais je ne vous entends pas très bien.

**M. Frank Baylis:** Vous avez perdu 30 millions de dollars en redevance. Qui a perdu ce 30 millions de dollars, exactement?

**M. Laurent Dubois:** Ce sont les éditeurs et les écrivains, c'est-à-dire que les sociétés de gestion qui [*inaudible*] des licences avec Access Copyright ou à Copibec, ces licences ont perdu 30 millions de dollars de revenus et ces revenus sont les droits qui sont versés à la fois aux éditeurs et aux écrivains.

Par la suite, je pense que vous allez vouloir entendre Copibec et Access Copyright.

**M. Frank Baylis:** J'aimerais vous posez une petite question, rapidement.

Serait-il possible que vous nous fassiez parvenir le même type de demande que j'ai faite aux universités et aux bibliothèques pour voir, depuis 2004, comment vos redevances ont changé durant tout ce temps, année après année. Cela nous donnerait une bonne idée.

Merci.

[*English*]

**The Chair:** Mr. Jeneroux, you have seven minutes and 20 seconds.

**Mr. Matt Jeneroux (Edmonton Riverbend, CPC):** Thank you, Mr. Chair.

Thank you all for being here and for taking the time.

I have a couple questions and I may interject to keep some of the answers brief.

In February 2015 an open access policy was implemented that essentially, after 12 months, made SSHRC, NSERC, and CIHR publications freely accessible to the public. How was your organization affected by this policy? Also, would your organization support an expansion of this policy to apply to all publicly funded research, essentially research funds that are dispersed outside of the three councils?

**Ms. Susan Haigh:** At this point the open access policy applies to journal articles. The CO has a system of open repositories within the library sector that have developed institutional repositories over the course of the last many years. Basically we were very supportive of that policy because it gives an alternative. It allows the appropriate return on research that we believe should be possible for publicly funded research. So we're very supportive of the policy and we were able to support the implementation of the policy because we have these institutional repositories. It's always good when a government policy can be filled, right.

In terms of expanding that, we certainly have been very active trying to say the same thing should be true for research

data, as an example. Yes, we would say that all the outputs of research that are publicly funded, if possible, should be openly accessible as soon as possible. At the beginning openly is always an option for the creator to take. We see a creator choice in there that allows them to declare it open right at the beginning or sometimes it's a desire that they publish in some of these high profile journals.

When the policy is in place it really moves the market; it changes things. It's very important. Absolutely we would be behind and supportive and helpful in the implementation of such policy.

🕒 (1630)

**Mr. Matt Jeneroux:** Mr. McDonald.

**Mr. Michael McDonald:** We were absolutely in support of the previous government's work of building a forward and open access policy for the tri-agencies. That was something we stood on very actively and we saluted them when it was fully implemented.

Moving forward, in general terms, yes, we would be supportive across the board. Mentioning things like expanding the data stats that are shared allows for greater meta data analysis, which creates really interesting projects and has a lot of potential.

**Mr. Matt Jeneroux:** Ms. Shepstone.

**Ms. Carol Shepstone:** Yes, CRKN would also be in favour. Most of our members are members of [inaudible] or universities of Canada, so this is a positive move and a step forward, I think, in fostering innovation and research expansion.

**Mr. Matt Jeneroux:** Are there any comments?

[Français]

**M. Laurent Dubois:** Oui, monsieur le député.

Je ne sais pas si je vais vous surprendre en vous disant que nous aurons peut-être quelques réserves à émettre sur une telle politique.

Toutefois, dans ce que j'ai entendu, si l'on peut garantir que le créateur a le choix, alors, c'est une option possible. On n'a pas envie non plus que les écrivains et le milieu qu'on représente aient une image qui ne soit pas dans le progrès. On a envie de progresser et que les choses ouvrent. Il est probable que des solutions comme celle-là puissent être mises en place.

La question sera forcément de ne pas rester flou dans l'encadrement de ce qui pourrait être mis en place, si une telle politique devait être développée. Nous vous encouragerions à être le plus précis possible pour l'encadrer et, surtout, pour qu'on puisse garantir le droit moral des écrivains à refuser, s'ils le souhaitent, d'être mis sur ce type de plateforme.

[English]

**Mr. Matt Jeneroux:** Quickly then, I do want to talk about TPMs, digital locks and given that they're somewhat controversial within the education sector. How does your organization suggest Canada reconcile its obligations in favour of TMs, while ensuring education institutions can fully exercise their rights under fair dealing?

Maybe I'll start on the left here. I think I have 20 seconds.

[Français]

**Mme Suzanne Aubry:** Les verrous sont inefficaces, dans la plupart des cas. Il y a beaucoup de piratage des oeuvres, auquel on assiste depuis plusieurs années. C'est un gros problème auquel on n'a pas de solution simple à apporter. Il

faudrait vraiment une réflexion approfondie là-dessus, parce que, malheureusement, beaucoup d'auteurs sont spoliés et leurs oeuvres sont copiées et piratées par des utilisateurs qui, parfois, ne le font pas en voulant faire du mal. Ils ne se rendent pas compte des impacts que cela peut avoir.

Donc, encore une fois, l'encadrement serait important et, surtout, essayer de trouver des façons efficaces de contrer le piratage.

[English]

**Mr. Matt Jeneroux:** If you can fit it in within the line of questioning that would be good. If we get one more that would be fantastic.

**Ms. Carol Shepstone:** CRKN members would be in favour of the ability to circumvent TPMs for non-infringing purposes.

**The Chair:** Thank you very much.

We're going to move to Ms. Ng. You have five minutes.

**Ms. Mary Ng (Markham—Thornhill, Lib.):** I will be sharing my time with my colleague Dave Lametti.

Thank you everybody for coming and for sharing this information.

My question is this, and I hear from the content creators and from the writers and I hear from everyone else about having a regime that allows for greater access for young people for learning and so forth. Maybe I'll just sort of open this up, but do you have any thoughts for us, as I think about the writers and the content creators in sort of an evolving world of innovation and further creation, the creators work is, I would call it, part one and other works actually get sort of further created from original content.

In this regime perhaps those in the university sector and the learning sector can talk to us about how you provide for accessibility to your students, particularly when they want to be able to take use and create sort of further new material, essentially innovating from original content. I'd love to hear from the writers as well around how do you see sort of that use in this context.

🕒 (1635)

**Mr. Mark Swartz:** For the university sector those new exceptions that were mentioned, like the mash-up exception, the user generated content exception, and fair dealing allow students specifically to take different works, mash them together and create new works. They can be used, particularly with the user generated content exception, which is really useful for student assignments because they can create new works, submit them and those are for non-commercial purposes.

We really encourage those types of things. Mashing works together in creating new things, is incredibly important for research as well, because research is built on other research. We encourage those types of exceptions that do allow for those types of uses for sure.

**Mr. Michael McDonald:** We obviously think this is part of the ability to be innovative in a modern economy. Part of what is a lot of content generation—you can search YouTube and pretty much any kind of material that is circulated widely on the web—is those abilities to have a frame of reference that people understand and to recreate and to reimagine those things. That can be in the critical, that can be in the reimagined. We understand that any academic setting—and this is important—that's a non-commercial setting, one that the person understands is a learning environment on which they can practice this kind of effort. This is much of what modern content creation is. This is much of what, in a field like music, is a dominant form about being able to exchange new ideas. We think that this is the kind of thing that needs to be practised. We think it also does need to come with clear instructional purposes about what kind of rules surround this. We do think that when it comes to IP creation, better instruction and more information being

available to students is going to be key for them to be successful in a modern economy. We think that's really what we'd also stress through this, that we're really happy to have more learning about his kind of stuff as well.

[*Français*]

**M. Laurent Dubois:** Nous pourrions dire que d'une certaine manière nous sommes d'accord sur ce que nous venons d'entendre dans l'idée de partager des idées pour créer du contenu, pour avancer, pour être une société moderne. Nous sommes d'accord sur cela, mais quand je partage une idée avec quelqu'un et qu'ensemble nous décidons de faire un projet, nous sommes tous les deux d'accord pour avancer. Encore une fois, pour nous, l'article 29.21, puisque c'est de celui-là qu'il s'agit à travers votre question, si je l'ai bien comprise, ne respecte pas le droit moral. Prendre le travail de quelqu'un sans son accord, sans son autorisation et le déformer pour créer un contenu aussi créatif soit-il, pour moi cela ne respecte pas le droit moral.

**M. David Lametti (LaSalle—Émard—Verdun, Lib.):** Vous avez justement soulevé la question des droits moraux, des droits non pécuniaires et non monétaires. Vous êtes en train de dire, je crois, qu'on devrait avoir un droit de destination dans le droit canadien, parce que l'utilisation équitable n'affecte pas les droits économiques d'auteur et ce n'est pas une question d'intégrité de l'oeuvre. L'auteur, une fois qu'il a vendu son oeuvre, n'a pas le droit, selon le droit canadien, de donner la destination. Cela a été rejeté dans la décision de l'affaire *Théberge c. Galerie d'Art du Petit Champlain inc.*. On n'a que l'intégrité à la paternité comme des droits moraux dans le droit canadien. Qu'en pensez-vous? Voulez-vous qu'on ajoute un droit de destination?

**Mme Suzanne Aubry:** C'est votre interprétation, je la respecte monsieur Lametti, mais je suis absolument en désaccord sur cela. Nos droits moraux sont reconnus. Quand je signe un contrat d'édition, mon oeuvre je l'a prête à l'éditeur, je reçois des redevances d'un à-valoir et cela n'appartient pas à l'éditeur, c'est une licence que je négocie avec l'éditeur.

**M. David Lametti:** Oui, mais cela est un droit économique, madame Aubry.

**Mme Suzanne Aubry:** Le droit moral c'est que...

**M. David Lametti:** Avec tout le respect, la plupart des experts au pays seront d'accord avec moi. Les droits moraux sont uniquement, au Canada, ajoutés pour l'intégrité de l'oeuvre et la paternité. Il n'y a pas un droit de destination, la Cour suprême l'a dit clairement dans l'affaire *Théberge c. Galerie d'Art du Petit Champlain inc.* et une fois vendus, les droits économiques sont déjà acquis par l'auteur et c'est terminé.

Vous êtes en train de nous dire que nous devrions ajouter un droit de destination dans la loi et cela a déjà été rejeté. C'est une question très innovatrice, mais ce n'est pas le cas actuel.

 (1640)

[*English*]

**The Chair:** I'm sorry, we're out of time. Perhaps we can come back to that. We're going to move to Mr. Lloyd.

You have five minutes.

**Mr. Dane Lloyd (Sturgeon River—Parkland, CPC):** Thank you for coming out today. It's been very interesting listening to the very informed points of view.

My first question will be directed to Ms. Haigh.

With your stakeholders, since 2012, what has been the [*Inaudible*] line in terms of spending on copyrighted licensing and materials? Has it been going up, down, has it been steady? What have you been observing?

**Ms. Susan Haigh:** In terms of the purchase of licensed material?

**Mr. Dane Lloyd:** Yes, your budget for those things.

**Ms. Susan Haigh:** For the [Inaudible], the total university annual spending is \$370 million. Our figure for our 29 academic libraries is \$338 million in 2016-2017. This is a [Inaudible] statistic. It's a reliable statistic. This compares to 2011-2012 when it was \$280.5 million. It is a steady increase.

**Mr. Dane Lloyd:** There has been an increase, and we're hearing from the publisher and the creator side that they're seeing less benefit because of these policies. To what do you attribute the increase in spending? Is it just that you're using more products or that it's more expensive to use these products? What is the reason the prices have gone up?

**Ms. Susan Haigh:** Prices go up. I think the licence costs have gone up over that amount of time.

If there's a change that's been seen, from the collectives' perspective, it has to do more with the changing marketplace and the fact that there is other open access content. There are other types of things happening that are much bigger than just the regular print-based price-setting kind of relationship that was there in the past. So it's all changing.

**Mr. Dane Lloyd:** Thank you.

I guess I'll pose the same question to Monsieur Dubois.

From your perspective, what would you say about the comments made previously? How is this affecting you? They say that the costs.... They're spending more, but your stakeholders don't seem to be seeing the benefit of this. Where's the loss happening?

[Français]

**Mme Suzanne Aubry:** C'est un paradoxe, visiblement, parce que sommes moins payés et de [Inaudible]. Nous vous avons donné des chiffres très concrets tantôt. Or, les dépenses augmentent du côté des universités pour l'achat des contenus canadiens. On parle de contenus canadiens. Alors, où va l'argent?

[English]

**Mr. Dane Lloyd:** So you are unaware, from your perspective, where that money is going.

**Ms. Suzanne Aubry:** Well, not in our pockets.

**Mr. Dane Lloyd:** Okay.

My question, then, would be—and this is open to the floor—what is the impact of piracy, and how significant is the impact of piracy on the price and the costs...for the losses that you have suffered?

[Français]

**Mme Suzanne Aubry:** C'est une bonne question mais c'est extrêmement difficile d'y répondre en ce moment parce qu'il y a des sites qui ouvrent de façon sauvage. Les éditeurs essaient de les faire fermer, ils ouvrent ailleurs. C'est difficile de mesurer les impacts mais les écrivains nous en parlent. Ils voient leurs oeuvres être copiées, piratées par des utilisateurs, mais c'est difficile de les attraper, surtout que les plateformes sont internationales d'une certaine manière. Ce n'est pas facile. C'est pour cela que la question du piratage devrait être étudiée de façon très sérieuse par les politiques pour trouver des façons de le contrer. Il faut mesurer les dommages.

[English]

**Mr. Dane Lloyd:** There were some comments made earlier by other witnesses that we're living in a much more content-heavy world. There's a lot more content production. Would you say the increase in competition among content producers could be one reason your stakeholders might be realizing lower prices for their products?

[Français]

**M. Laurent Dubois:** C'est un bon point. On pourrait imaginer que, individuellement, effectivement, il y a un partage des revenus et des recettes entre plus de créateurs. C'est possible. N'empêche que dans les questions sur lesquelles nous échangeons depuis tout à l'heure, on parle d'enveloppe globale. Nous, ce que nous venons vous dire, c'est qu'il y a une enveloppe globale liée aux redevances dans la question de l'enseignement, qui, elle, a baissé. Donc, ce n'est pas une question de répartition uniquement. Sinon, dans l'industrie du livre, peut-être que, effectivement, plus de créateurs amène moins de revenus à chacun. Cela, je veux bien l'entendre, mais sur la question de la gestion collective, c'est l'enveloppe générale qui a baissé depuis 2012.

🕒 (1645)

[English]

**Mr. Dane Lloyd:** Thank you.

**The Chair:** We're going to move to Mr. Sheehan.

You have five minutes.

**Mr. Terry Sheehan (Sault Ste. Marie, Lib.):** Thank you very much.

I think this is an excellent start to our study.

At the last session, our first session, 101, we heard some very interesting testimony that's being covered off here today. I want to thank you for creating some sort of juxtaposition to it. It will help us think.

Michael, you had talked about some of the new emerging technologies that people are using. You referenced YouTube, and things of that nature.

One of the things that I find interesting.... That was never around when I was at school, nor when I taught at college. It probably was just emerging then. But specifically, other technologies that are out there, in particular the 3D printing, augmented virtual reality, big data, and artificial intelligence.... These are all very big things right now. Do we need to amend the act to better support innovation and technologies of the Fourth Industrial Revolution?

I'll start with you, Michael.

**Mr. Michael McDonald:** From a student perspective what we would stress is that this is the kind of thing that you need to make sure is flexible, adjustable and that individuals aren't caught in a significant amount of red tape about what they're going to necessarily be doing and giving some ability for, especially, students who are going to be some of the leading innovators. They're going to trying out new things in these environments. Making sure that they are able to access content to be able to re-imagine that content is at the core of that, even, philosophical question about what innovation is. Again, you want your political science majors to be hanging out with your welders, because it is a weird thing and they might come up with a really cool idea. This is the kind of thing that you want to be able to promote and anything that restricts that pool of information is something that's going to make it more difficult for those kinds of things to occur.

I can't tell you what the next innovative new thing is going to be. If I could, I'd probably be sitting somewhere else, but it is one of those that we do know that it is when neat ideas come together. Anything that restricts that is something we would be concerned about.

**Mr. Terry Sheehan:** That's very interesting testimony. Does anybody else want to chip in there? Carol?

**Ms. Carol Shepstone:** Sure. One of the comments I would make in regards to CRKN is in our licenses, we have been doing more work to allow data and text mining of the resources, which is very critical for AI, and I think that would be

an area where additional efforts...we can see that impacting very positively AI development.

**Mr. Terry Sheehan:** Excellent.

So you know, Mr. Chair, I'm splitting some of my time with Lloyd Longfield.

**Mr. Lloyd Longfield:** Great, thank you for sharing time.

I had one question that I didn't get out last time. For the libraries, the investment in the French language online streaming open access to journals, the Erudit system. Is this something that we need to pay more attention to? Is there enough funding to get access to French language content? This is for anybody on the table.

**Ms. Carol Shepstone:** I'll respond to that. As the Erudit project or partnership with PKP and the launch of Coalition Publica, is partnership with CRKN, I guess I would start by saying there is always room for some additional investment in ensuring that we have French content, particularly French scholarly content. That's a rather broad answer, but I think this project is a really interesting model in a transition program that's taking scholarly content that was subscription form and moving that and transitioning it over into open access in a sustainable and supportive way. Absolutely. This was also funded through CFI and SHERC funding, as well so that was really beneficial in making this shift.

**Mr. Lloyd Longfield:** Current legislation covers that?

**Ms. Carol Shepstone:** It was a partnership that was all enabled. It wasn't hindered or advanced, I would say, by the legislation.

**Mr. Lloyd Longfield:** Thank you. How much time?

**The Chair:** Do you have another question?

**Mr. Lloyd Longfield:** The higher the course....The beginning courses we get access to information and it gets harder and harder the further you get in because publishers aren't covering the research and the costs of producing more scholarly journals, so we're taking American journals into beginner courses and not having access to Canadian information as you get further along.

Any comments on that?

🕒 (1650)

**Ms. Carol Shepstone:** It is true, certainly, of that \$125 million, about \$122 million is actually spent on international journals, if you will. However I would add that many of those international journals include Canadian scholarly content. It's a really challenging analysis to pull out and parse out Canadian scholarly content in those international journals, as well, and to still balance Canadian scholarly content produced here in Canada.

**Mr. Lloyd Longfield:** Thank you.

**The Chair:** Mr. Masse.

**Mr. Brian Masse:** I want to follow up with that because that was one of the questions that I was thinking that in terms of also, how has the response been from international journalists having been exposed to maybe a different system than elsewhere, especially with open access. Is there still an interest to actually get into the Canadian market or has it waned a little bit if there is more sharing? Has there been any response at all because we have changed our copyright in the last number of years, but what has been the response from the international community?

**Ms. Carol Shepstone:** In terms of international scholarly journals?

**Mr. Brian Masse:** Yes.

**Ms. Carol Shepstone:** I would say, via CRKN and other research institutions, we will purchase whatever scholarly content we can afford and is needed regardless of where it's produced as long as it's supporting the research enterprise. Obviously, there's a need to support Canadian-produced scholarly content as well, but we do purchase it regardless of its origin as long as it's affordable, if I'm understanding your question.

**Mr. Brian Masse:** You are kind of not a trapped customer but you're—

**Ms. Carol Shepstone:** A little bit....

**Mr. Brian Masse:** I didn't want to say it, I guess.

I want to follow with Mr. McDonald with regards to the divergence of platforms that's taken place. What has been your experience from those who are now taking advantage of more openness in terms of actually trying to get remuneration or some of types of supports for—I guess—the compromise. You may have a different business model from what you had before.

**Mr. Michael McDonald:** We think that, depending on the open format you're talking about, this is going to be a changing business format. For something like an open educational resources environment, this is something that's relatively new that generally is provincially supported. It's something that, depending on the model it's been based.... It's been, I think, up to a few million dollars a year based on course books that were in high demand. So...very much...if you were in a “101” course in British Columbia—so a base-level course—that had high enrollment, they were going to create a textbook in that kind of environment.

The one thing about these kinds of processes is that they do snowball. The interesting thing about any kind of open format is that the next time the funding comes forward, maybe the project is to translate that textbook, or maybe the process is to make this textbook more regionally specific to interior British Columbia.

These are the kinds of things this base content allows for and then you can build off of in those granting models. We think that can be a very successful way of delivering really innovative content in Canadian-centric content.

One of the big benefits of this material is that it can be very easily tailored. Right now, every one of us can go on the Open B.C. textbook site and grab those textbooks, and you'd be able to bring those forward. If a professor takes that, brings it into their course plan, amends it, and gets approval from their department, that's delivered, and it's delivered in a really clear way to the individuals involved.

We do think that in some models there are places we are concerned about. When it comes into some of the open access discussions, we're strong supporters of it, but we do think the one thing that needs to be ensured is that especially young researchers and the emerging researchers don't have to pay the upfront fees. They're very often expected to still get published in that kind of a format, which can sometimes range up to \$1,000.

Those kinds of things can be a burden and might not be expected on that original research grant, and we think those things need to be considered in those environments as well.

**Mr. Brian Masse:** Thank you.

Thank you, Mr. Chair.

**The Chair:** We have a little bit of time left, so we're going to do five minutes, and I believe five minutes on this side as well.

Mr. Baylis, you have five minutes.

**Mr. Frank Baylis:** Mr. Chair, I have a simple question, and I'll be passing it on to Mr. Graham.

From a library's perspective, it's an interesting question. Can you tell us how you think we might be able, as a

government, to help you help our Canadian creators?

🕒 (1655)

**Ms. Susan Haigh:** We have been in discussions with the Canadian journals and others recently. It relates to Erudit to some degree, as well. We're very interested, because we support and host journals. Canadian research libraries host over 400 Canadian journals. We want them to survive and thrive. We're trying to figure out ways. We've had committees that have involved all of us to try to sort it out.

I think the fundamental issue is that, whilst you can do collective platforms so that you're reducing the costs of production, there are a lot of things like that. That, in some ways, is what the government is investing in with Erudit, as well; so a collective platform is a very good idea.

However, there is some cost to the production of content, and it gets a little tricky to know how best to support it. I believe that's where the government can step in. We have been talking with SSHRC about the aid to journals program and how it's reshaping itself a little bit too fast at the open access direction and...to help the journals as they're transitioning. I think that's the right kind of investment from the government, because it's helpful to keep the content generating.

**Mr. Frank Baylis:** Thank you, Ms. Haigh.

Go ahead, David.

[*Français*]

**M. David de Burgh Graham (Laurentides—Labelle, Lib.):** Monsieur Dubois, madame Aubry, j'ai quelques questions pour vous à propos des [*inaudible*].

Vous avez parlé d'une perte de 30 millions de dollars pour des écrivains à travers le collectif. J'imagine que c'est un total par année au Canada. Pourtant, il y a une hausse d'argent qui sort des universités, entre autres. Vous cherchez la différence.

Est-ce possible que la différence se trouve dans la voie numérique et chez auteurs qui ne sont pas collectivisés?

**Mme Suzanne Aubry:** Ce que nous savons, c'est que c'est de l'argent en moins pour les ayants-droits que sont les éditeurs et les écrivains. Nous avons précisé que, oui, il pouvait y avoir plus d'ayants-droits, et que cela pourrait expliquer en partie une augmentation des coûts du côté des universités, mais nous n'avons pas de données. Nous pourrions essayer de les obtenir par rapport à votre question, mais nous ne les avons pas présentement.

**M. David de Burgh Graham:** D'accord, mais on sait que les éditeurs font plus d'argent maintenant qu'avant, vous avez une réponse à cela? Il n'y a pas de chûte, la chûte c'est aux collectivités, pas aux producteurs de matériel. Vous êtes d'accord avec cela?

**M. Laurent Dubois:** Il faudra poser la question à l'Association nationale des éditeurs de livres là où sont les chiffres précis du milieu de l'édition, nous n'avons pas d'éléments de réponse à pouvoir vous donner.

**Mme Suzanne Aubry:** On aimerait bien les avoir.

**M. David de Burgh Graham:** Pardon?

**M. Laurent Dubois:** On aimerait bien les connaître nous aussi, parce que cela aurait un impact direct sur la rémunération de nos écrivains, mais il faudra poser la question aux éditeurs.

**M. David de Burgh Graham:** Croyez-vous que ceux qui piratent des logiciels ou des contenus paieront pour ces affaires s'il y avait des pénalités assez fortes ou s'ils ne les utiliseraient tout simplement pas?

**M. Laurent Dubois:** Je n'ai vraiment pas pu vous entendre, monsieur de Burgh.

**M. David de Burgh Graham:** Que ceux qui piratent paieront autrement est un mythe, d'après moi.

**M. Laurent Dubois:** Est-ce que ceux qui piratent vont payer autrement ou arrêter d'utiliser?

**M. David de Burgh Graham:** S'il n'y avait pas de verrouillage, pas de TPN là-dessus, est-ce qu'ils paieraient?

**M. Laurent Dubois:** Je pense que oui. Vous me demandez mon avis, je vous le donne, je n'ai malheureusement pas d'argumentaire plus précis. Je pense que oui, mais je pense que vous n'êtes pas d'accord avec moi.

**M. David de Burgh Graham:** Vous êtes au courant aussi que l'utilisation imputable n'a aucune obligation de demander la permission pour le faire?

**Mme Suzanne Aubry:** En fait, Copibec va pouvoir éventuellement répondre à ces questions, mais normalement Copibec négocie des ententes et des licences avec les maisons d'enseignement et, donc, quand les oeuvres sont utilisées, l'auteur a donné finalement la permission, il a délégué à Copibec la négociation de ces licences. Tant que c'est couvert par des licences, il n'y a pas de problème, les auteurs ont donné nommément leur accord à travers ces licences. Est-ce que cela répond à votre question?

**M. David de Burgh Graham:** Ça commence, oui, [*inaudible*].

[*English*]

Are you cutting me off?

**The Chair:** Majid.

**Mr. Majid Jowhari (Richmond Hill, Lib.):** Thank you, Mr. Chair.

I just wanted to share an observation that we've made on this side.

I want to get your perspective and I'm asking you to help us fill in the blanks.

We've noticed that the revenue or the income as it relates to the creator looks like it's on a downward slope. If I have a graph that talked about timelines as revenue what we've noticed is that the revenue as it relates to the creator is trending downward. It looks like the expenses that this relates to the library is going up. We talked about \$200 million and the \$370 million. I've done some searching around student's expenses as it relates to the material and I would say it's inclining and it might be with a different slope.

I like your opinion as the other stakeholder group in my mind would be the publisher. Where would you say the publisher, revenue or cost, is trending and how would it fit in the diagram?

Michael, do you want to start?

🕒 (1700)

**Mr. Michael McDonald:** Happily.

I would say overall the post-secondary education sector to a degree is similar to the health care sector; it experiences a higher inflation rate. The material and inputs that go into post-secondary rise at a higher rate than general inflation. This includes any kind of academic and literature materials and this includes a lot of the inputs that are expected at a post-secondary institution like any kind of machinery and that kind of material. A lot of what's necessary to produce even that academic content becomes more expensive and comes through. I don't have knowledge of the publishing sector to a degree that I would feel comfortable giving you an informed answer. However, it does seem that in an instance both sides of this discussion are clearly feeling the pinch in this. I think this is something that is a global

discussion. You are seeing these same kind of cost pushes in a variety of other markets.

**Mr. Majid Jowhari:** Mark, do you want to comment on that?

**Mr. Mark Swartz:** In order to understand where the library money is going, you have to understand the shifting landscape that is being caused by digital disruption. There has been a profound shift in the types of contents that are being used and purchased in libraries. Actually, one good analogy is, it's very similar to the transition that the music industry went through a couple of year ago. In the music industry, you used to buy individual MP3s, CDs and now a lot of people are buying monthly subscriptions and getting all of their music like that. Similar to Apple Music and Spotify. Libraries have also gone through that profound shift. Most of the money spent by university libraries aren't going to individual purchases of individual books; they're going to large corporations and these corporations aren't often publishing scholarly works, not literary works or textbooks.

Most of that money is going to five major corporations—?, Springer, Taylor, Francis Wylie and Sage. They're really dominating the scholarly journal market and they're pushing up price subscriptions. This is a major issue for their academia but it's not necessarily directly related to copyright. We do feel that the government can help in that regard. We'd encourage you to continue to promote open access, openly available materials, open government initiative for Crown materials is another great example of how you can keep supporting. Enhance the capacity of Canadian scholars to publish in locally run journals. Other ways that we can help, that we would consider helpful, because so much of our content is licensed are any ways that we can use the exceptions in the act for licensed material. So, if we do have a contract that protects works that there's an override for legal ways of accessing information like fair dealing or for technical protection measures if those works are protected by technical protection measures, circumvention is allowed for legal purposed like fair dealing.

**The Chair:** Thank you.

[*Français*]

Voulez-vous ajouter quelque chose, brièvement?

Vous avez 30 secondes.

**Mme Suzanne Aubry:** Je vais simplement faire un commentaire général sur l'innovation et la création.

Cela ne devrait pas signifier de sacrifier les redevances des auteurs, car, à terme, il n'y aura plus de contenu, ni de créateurs pour l'écrire.

[*English*]

**The Chair:** Okay, *merci beaucoup*.

Final question of the day, Mr. Lloyd.

**Mr. Dane Lloyd:** Thank you, Mr. Chair.

I'll be splitting my time with my colleague, Mr. Jeneroux.

One observation that I've made throughout this process is that, somebody once said to me, the better the system you have, the more expensive that system will be. If we want better health care, it's going to be more expensive. I think Canada has one of the best education systems in the world and we see that cost reflected in rising tuition rates, rising textbook rates. It seems like we're not willing to accept sub-par textbooks and even in my time in university, textbooks were not just textbooks, you had websites that were associated with the textbooks, CDs came with the textbooks and it's just amazing that it's so much more than what we were used to in the past. That cost needs to be reflected.

This leads me to my question to Mr. McDonald. You had mentioned that the education sector has higher inflation

than other sectors. Can you explain what you think the causes of that higher inflation in the education sector are?

🕒 (1705)

**Mr. Michael McDonald:** Obviously, the additional demands in the educational sector where you are trying to push the bounds of knowledge lead you to invest in significant machinery, this is the updating of buildings, this is the updating of course materials, this hiring good people who are exceptionally good teachers and exceptionally good researchers to staff these facilities. All of these are something that, right now, in international community, is fought over. These are precious commodities and these are things that you are trying to be right on the leading edge of at all times, which like, in any kind of sector, will make it more expensive.

I'd add that it also one of the reasons that there is significant pushes throughout the post-secondary education sector for cost deficiencies. That's been something that governments have demanded and that publics have demanded. That's making sure that if these textbooks are good, are there other models and something like an open educational resources model whose demonstrated that there are other really effective means by which to produce some content. So, if a Calculus 101 book, which has very consistent content, can be built on in a public environment, it can be very, very successful. In fact, it'll be rated as just as good as the textbooks that are purchased in other situations.

We do think, again, that this is part and parcel with operating in what is a public environment and something that overall, we think all the actors have played, do want to make sure that they are getting the most bang for their buck and that includes the public and is one that we understand and that we understand is going to be one of those divisions that needs us all to still look to those kind of efficiencies that will make this both effective and affordable for everyone.

**Mr. Dane Lloyd:** You mentioned earlier, I noted earlier, in your testimony to an earlier question, you had alluded to alternative mechanisms for compensating creators. Could you maybe tell the committee what are some examples you can think of?

**Mr. Michael McDonald:** This is also different, depending on the creator. This is also, I think, an incredibly important thing when discussing this. Different creators in different spheres are going to need different mechanisms.

Obviously, in some forms of research, tri-agency funding and real commitment to scientific research in the country is key to making sure that's well supported. When it comes to things like a public lending right, other mechanisms by which we can provide compensation could be grants to create certain kinds of textbooks. Again, provinces are doing this right now, and these are mechanisms. These are going to be different, depending on the sphere they're going to be working in, and we think they'd need to be best tailored to those environments.

**Mr. Dane Lloyd:** Okay.

It's to you.

**Mr. Matt Jeneroux:** Sure.

To an earlier question, Monsieur Dubois and Madame Aubry, you answered a question on the technological protection measures and your position on those. How do you reconcile your position when this falls under the WIPO and the Berne, the international agreements? I'm hoping you can clarify your position on those—a dramatic pause.

[*Français*]

**M. Laurent Dubois:** Est-il possible de répéter et de traduire à nouveau la question? Je ne l'ai pas compris.

Je m'excuse.

[*English*]

**Mr. Matt Jeneroux:** Do you want me to do it again? Sure.

In an earlier question you were asked about technological protection measures. You stated your position on that. I am just hoping that you can reconcile that position, that we fall under WIPO and under the Berne, the international agreements—sorry, W-I-P-O, maybe that's where we were getting stuck. How do you reconcile your position on TPNs, digital locks, under those agreements?

[*Français*]

**M. Laurent Dubois:** Je ne serai pas en capacité de vous répondre immédiatement parce qu'on rentre sur des considérations techniques sur lesquelles nous n'avons pas la réponse.

🕒 (1710)

[*English*]

**Mr. Matt Jeneroux:** Okay, sure.

**The Chair:** Are you done? Yes.

On that note, I would like to thank all of our witnesses for coming in. As we said, it will be a long study. I thought the information that came by today was very valuable. When I see my analysts busy writing notes, it means that's good information coming through—and they're smiling, which is a good thing.

On that note, I wish to thank you all very much for coming. We will adjourn for the day. Thank you all very much.