

## CMEC and AUCC are pleased!

Sunday, 29 June 2008

While the overall thrust of the initial reaction to Bill C-61 remains largely negative, it appears as if some groups are willing to support the bill because of the inclusion of the controversial educational exemption. (see previous postings Educational Use of the Internet Exception: Is it Necessary, Parts I , II , III , and IV).

On June 13th, the Association of Universities and Colleges of Canada (AUCC) issued an initial statement saying they were "every pleased that a new education exception in Bill C-61 will permit the educational use of publicly available Internet materials."

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The same day, the Canadian Association of Research Libraries (CARL) issued a similar statement saying they too are "pleased that Bill C-61 addresses the educational use of the Internet."

Never mind that existing law already permits reasonable uses of these materials. And never mind that the text of the bill which pleases them so much is shot full of so many holes and counter-exceptions that it is of questionable value in any event.

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And never mind that AUCC and CARL go on to express concerns over other parts of the bill. Such caveats notwithstanding, we can see how the government is already using these groups as political cover. When questioned by NDP critic Charlie Angus about the bill, Minister Prentice quickly pointed to the "educational exception" to show how the bill was indeed "balanced" and not the Canadian DMCA, as its critics have come to call it.

AUCC-CARL's initial statements were in stark contrast to those from other groups in the educational and library sectors (i.e., Canadian Association of University Teachers, Canadian Federation of Students, Campus Stores Canada, Canadian Federation for the Humanities and Social Sciences , Canadian Library Association), and they have weakened the cause of united opposition to the bill.

But wait, it gets worse.

While AUCC-CARL at least tried to temper their praise later in their releases, the statements from the Council of Ministers of Education, Canada (CMEC) and the Canadian Teachers Federation (CTF), suggests they would be happy to take the bill as-is.

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For their part, CMEC titled their June 13th release CMEC Copyright Consortium pleased with new federal copyright legislation. They lead with the conclusion that "Education ministers across Canada were quick to respond positively to the tabling of new federal copyright legislation in Ottawa yesterday." And while they include a line that says, "CMEC wants to thoroughly review the bill and ensure that the federal government has an accurate account of the impact of the legislation on Canada's education community," their message is unmistakably clear, they will take the bill as-is.

As for CTF, the headline on their June 12th release, Canadian Teachers' Federation describes proposed amendments to Copyright act as "fair and balanced" is curious inasmuch as CTF states they "have yet to analyze all the details contained in the Bill."

So much for the initial spin.

Now that Parliament has adjourned for the summer, everyone has plenty of time to read and digest the bill. These educational amendments (which are contained in sections 30.01 through 30.04) should be read and understood by everyone following the issue.

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I'll be following up soon with some more commentary about why these sections are destructive of user rights and fair dealing and why they should be opposed. I've started this analysis in previous posts about the educational exemption in general, but now that we have the text of the bill, it is all the more concrete.

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When we peel back the provisions of the exception, we'll see that there is very little to be pleased with.Â More to come.Â

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