

Tracking the Copyright Consultation Roundtables: Fair Dealing Emerges As Top Issue

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The copyright consultation roundtables have now passed the midway point with five completed (there may be as many as four still to go - Edmonton, Quebec City, and Toronto are confirmed, Peterborough is also apparently on the list). With many of Canada's big copyright groups having already appeared, it is worth taking stock of where things stand.

While there have been many issues raised - everything from ending crown copyright to reforms to photographer provisions - four in particular have dominated. First, there has been more support for extending fair dealing than any other issue. Over 20 participants have cited the need for expanding fair dealing, most calling for a much broader approach. There have been just a handful of opponents to this approach, primarily from the publishing and copyright collectives.

Second, the need to implement the WIPO Internet treaties has been raised repeatedly. Of course, WIPO implementation on its own doesn't say much - the key question is whether to adopt a C-61 style approach or a more flexible C-60-like approach on the anti-circumvention provisions. Thus far, there has been more support for linking anti-circumvention legislation to actual copyright infringement than for the C-61 DMCA-style model.

Third, there has been a steady stream of support for new levies and fees to compensate online copying. This has taken the form of an ISP levy for legalized P2P, an expanded private copying levy, or broader collective licencing schemes. This support derives primarily from the collectives and some artists groups.

Fourth, the role of intermediaries has come up frequently. ISPs and consumer groups have expressed support for the notice-and-notice system found in both C-60 and C-61. Others have called for notice-and-takedown, while yet others have hinted (or directly called for) a three-strikes system