



Canadian Urban Libraries Council
Conseil des Bibliothèques Urbaines du Canada

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June 7, 2010

The Honourable Tony Clement, P.C., M.P.
Minister of Industry
5th Floor, West Tower, CD Howe Building
235 Queen Street
Ottawa, ON K1A 0H5

The Honourable James Moore, P.C., M.P.
Minister of Canadian Heritage and Official Languages
15 Eddy Street
Gatineau, QC K1A 0M5

Dear Ministers,

The Canadian Urban Libraries Council/ Conseil des Bibliothèques Urbaines du Canada (CULC/CBUC) would like to commend the credible effort made by your Government to strike a balance on copyright reform with Bill C-32. We are all aware that the debate on copyright is always contentious and this will no doubt be the case moving forward with this legislation.

CULC/CBUC acknowledges that the Bill is complex and it will take weeks of careful analysis and consultation with Government staff to fully understand the implications of the extensive revisions and significant new approaches proposed. This letter is a preliminary response from CULC/CBUC and we will be providing a more detailed analysis later.

We note several comments from Minister Clement stating that the Government is open to revisions to the Bill. While we welcome open and transparent deliberations on the legislation, we also note the lessons of the recent history of copyright reform where there has been significant erosion of user rights sections of proposed legislation during Commons Committee deliberations. CULC/CBUC will actively participate in the process you establish as the Bill moves forward through the legislative process. CULC/CBUC and its members will be vigorous both in advocating to retain its progressive elements and introducing amendments on behalf of public libraries and our users where we feel it is necessary.

While the full implications for public libraries of the substantive overhaul of the education exceptions and the introduction of new criteria in fair dealing are unclear to us at this time, we applaud your effort to provide clarity in a number of areas for our colleagues in education and for students. The stated intent of introducing language which is technology neutral is also admirable. CULC/CBUC is uncertain that all library, archive and museum exceptions have been amended to the extent necessary to achieve technology neutrality and we will be pursuing this issue as necessary. The "notice and notice" provisions of the Bill are welcomed.

While as we have indicated there is much to welcome in Bill C-32, CULC/CBUC is very concerned that the Bill provides unnecessary and overreaching protection for digital locks. There is the potential for a range of very negative unintended consequences in digital lock protection which does not recognize circumvention, and the possession of devices for circumvention, in limited instances for dealing with lawfully acquired content for non-infringing purposes. CULC/CBUC will be seeking clarity from the Government that the Bill's approach does not impede the ability of public libraries to effectively serve our users, especially those wishing to access content for other geographic regions, and prohibit the use of library exceptions. We will address specifics of the problems presented by digital locks in subsequent communication with the Government.

Finally, CULC/CBUC continues to be very concerned over the vulnerability of user and library rights to imposed licences or contracts. Public libraries will continue to advocate for legislative recognition of the right to override non-negotiated contract requirements which impede the application of legislated rights.

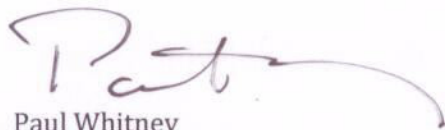
CULC/CBUC is committed to work with your Government as Bill C-32 moves forward. Canadian public libraries and our millions of users will welcome a copyright regime which fairly strikes a balance between user rights and the rights of creators and content providers in our digital world. Bill C-32 has the potential achieve such a made in Canada outcome.

CULC/CBUC strives to strengthen our vibrant urban communities through building the capacity of Canada's urban libraries. Our members collectively serve more than 7.5 million active users from 522 physical locations and virtually. In 2009 member libraries loaned more than 175,000,000 items and expended in excess of \$480 million on collections including \$10 million on digital resources.

Yours sincerely,



Jeff Barber
Chair,
Canadian Urban Libraries Council (CULC) /
Conseil des Bibliothèques Urbaines du Canada
and CEO, Regina Public Library



Paul Whitney
Chair, Copyright Committee
Canadian Urban Libraries Council (CULC) /
Conseil des Bibliothèques Urbaines du Canada
and CEO, Vancouver Public Library