



British Columbia  
School Trustees Association

Tel: 604-734-2721 Fax: 604-732-4559 e-mail: [bcsta@bcsta.org](mailto:bcsta@bcsta.org)  
4th Floor, 1580 West Broadway, Vancouver, BC V6J 5K9

February 22, 2008

The Honourable Jim Prentice  
Minister of Industry  
C.D. Howe Building  
235 Queen Street  
Ottawa, ON K1A 0H5

Dear Sir:

**Re: Copyright Act: Educational Exemption**

BCSTA is a voluntary association of the 60 boards of education that are responsible for public education in the Province of British Columbia.

I am writing to advise you that BCSTA fully supports the position of the Council of Ministers of Education of Canada and the Canadian School Boards Association that there needs to be and should be a specific and clear legislative exemption for educational use of materials posted on the internet that are freely available without password protection or other restrictions on access or use.

Such an exemption should not be limited by whether or not there is a copyright collective approved to collect fees from educational institutions for the use of posted material that is freely available to other users.

The exemption needs to be broader than existing "fair use" to allow teachers to effectively use internet based materials in delivery of educational programs.

We recognize that it is sometimes necessary to protect the market for a publication by restricting access; otherwise market-driven publications will not be created. We are not seeking rights that would over-ride the copyright owner's right to control distribution of their material.

Individual educators making decisions about what resources they will use to deliver an educational program should not be placed in the position of having to interpret whether the resource is covered by "implied consent" or "fair use" in order to satisfy themselves that they are operating legally. They deserve a clear, specific, and broad exemption that will encourage students to become discriminating users of internet resources. They should be not be required to divert public funds earmarked for education into an industry subsidy that will have little or no relationship to expanding informational resources available to education.



Improving student achievement through community engagement

Statements by previous Ministers of Industry and of Canadian Heritage have noted that “The Government has long recognized the importance of technology to education”. The ministers emphasized the government’s commitment to “to ensure that the exercise of new digital rights for creators will not hamper access to works for educational or other socially important purposes” and the principle that "where there is no expectation of payment, there should not be a requirement to pay." We look forward to seeing these commitments fulfilled by an exemption for educational use in the new legislation scheduled to be introduced in Parliament.

Yours truly,

A handwritten signature in black ink that reads "Penny Tees". The signature is written in a cursive, flowing style.

Penny Tees  
President

Cc: Canadian School Boards Association  
Council of Ministers of Education of Canada  
Chairs, Boards of Education of British Columbia  
The Honourable Shirley Bond, Minister of Education of British Columbia  
James Gorman, Deputy Minister of Education of British Columbia