



September 29, 2006

Bruno Beauregard, Co-Chair
Greg Pilon, Co-Chair
Access Copyright
One Yonge St., Suite 800
Toronto, ON M5E 1E5

Dear Mr. Beauregard and Mr. Pilon:

The Copyright Consortium of the Council of Ministers of Education, Canada (CMEC) wishes to express its serious concern over Access Copyright's initiative, Captain Copyright (www.captaincopyright.ca). We echo the criticisms which have been raised in the Canadian Library Association's July 28, 2006 correspondence: specifically, the site lacks balance, its web linking policy reflects a fundamental misunderstanding of the nature of the Internet as a communications vehicle, and the site targets young children with what could be deemed to be advertising materials used to address contentious public policy issues.

At the core of our criticism is the fact that the Captain Copyright Web site misrepresents recognized Canadian copyright principles that balance creators' and users' rights. We are very concerned that Access Copyright, using the Captain Copyright Web site, places itself in the position of interpreting the Copyright Act for students and teachers. There are profound disagreements between Access Copyright and the entire user community about the interpretation of many of the provisions in the Copyright Act. The fair dealing provision is just one example. Until differences of interpretation are resolved by either the courts or the Copyright Board, Access Copyright and the user communities must agree to disagree on what is permitted or prohibited under fair dealing and other provisions in the Copyright Act.

We object to Access Copyright's assertion in its reply to the Canadian Library Association dated August 9, 2006, that "the response from educators to the Captain Copyright Web site has been very positive." To the contrary, the CMEC Copyright Consortium has issued a warning to the education community advising against using the Captain Copyright materials.

We disagree as well with Access Copyright's assertion, also in the said August 9, 2006 letter, that there are no tools available to educators to help them teach their students about copyright. There are a number of accurate and reliable resources on copyright for use by teachers and students, such as the publication *Copyright Matters!*, which is now in its second edition.

Like the Canadian Library Association, we believe that any copyright advocacy initiative intended to be used directly by children or in the classroom by teachers should be developed by the institutions which represent the education community, like the Copyright Consortium of Council of Ministers of Education, Canada, the Canadian Teachers' Federation, the Canadian School Boards Association and the library community. Education materials for use by Canadian students and teachers need to be developed and be appropriately vetted by organizations whose primary interests are founded in the well-being of Canada's education community.

Given the growing concern for the inherent misrepresentations and omissions in the Captain Copyright material, the Copyright Consortium urges Access Copyright to remove these materials and halt its efforts to advertise the materials to Canadian school children and their teachers.

Sincerely,

A handwritten signature in cursive script that reads "Karen Casey".

Karen Casey, Chair
CMEC Copyright Consortium
Minister of Education, Nova Scotia

cc Honourable Bev Oda, Minister of Canadian Heritage
Honourable Maxime Bernier, Minister of Industry