

Report of the Copyright Committee for 2008/09

Copyright Committee members for this past year were Richard Pinnell, Dan Duda, and Elizabeth Hamilton.

The big copyright news this past year is that Bill C-61, An Act to amend the Copyright Act, died on the order paper when the 39th Canadian Parliament was dissolved prematurely and an election was called by the Governor General in response to Stephen Harper's request in September 2008. Since then the Conservatives have made no effort to re-introduce a copyright bill. Bill C-61 attracted widespread criticism from critics who claim that it does not strike a fair balance between the rights of copyright holders and consumers. Typical of the reaction to this proposed bill was CARL's *Key Considerations of the Canadian Association of Research Libraries for a New Copyright Bill* (http://www.carl-abrc.ca/projects/copyright/pdf/key_carl_considerations_for_new_copyright_bill_nov_2008-e.pdf)

At the OCUL Map Group's spring meeting at Ryerson University on 30 April 2009 there was discussion about the term of copyright protection that is generally being applied to Goad fire insurance plans of Canadian communities published more than 50 years ago. Since the early 1990s a private company in Markham, Ontario, the Insurers' Advisory Organization (IAO) and now named Risk Management Services (http://www.scm-rms.ca/home_e.asp; click on HEIRS) has pressed its claim of copyright ownership in these plans. In 1995, the Archives of Ontario signed an agreement whereby they accepted that the IAO's claimed term of copyright in the Fire Insurance Plans "shall not exceed 90 years from the most recent date recorded on each individual plan." This agreement has stifled access to and use of Canadian fire insurance plans in academic institutions since many of these plans were published less than 90 years ago. There are many legal experts who argue that the term of copyright should be 50 years from date of publication.

Your Copyright Committee recently sent a letter on ACMLA letterhead to Mr Doug Rimmer, Assistant Deputy Minister for the Documentary Heritage Collection Sector, Library and Archives Canada asking for LAC's assistance in resolving this issue by reviewing the Archives of Ontario agreement and soliciting or providing a legal opinion, with reference to the Canadian Copyright Act, on the term of copyright protection should be afforded these historic Canadian plans. We will ensure you remain informed of future developments.

Respectfully submitted,

Richard Pinnell, Chair
ACMLA Copyright Committee
21 May 2009