OER in Canada: A POERUP Report

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Policies for OER UPtake
• OER
• Open access
• Open user-generated works
• Open data
• Open Glam (Galleries, Libr., Arch. Museums)
• Open government
• Open policies
• Open licences
• Open licence tools (CC)
• Open standards
• Open Source
Paul Stacey
Open Access & OER

“Despite the mounting support for open access, Canada has lagged behind with only a handful of pilot projects from the federally-funded research agencies . . . it is time for those agencies to make a firm commitment to open access.”
Canada Report
Canada Report

- Provincial
- No Government policies
- Few initiatives
- Policy proposals (HEIs)
Open Data Canada

• Innovation
• Leveraging public information
• Develop consumer/commercial products
• Better use of broadband
• Research
• Informed decisions for consumers
THE BIG Canadian SPLIT

- School Level vs Higher Education Ministries
- Paris Declaration on OER
• BC Campus licence
• Online Programme Development Fund
• 40 First year post-secondary courses as OER
• +60 courseses
• BC Campus licence
• Online Programme Development Fund
• 40 First year post-secondary courses as OER
• +60 courses
Alberta

- $2 million for OER
- Post-secondary
Three Western Provinces

BRITISH COLUMBIA

Mt Robson

Vancouver

Jasper

Edmonton

Calgary

ALBERTA

Prince Albert

Saskatoon

SASKATCHEWAN

UNITED STATES
OER universitas members

- Portage College
- Athabasca U
- Thompson Rivers U.
- BCcampus
- Ecampus Alberta
Bill C-11
The Copyright Modernization Act

Technological Protection Measures
• Includes EDUCATION in Fair Dealing
• Expands the pentalogy conditions even further

Fear of being sued is reduced:
  MUST prove financial harm
  $5K limit on fines for non-commercial infringements
5 Court cases 2012


- Rogers Communications Inc., Rogers Wireless Partnership and Shaw Cablesystems G.P., Bell Canada and Telus Communications Company and Respondent SOCAN can be found here:

- Re:Sound v. Motion Picture Theatre Associations of Canada, et al.


- Province of Alberta as represented by the Minister of Education;, et al. v. Canadian Copyright Licensing Agency Operating as "Access Copyright"
Fair Dealing

• All anglophone provinces vs. Access Copyright
• SC strongly restated fair dealing as a RIGHT
• Copy portions without permission for research AND
• Education NOT separate from research
Fair Dealing

WRONG

NO Class copies

RIGHT

Class copies are ok
Fair Dealing

WRONG  NO course packs

RIGHT Course packs are ok
Fair Dealing

WRONG

Digital “book burning” is necessary

RIGHT

Destroying copies has little relevance
Fair Dealing

WRONG

Different rules for paper & digital

AUCC

RIGHT

Technologically neutral
Fair Dealing

**WRONG**

Overly restrictive & unnecessary requirements

**RIGHT**

Large & liberal interpretation
Fair Dealing

WRONG

10% limit or even 5%

RIGHT

A “reasonable amount” can be copied with a large and liberal interpretation

REASONABLE PERSON TEST

Y U NO REASONABLE?