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# OER in Canada: A POERUP Report

POERUP

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# ***Policies for OER Uptake***

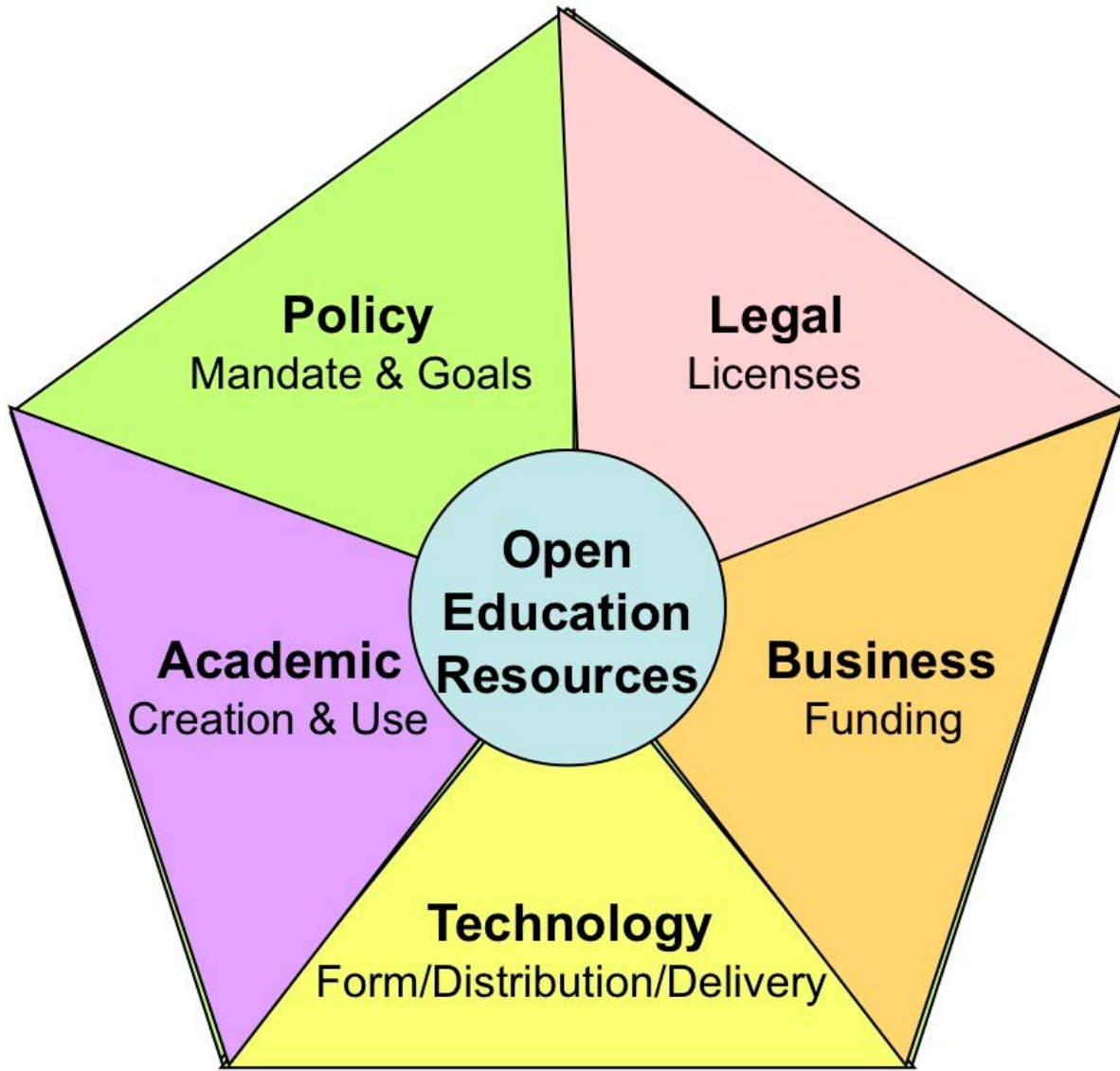




- OER
- Open access
- Open user-generated works
- Open data
- Open Glam(Galleries, Libr., Arch. Museums)
- Open government
- Open policies
- Open licences
- Open licence tools (CC)
- Open standards
- Open Source



Paul Stacey



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



# 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**

PO&RUP



**BC**campus  
connect. collaborate. innovate.

**SOL\*R**  
Shareable Online Learning Resources

- **BC Campus licence**
- **Online Programme Development Fund**
- **40 First year post-secondary courses as OER**
- **+60 courses**



- BC Campus licence
- Online Programme Development Fund
- 40 First year post-secondary courses as OER
- +60 courses

**First Major OER initiative**

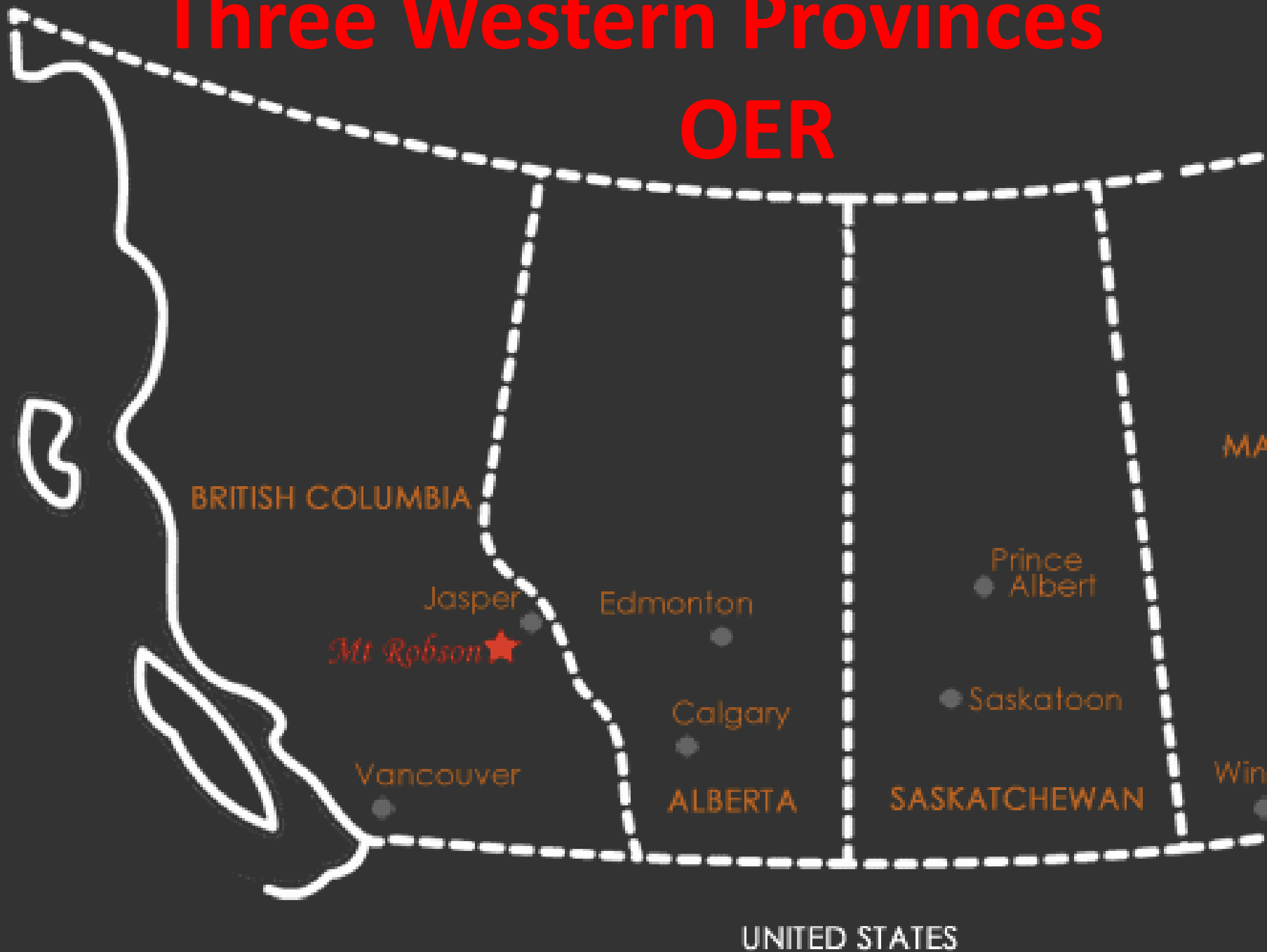
# Alberta

- **\$2 million for OER**
- **Post-secondary**



# Three Western Provinces

## OER



# OER universitas members





ONTARIO



Quebec





# Bill C-11

The Copyright  
Modernization  
Act



SEVENS  
HEAVEN

# Technological Protection Measures



# Bill C-11

## The Copyright Modernization Act



- 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**

# Pentalogy, July, 2012



## Canadian Supreme Court

# 5 Court cases 2012



- **Entertainment Software Association, et al. v. Society of Composers, Authors and Music Publishers of Canada**
- **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.**
- **Society of Composers, Authors and Music Publishers of Canada, et al. v. Bell Canada, et al.**
- **Province of Alberta as represented by the Minister of Education;, et al. v. Canadian Copyright Licensing Agency Operating as "Access Copyright"**
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# 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



Vs



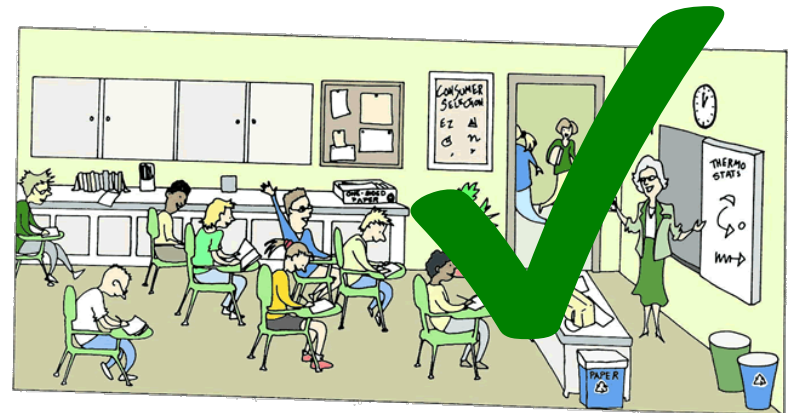
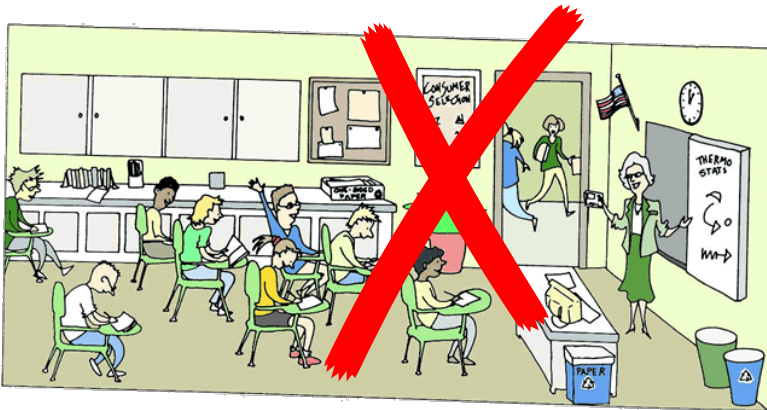
# Fair Dealing

**WRONG** 

**RIGHT**

**NO Class copies**

**Class copies are ok**



# Fair Dealing

**WRONG** 

**RIGHT**

**NO course packs**

**Course packs are ok**



# Fair Dealing

**WRONG** 

**RIGHT**

Digital “book burning”  
is necessary

Destroying copies  
has little relevance





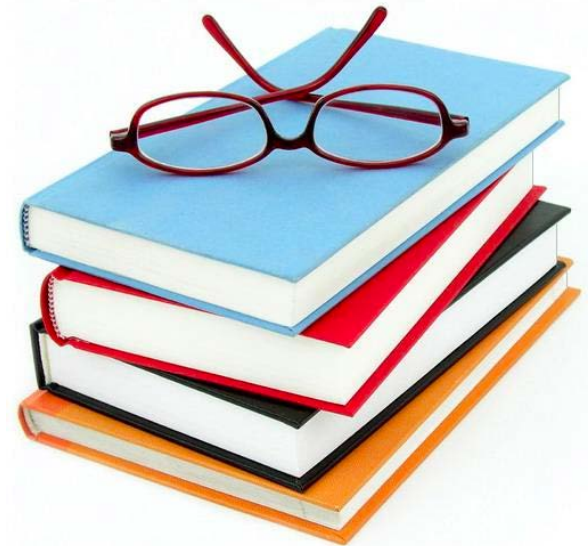
# Fair Dealing

**WRONG** 

**RIGHT**

**Different rules for  
paper & digital**

**Technologically neutral**



# Fair Dealing

**WRONG** 

**RIGHT**

**Overly restrictive &  
unnecessary  
requirements**



**Large & liberal  
interpretation**



# Fair Dealing

**WRONG** 

**10% limit or  
even 5%**



**RIGHT**

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

