



# Canadian Content in a Digital World: 2016 Federal Consultation

Submission from the Canadian Federation of Library Associations

November 2016

The Canadian Federation of Library Associations/Fédération canadienne des associations de bibliothèques (CFLA-FCAB) is pleased to offer the following observations and suggestions in regard to the consultations currently being undertaken regarding Canadian Content in a Digital World.

CFLA-FCAB is the national voice of Canada's library and archival communities, representing provincial and territorial library and archival associations across the country, as well as national and provincial sector-specific associations. We represent public, academic, and research libraries and archives and the people who work in them. CFLA-FCAB exists to:

- advance library excellence in Canada;
- champion library values and the value of libraries; and
- influence national and international public policy impacting libraries and their communities.

CFLA-FCAB believes that the Government's agenda of promoting innovation and Canadian culture will be significantly advanced by recognizing that "**Canadian libraries are cultural institutions that promote, support and address Canadian Content in a Digital World.**" Libraries and archives are the infrastructure essential for Canadian content creation. Without the ideas, voices and stories collected, stored and distributed by libraries and archives, there is no Canadian content.

Libraries can and do serve a unique role in the creation and distribution of new Canadian content, and are positioned to be a powerful force for encouraging innovation and helping Canadians access opportunities to create content suitable for a digital world. The following statement from "Canadian Culture in a Global World" (Global Affairs Canada, 1999) has truly come to pass:

Culture is the heart of a nation. As countries become more economically integrated, nations need strong domestic cultures and cultural expression to maintain their sovereignty and

Canadian Content in a Digital World: 2016 Federal Consultation  
Submission from the Canadian Federation of Library Associations

sense of identity. Indeed, some have argued that the worldwide impact of globalization is manifesting itself in the reaffirmation of local cultures.

Canadian books, magazines, songs, films, new media, radio and television programs reflect who we are as a people. Cultural industries shape our society, develop our understanding of one another and give us a sense of pride in who we are as a nation. Canada's cultural industries fulfill an essential and vital role in Canadian society.<sup>1</sup>

The purpose of a cultural institution is two-fold: to enable and support the creation of new cultural expression, and to help preserve and distribute that culture. Libraries are unique in that they are one of the few such institutions that can be found in the majority of communities across Canada, and in that they support the accomplishment of both purposes. There is no better time than the 150<sup>th</sup> anniversary of Confederation to look at ways we, as a country, can better support the people and institutions that generate, distribute, and promote Canada's culture. This is particularly valuable at a time when the ways in which people engage with culture and content are changing, and at a pace that has never been experienced before.

Libraries have traditionally been thought of as a point for distributing cultural content. But they have evolved beyond the scope of well-curated depositories and in the 21<sup>st</sup> Century serve as hubs for communities to come together to preserve and promote their cultures. In a nation as culturally diverse and geographically vast as Canada ensuring our content creators and citizens have networks that give them access to the global market of digital content is crucial for both to thrive. Libraries are fundamental to ensuring Canadians from all backgrounds have that access.

As institutions, libraries ensure that everyone has equitable access to Canadian culture. Archives are critical for preserving our cultural memory, and have been shown to be crucial through Truth and Reconciliation efforts. While helping to address some of our nation's greatest historical

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<sup>1</sup> <http://www.international.gc.ca/trade-agreements-accords-commerciaux/topics-domaines/ip-pi/canculture.aspx?lang=en>

Canadian Content in a Digital World: 2016 Federal Consultation  
Submission from the Canadian Federation of Library Associations

challenges, libraries have also grown to reflect Canada's best opportunities. Public libraries and libraries that support our learning institutions are a vital thread in the fabric of innovation.

Canada2020's Report *Towards an Inclusive, Innovative Canada* identifies two priorities for innovation: it must be "**Economically Inclusive**" and "**Autonomy-Enhancing**". To be economically inclusive the gains must be available to all; that is, the benefits and opportunities delivered by innovation need to be shared with all Canadians. One way of doing that is to ensure that innovative ways of creating digital content in Canada are spread through and supported by public educational institutions, e.g. Libraries. These venues are places people go for informational and educational resources but, increasingly, libraries are fulfilling the role of community hubs for people from all walks of life to not only find resources, but find each other. This relationship building is core to the objective of economic inclusivity. Libraries create connections that enrich Canadians' cultural experience and that will improve our ability to generate cultural products and media that demand attention from the global market for digital content.

To be autonomy-enhancing, the benefits of innovation must be distributed in ways that allow individual people and communities to make decisions for themselves about how to use and benefit from these changes--again, libraries, as community hubs, are well-positioned to identify and deliver the programs that fit their communities most effectively. Libraries are increasingly adapting to be not only repositories of Canadian Content and our cultural heritage, but also places where new cultural content is created. They are the ideal venue for content creation, particularly in a world where lines are routinely blurred between creators, users, professionals and amateurs. Libraries and archives are staffed by experts in copyright and in the preservation and distribution of information, who can help people looking to generate content to navigate the dynamic environment for content, both locally and globally.

Communities already recognize libraries as valuable resources, not only for information, but for building content and digital products. Further, people see these institutions as a portal to new audiences, whether that is in person, or as a venue for broadcasts. For example, CBC Radio broadcasts from the London Public Library. Edmonton Public Library hosts "Tech Time" which teaches participants to better use the devices that connect them to one another and to the world. Toronto Public Library has a printing press and offers print-on-demand services to all content creators in Toronto. The Halifax Central Library is home to a Media Studio creative space that allows people to record and edit music, videos, and images with professional level software

Canadian Content in a Digital World: 2016 Federal Consultation  
Submission from the Canadian Federation of Library Associations

and equipment, with assistance in one-on-one training with experts from the community. This programming is open to all.

Libraries are already active in the 'digital world'. For many millennials, who now make up the largest segment of Canada's workforce, their first experiences online were found at libraries. Over the past 20 years, libraries have developed from early adopters of internet technology into catalysts for content development. These institutions have pioneered in supporting the maker culture, programming, collaborative multi-media development, integration of culture and the arts, e-access, training in digital literacy skills.

Academic libraries at universities and colleges play an integral role in academic research in all fields, but they are especially notable for the role they play in supporting content creation across a breadth of disciplines, including in the fine arts and supporting cultural understanding and dissemination globally. In terms of digital content creation, Canada's research libraries host over 300 journals (many supported by Government of Canada funding programs), and we are providing and continuing to enhance world-class production platforms that allow Canadian scholarly content to be produced and disseminated globally.

CFLA-FCAB recommends the following strategies to help libraries support this government priority:

1. Strengthen infrastructure for libraries for hosting digital content and in providing access to content, particularly for those Canadians who do not own mobile devices or other devices that can connect to the internet.
2. Invest in public library programs to help Canadians learn how to develop content in a digital world. These programs should be targeted with a particularly emphasis on connecting youth with employment opportunities.
3. Strengthen investment in Libraries and Archives Canada for their role in supporting Open Government, Truth and Reconciliation, Legal Deposit, and the Documentary Heritage Digitization Strategy.
4. Recognize and fund the required changes to physical space of libraries to support digital access, programming and creation.

Canadian Content in a Digital World: 2016 Federal Consultation  
Submission from the Canadian Federation of Library Associations

Questions

*What does a cultural system that supports creators and respects citizen choice look like to you?*

Without creators, libraries, archives, and the people who use them would not have access to the information they need and the interaction they desire. Well supported creators enable adequate citizen choice, but balanced rights must be a focus of any solution. Without access and dissemination, the important and valuable products of Canadian creators won't become known, either within or beyond our borders.

Canada's copyright legislation was most recently updated in 2012. Under the modernized act, more Canadians have access to content in all forms than under previous iterations of the legislation. Democratized information and content is crucial to supporting the innovation that has to take place for Canada to remain relevant in a global knowledge economy and international market for cultural products. Original creators also benefit from having broader audiences and more people building on their work and discoveries to develop new knowledge, art, and traditions. The public policy progress enabled by the 2012 legislation will be in jeopardy if further attempts are made to lock down information for the benefit of major multinational publishers. If Canada allows items like technological protection measures (digital locks) to become more prevalent, and continues to disallow circumvention for non-infringing purposes, much of our creative, thoughtful digital content will be accessible only to those with economic means to purchase it themselves. Under such a model, original creators would lose the benefit not only of a great deal of compensation, but also the knowledge that their works are being used and enjoyed.

Another measure that absolutely must be preserved from the *Copyright Modernization Act* is the concept of fair dealing and the inclusion of education as one of its categories. Fair dealing ensures that there is a balance between the needs of people and a society that aims to grow and improve through knowledge, and the livelihood of original content creators. Put simply, cultural creators will be best supported by a system that ensures their content is available and accessible by all Canadians.

The 2012 Act offered a range of solutions that recognized the needs of Canadians and balanced those against international pressure. As U.S.-based corporations pressured the government to adopt a new term of copyright (Life of the author plus 70 years), Canada responded by keeping

Canadian Content in a Digital World: 2016 Federal Consultation  
Submission from the Canadian Federation of Library Associations

our own term of life of the author plus 50 years. If we as a country allow this term to increase (as recently threatened again under the terms of the Trans-Pacific Partnership) many works that would be entering the public domain, and indeed those that are already in the public domain between 50 and 70 years post the life of the author would become inaccessible to researchers and historians. These would also delay ownership of rights by a generation and possibly create orphaned works, where rights holders are unknown or cannot be reached and content cannot be used. In a digital world and a knowledge-based economy, Canada cannot afford to limit access to content.

The government has also taken the important, recent step of supporting the Marrakesh treaty. This action has created a content environment where more works are available to print-disabled Canadians. However, simply allowing people or representatives to convert these works to accessible formats does not go far enough. To respect citizen choice, it is also important to provide funding support to ensure more titles can be adapted into accessible formats and libraries and archives are an important vehicle in delivering content to these Canadians, whose needs must be recognized to allow them to fully participate in the 21<sup>st</sup> century economy.

In a globalized world, ensuring the representation of a wide range of viewpoints that respect Canada's diversity and multicultural heritage is important. For many new Canadians, libraries and schools are institutions where they enhance their awareness of Canadian culture and reinforce connections with the rest of the world. However, libraries of all settings face additional challenges in the distribution of materials that hinder their ability to perform this role, and that limit their budgetary capacity to offer enhanced services and more content to citizens. A key example of this is the unfair e-book pricing that publishers impose on library systems across the country. While habits for consuming information have changed, the formats that should be fueling wider distribution and more affordable content are being taken advantage of. Content in digital formats can be much more durable and accessed or lent out, but restrictive lending terms and excessively expensive library licenses for ebooks are cutting into the budgets of cultural institutions that are at the heart of Canada's digital content growth.

At the basis of Canada's connection to the digital world and the digital cultural economy is an open internet. The CFLA-FCAB strongly supports the recommendations of the Canadian Association of Research Libraries regarding the proposed tax on internet access. Libraries, and indeed all of Canada, would not be served well by an internet regulatory system geared toward generating government revenue as opposed to generating knowledge and interconnectedness.

Canadian Content in a Digital World: 2016 Federal Consultation  
Submission from the Canadian Federation of Library Associations

87.7% of Canadians said that it is somewhat or very important to them to have access to local content. Libraries are ideal venues not only for accessing local content (ex. digitally archived local papers and records, local music and film collections, works by local authors and intellectuals) but they are becoming hubs for performance and dialogue about local culture, which can be broadcast to the world in this digital age.

*How can we meet the challenge of promoting Canada's creativity in the digital world?*

The federal government should recognize libraries as cultural institutions, highlighting their importance to Canadians and enabling them to access funding designated to support cultural activities in Canada. This will strengthen the ability of libraries to act as cultural spaces throughout the country, particularly in rural areas where few alternative institutions are in place. To succeed in the digital world it is crucial that the creativity we nurture is recognized and shared. Libraries are, historically, the place where ideas and cultural artefacts were shared with visitors from around the world. Now, people can visit from around the world with the click of a mouse, but promotion depends on curation, which libraries do particularly well. If Canada's exceptional cultural products are recognized, but not shared with the world, we are at a significant disadvantage as compared to competitor nations. One way to ensure this does not happen is by strengthening infrastructure for libraries to host digital content and to provide greater access to digital content. For example, bandwidth requirements and demand in libraries are continually increasing. In *The Future Now: Canada's Libraries, Archives, and Public Memory*, The Royal Society of Canada's Expert Panel recommends: 'the federal government, namely Industry Canada [now ISED], adopt the need for better rural bandwidth as a higher national priority. We make this recommendation fully recognizing that the federal government has increased its spending on rural broadband initiatives but aware, as well, that these initiatives are not part of a formal, national strategy. There is no commitment to meet specific standards in rural areas. Realistic timelines for the delivery of acceptable bandwidth into all Canadian communities are needed.' (p127).

Canada competes for global talent in research and in cultural industries. Without the appropriate infrastructure, whether that is broadband or up-to-date and effective equipment in cultural institutions, creative talent from around the world will choose different venues to generate content and to mentor and interact with Canadian talent. The government should therefore

Canadian Content in a Digital World: 2016 Federal Consultation  
Submission from the Canadian Federation of Library Associations

support a strategy to strengthen our digital infrastructure as an important component of supporting Canadian content in a digital world. The Royal Society Report states that 'The more successfully readers can independently find responses to their individual needs, the more successfully librarians will have done their work. Thus digital infrastructures, sometimes called cyberinfrastructures, have to take into consideration the links readers are called upon to make in order to respond to their questions that often go well beyond the usual content types one finds in library collections. Digital infrastructures that would allow the intersection of collections from libraries, archives, and museums, would offer possibilities to explore questions in ways that are impossible today. We consider that a Canadian digital infrastructure that would give access, through innovative interfaces, to the collections of the three types of memory institutions (libraries, archives and museums) is part of what constitutes the future of libraries, archives, and museums." (p104). The Royal Society Report also notes: "libraries work collaboratively in developing shared print collections. To pursue this end, it is recommended that Provosts of the U15 Canadian Research Universities establish and seek sustainable resourcing for three to five regional preservation/ storage facilities as last copy repositories, open to all repositories, to ensure the preservation of the entirety of the Canadian analogue heritage patrimony." (p 99).

Youth are an exceptional force in the widely democratized world of digital content. Whether the content they create enters the public consciousness through YouTube videos, photos or memes on Instagram, or music uploaded to the web, young Canadians are at the bleeding edge of digital content development. This creativity and casual outputs can be channeled into professional creative pursuits and libraries play an important role in facilitating that. Other settings also play a role, but it is necessary for government to move toward elimination of financial and technical barriers to the purchase and availability of e-content in public and school libraries. These are the best places to channel the energy of youth with mentorship and education. These settings also provide opportunities to nurture talent and the federal government has a role to play to Invest in programs and youth employment opportunities in public libraries to help Canadians learn how to develop content in a digital world.

The changing content environment has significant ramifications for the layout and capacity of libraries and archives as physical institutions. Shelves full of books and periodicals used to be the most efficient way to catalogue and organize information and the size of collections had massive connotations for research institutions that depended on holding on to the resources they had. In 2017, libraries and the people who use them rely on different structures and systems to access



Canadian Content in a Digital World: 2016 Federal Consultation  
Submission from the Canadian Federation of Library Associations

and utilize information. It is vital that governments recognize that encouraging content digitization and distribution requires changes to physical space of libraries and archives to support improved digital access, programming and creation. As such libraries and archives should be included and considered very closely in federal infrastructure funding opportunities, especially those that aim to improve Canadians' successful participation in the digital and cultural economies. This should also include the functionality of library websites and online access to their collections, as well as their digital communications capacity. Physical infrastructure to support maker culture should also be considered as key to the functioning of cultural institutions in 2017, including 3-D printing, workrooms, and digital presses to produce books, magazines, and small-circulation publications. Beyond infrastructure, libraries also make good venues for hosting mentorship programs to share the expertise of Canadian masters in digital content. Programming could be shared across institutions via live video to add a truly national reach for Canadian authors, artists, and intellectuals

*How do we support Canada's artists, content creators and cultural entrepreneurs in order to create a cultural ecosystem in which they thrive?*

Artists, content creators, and cultural entrepreneurs need access to tools for creating digital content. Tools help creators turn their ideas into products and digital content. The means to distribute that content, access to a cultural community that supports their artistic growth, and a path to drive awareness of their work is essential for creators to thrive in Canada's cultural ecosystem and abroad. They also need the opportunity to learn skills and use equipment that will let them do those things at a low cost. Subsidies and grants are valuable, of course, but there needs to be ways for artists to flourish without necessarily receiving direct financial support.

Canada's libraries:

- Act as an incubator for the development of Canadian content. Creators use libraries for research and to experiment with new digital technologies and platforms.
- Promote Canadian content by working with e-resource vendors to ensure Canadian content is made available in public, school, and academic libraries in Canada and providing a public showcase for creators through library programming including author talks, writer in residence programs, and film series.
- Cultivating digital citizenship - Not everyone has the skills to easily and seamlessly access digital content and how we produce digital content and use new technologies continually

Canadian Content in a Digital World: 2016 Federal Consultation  
Submission from the Canadian Federation of Library Associations

evolves. Libraries offer training on new technologies including workshops on programming, maker programs, green screens, gaming, and sound and video production, and are often the only place for free high speed broadband access in a community.

Accordingly, we recommend that the Government of Canada pursue the strategies outlined above to support these goals. Creators cannot be successful if an audience cannot interact with, experience, and appreciate their works. Libraries provide a broader audience for all creators and support the awareness about Canadian contributions in the world of literature, music, film, and other digital media. Libraries build audiences for creators.

Thank you for providing CFLA-FCAB with this opportunity to contribute to this important consultation.

Kevin Brennan

Senior Project Executive

Canadian Federation of Library Associations/Fédération canadienne des associations de bibliothèques

kbrennan@cfla-fcab.ca