Contents

Introducing Dynamic Fair Dealing: Creating Canadian Digital Culture 3
ROSEMARY J. COOMBE, DARREN WERSHLER, AND MARTIN ZEILINGER

A THE CANADIAN COPYRIGHT CONTEXT

I Provocations: Fair Dealing as Right, Speech, Duty, and Practice

1 Copyright and Freedom of Expression: Fair Dealing between Work and Play 43
BITA AMANI

2 From the Right to Copy to Practices of Copying 56
MARCUS BOON

II Recognizing the Canadian Public Domain

3 The Canadian Public Domain: What, Where, and to What End? 65
CARYS J. CRAIG

4 Dynamic Fair Dealing with Orphan Works: Lessons from “Real” Property 82
RENE BUCHOLZ

5 Publicly Funded, Then Locked Away: The Work of the Canadian Broadcasting Corporation 90
KYLE ASQUITH
III Infrastructures for Fair Dealing

6 Resisting Enclosure: Licences, Authorship, and the Commons  100  
JOHN W. MAXWELL

7 Weaving an Open Web: Innovation and Ethics in the Virtual Commons  113  
ELIOT CHE

8 “This Content Is Not Available in Your Region”: Geoblocking Culture in Canada  124  
IRA WAGMAN AND PETER URQUHART

9 Net Neutrality and the Threat to Open Cultural Expression  133  
STEVE ANDERSON

IV Experiments in Pedagogy and Diversity

10 Copyright and Access to Media for People with Perceptual Disabilities  144  
J.P. UDO AND DEBORAH FELS

11 If You’re Asking, It’s Not Fair Dealing: Animating Canadian Copyright Issues in a “Read-Write” Classroom  154  
MATT SOAR

12 Hacking Education: How Openness and Sharing Can Transform Learning  164  
ALEC V. COUROS

B MEDIATIONS

I Digital Publishing

13 Open Access Publishing and Academic Research  177  
ROWLAND LORIMER

14 Open Access Mandates and the Fair Dealing Button  189  
ARTHUR SALE, MARC COUTURE, ELOY RODRIGUES, LESLIE CARR, AND STEVAN HARNAD
II Principles and Practices of Heritage Management

15 The Evolution of Cultural Heritage Ethics via Human Rights Norms 201
ROSEMARY J. COOMBE AND NICOLE AYLWIN

16 Indigenous Cultural Heritage in the Age of Technological Reproducibility: Towards a Postcolonial Ethic of the Public Domain 213
GEORGE NICHOLAS

17 Cultural Diversity: A Central Dimension of Canadian Cultural Heritage? 225
NICOLE AYLWIN

III The Work of Poetics

18 Parodists’ Rights and Copyright in a Digital Canada 237
GRAHAM REYNOLDS

19 Robin Hood of the Avant-Garde 251
KENNETH GOLDSMITH

20 Remixing bpNichol: Direct Dealing and Recombinatory Art Practices 261
JUSTIN STEPHENSON

C MAKING OUR DIGITAL HERITAGE A DYNAMIC ONE

I Documenting Pasts and Assessing Virtual Futures

21 Copyright Dramas: Theatre Archives and Collections Online 273
DAVID M. MEURER

22 Streaming a Digital Scream: Archiving Toronto’s Barbaric Yawp 284
SUZANNE ZELAZO

23 The NFB, Canada’s Experimental Documentary Tradition, and Found Futures 294
MARTIN ZEILINGER AND ELI HORWATT
II Recombinant Creativity

24 Chipmusic, Out of Tune: Crystal Castles and the Misappropriation of Creative Commons–Licensed Music 305
   MARTIN ZEILINGER

25 “My Real’ll Make Yours a Rental”: Hip Hop and Canadian Copyright 317
   ALEXANDRA BOUTROS

26 Friction over Fan Fiction 327
   GRACE WESTCOTT

27 Child-Generated Content: Children’s Authorship and Interpretive Practices in Digital Gaming Cultures 336
   SARA M. GRIMES

AFTERWORD: REFLECTIONS

Deal with It 349
   LAURA J. MURRAY

Pull Up the Stakes and Fill in the Ditches: The Materiality of Intellectual Property 354
   DARIN BARNEY

References 361

Acknowledgments 417

Contributors 419

Index 425