



DOCUMENTARY
ORGANIZATION OF CANADA
DOCUMENTARISTES
DU CANADA

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FAIR DEALING HITS THE ROAD!

After Winnipeg in October, and Montreal in November, the Documentary Organization of Canada / l'Association des documentaristes du Canada (DOC) hits the road again with its National Fair Dealing Road Show. The first stop is coming up in Toronto in January, followed by Halifax and Ottawa in February, Edmonton and Vancouver in March. The cross-Canada event is a comprehensive effort to educate the documentary community, foster dialogue and identify common positions, or points of contention, around the issue of Fair Dealing and documentary filmmaking.

A little known exclusion to the Copyright Act, Fair Dealing allows for free use of otherwise copyrighted material under certain conditions. For example, some visual archives in a documentary with clear critical purposes could possibly invoke the Fair Dealing exclusion and be exempt from having to obtain clearances.

But how many of us know or understand this finer point of law and when to apply it? More often than not, producers are counseled by their risk-averse lawyers, sometimes at great and unnecessary cost to their clients, to "clear everything all the time." This can be so costly as to inhibit the production or release of certain documentary films altogether. Whether filmmakers, producers, lawyers or insurance brokers, Fair Dealing and its advantages remain obscure to many of us and underutilized in general.

The National Fair Dealing Road Show aims to introduce potential users to DOC's Copyright and Fair Dealing - Guidelines for Documentary Filmmakers, published in May 2010. Filmmakers are encouraged to share their experiences with copyright and to engage on case studies presented for discussion. Lawyers, visual researchers, insurance brokers and broadcasters are invited to take part in the conversation. This is an exercise in building community-based consensus on best practices where panelists and members of the audience discuss copyright myths and argue whether a particular use of copyright-protected material would meet the Fair Dealing exclusion or not.

Given that copyright law is a federal responsibility, it is necessary to cast this as a national event to gather as many views as possible and present the federal government with a nation-wide consensus, where possible. It is DOC's experience that the realities of production vary greatly from region to region yet the benefits to the industry from this initiative will accrue nation-wide.

The Road Show plans the following pit stops where local and invited experts will lead panel discussions:

Toronto – January 27
Halifax – February 12
Ottawa – February 16
Edmonton – March 1
Vancouver – March 2

For panel details and venue information, please consult docorg.ca

Guide to Documentary and Fair Dealing available at:
<http://docorg.ca/sites/docorg.ca/files/DOC-FairDealing-EN-v2-web.pdf>

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