



Copyright Board Agrees that Transactional Licences not Well Suited to Digital Environment

Toronto, September 26, 2011 – Access Copyright welcomes the Copyright Board’s rejection of an attempt by Canadian universities and colleges to impose a licensing business model that would almost certainly have led to widespread copyright infringement and have damaging economic impact on Canada’s content creation industries.

“We are pleased that the Copyright Board recognized that at this point in time, a digital transactional business model does not ensure that rights holders get paid for the uses of their works”, said Maureen Cavan, Executive Director of Access Copyright. The Board’s finding that, absent a rigorous monitoring and enforcement mechanism (which post-secondary institutions object to), a transactional licensing regime would be “an invitation to copyright violation and unthinkable” is an important re-affirmation of the legitimate rights of creators and publishers.

At issue in the ruling was an application to the Copyright Board by the Association of Universities and Colleges of Canada (AUCC) and the Association of Canadian Community Colleges (ACCC) to force Access Copyright, a not-for-profit organization founded by Canadian creators and publishers, to issue transactional, pay-per-use licences for the reproduction of copyright-protected works, in place of blanket, comprehensive licences.

The Copyright Board’s decision upholds its previous ruling on an interim tariff for post-secondary institutions, requiring them to pay a small per-student fee plus a ten-cent per page royalty on copying in exchange for reproducing works in Access Copyright’s repertoire.

The Board said post-secondary institutions cannot claim on the one hand that their needs of the materials in the Access Copyright repertoire are so “marginal” as not to require the Access Copyright tariff, while arguing at the same time that the same materials are so “critically important” that they need generous access to transactional licences.

“We cannot be ‘marginal’ and ‘critically important’ at the same time. It’s either one or the other,” Ms. Cavan said. “Last year, over 100 million pages were copied from over 120,000 titles into coursepacks alone. And that’s just the tip of the iceberg.”

Access Copyright represents over 10,000 Canadian creators and publishers.

The full text of the Copyright Board decision is available on the Board’s website:
<http://www.cb-cda.gc.ca/decisions/2011/20110923.pdf>

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