



CANADIAN PUBLISHERS' COUNCIL

Representing Canadian publishing since 1910

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Toronto

Re: Non-Renewal of Access Copyright Licences

The Canadian Publishers' Council (CPC), on behalf of its members, deeply regrets the breakdown of negotiations for the renewal of licences between Access Copyright and Western University and the University of Toronto.

Following 20 years of cooperative relations with Access Copyright, these universities have concluded that there is no value to the licence. **In their view**, all of the copying that licensing previously authorized is now covered by the new *fair dealing purpose of "education"* in Canada's Copyright Act. Their internal copying guidelines define *fair dealing* in terms nearly identical to the extent of copying permitted under the Access Copyright licence. What was previously *compensated* copying is now, **in their view**, deemed to be *fair dealing* and, therefore, **free of charge**.

Their guidelines do not reflect the "fairness factors" endorsed by the Supreme Court of Canada. Creators and publishers of the works being copied under these overly broad guidelines are deprived of payment for the use of their works.

"Member publishers of the 'Council' are dedicated developers of the majority of Canadian print and digital materials produced for educational purposes." says Jacqueline Hushion, Executive Director of the Canadian Publishers' Council. "Without the predictability and safeguards of collective licensing, the publication of new Canadian materials is at risk. This will be damaging to all interests — authors, educators, publishers and students."

Collective licensing and a finely tuned, balanced definition of fair dealing are essential to Canada's vital writing and publishing communities. We continue to believe that viable licensing relationships *can* be restored to the benefit of all.

For information, contact Jacqueline C. Hushion, Executive Director

jhushion@pubcouncil.ca

(w) 416-322-7011; (c) 416-671-4435