

Monday, April 8, 2013: *Canada's writers and publishers take a stand against damaging interpretations of fair dealing by the education sector*

Access Copyright is taking legal action—on three fronts. The actions focus on York University, ministries of education, school boards and post-secondary institutions that copy—and promote the copying—of copyright-protected materials without a licence.

Access Copyright is a non-profit, membership-based organization that offers licences that allow institutions and schools to copy from millions of copyright-protected materials. It passes along the proceeds to the copyright holders—more than 10,000 writers, artists, and publishers across Canada. This helps to ensure high quality content in our classrooms.

"Today's legal actions signal to institutions that we continue to strongly disagree with their interpretation of the law. Their copyright policies are arbitrary and unsupported," says Roanie Levy, Executive Director, Access Copyright. "In contrast, we thank all those institutions that have licences—your students and faculty members are investing in their futures; in ideas, in reading and in literacy in Canada."

The legal fronts are as follows:

- A lawsuit has been launched against York University. It alleges that York's purported fair dealing guidelines authorize and encourage copying that is not supported by the law, and that there is no justification for the University to operate outside the interim tariff.
- An interim elementary and secondary school education tariff application has been filed with the Copyright Board of Canada. This application seeks an effective enforcement mechanism against the ministries of education and Ontario school boards for their stated intention to stop paying the royalties set by the Copyright Board.
- A proposed post-secondary tariff has been filed with the Copyright Board of Canada for the period of 2014-2017. With this application, Access Copyright ensures the continuation of an existing process at the Copyright Board to establish the royalties to be paid for the use of copyright-protected content in post-secondary educational institutions.

These legal actions are a last resort. Access Copyright believes in a strong and vibrant culture of writing, publishing, reading, teaching and learning in Canada and is exploring new ways to meet the needs of teachers and students in this new digital learning environment.

But for those institutions that have walked away from our shared interests of reading, writing and learning, there are ramifications. It's harmful to arbitrarily take materials for free, without permission, without respect or regard for the sustainability of content essential for students and teachers alike. On behalf of writers and publishers, as well as those who need the materials they produce, Access Copyright is taking a stand.

It's not too late. Access would prefer to focus solely on innovative ways to serve its partners in education. Those operating without licences are invited back to the table to talk. Together we must invest in great content, to ensure its access today, and well into the future.

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