

Debate on How to Distribute Access Copyright Royalties Continues

On May 28th, 2011, The Writers Union of Canada (TWUC) passed a motion at its AGM to investigate the possibility of operational separation of creators' and publishers' interests in collective licensing. While "[the Writers' Union and Access Copyright continue to stand together in support of collective licensing, Copyright, and the protection of intellectual property](#)" and "that collective licensing of copyright is a vital interest of the creator community", they nevertheless feel that they receive an "[inadequate share of the revenues of Access Copyright.](#)"

The distribution of revenues, which is set by the Access Copyright Board of Directors, is complex and has always been contentious. In 2007, the Board of Directors sought third party advice on its distribution models, and this was delivered in the [Friedland Report](#).

The Board took Professor Martin Friedland's recommendations to heart and launched a number of initiatives to implement them. Indeed, there have been a number of [important changes to distribution policies](#) since 2007:

- Distribution models are reviewed annually by the Board of Directors.
- Non-title specific distribution models are split 50/50 between creators and publishers.
- The distribution splits referenced by Mr. Geist for title specific distributions have been revised. The new [revenue distribution guidelines](#) increase transparency, improve distribution policies and methodologies and ensure that affiliates are compensated in a fair manner. The changes come as a result of consultations with a number of experts and reflect current industry practice.
- Access Copyright's distribution methodology changed as of January 1, 2010 in order to recognize the value that all creators and publishers bring to our licences. The new methodology, approved by Access Copyright's Board of Directors, directs 15% of all revenue available for distribution to be distributed to publishers and creators via their respective repertoire payment.
- In the past, creator repertoire payments were shared equally between all eligible creators whether they published one short story or wrote dozens of novels. Beginning in 2010, after a significant effort by a Taskforce of creator board members, the Board of Directors approved *Payback* to replace the old Creator Repertoire payment. [Payments](#) under *Payback* vary depending on how much a creator has contributed to the repertoire of works that are licensed by Access Copyright.

Access Copyright is governed by a Board of Directors composed in equal numbers of representatives from creator organizations and publishers across Canada. Each co-Chair

is elected by their respective creator or publisher director caucus. All are accomplished professionals in their own spheres of activity who spend long hours serving our affiliates, out of passion and commitment to common goals. The Board of Directors is committed to taking on with the same dedication and passion this challenge presented to them by the TWUC membership.