

Canadian publishers call for renewed dialogue with universities on fair compensation to creators

TORONTO, ONTARIO—(August 3, 2017)—In light of York University’s announcement that it will appeal last month’s Federal Court of Canada decision in *Access Copyright v. York University*, the Association of Canadian Publishers (ACP) calls on York to stop relying on the copying policies that the Court found unfair, to end the illegal behaviours that result from those policies, and to re-engage in negotiations on fair compensation for the copying and use of copyright-protected materials.

“Now is a responsible time to resume constructive, practical discussions about fair payment for the contributions that creators and publishers make to Canadian education,” said ACP president Glenn Rollans. “York and other educational institutions across Canada, including K to 12 school systems, owe it to the students they educate to pause and reconsider whether their institutional values are truly reflected in their copying policies and behaviour.”

After an extensive examination of the facts and the law, the Court decided unequivocally that York’s copying guidelines are unfair in both their terms and their application. Furthermore, the Court determined that tariffs certified by the Copyright Board are mandatory and enforceable; institutions subject to a tariff cannot “opt-out” and refuse to pay.

“The Court’s decision is evidence-based, and solidly grounded in both the *Copyright Act* and Supreme Court jurisprudence,” said ACP executive director Kate Edwards. “York’s choice to respond with an appeal, rather than with any change in policy or practice, means that its students will return to class this fall at a university that continues to rely on a copying policy that leads to illegal behaviour.”

“A return to a negotiated licence would ensure that students, instructors and researchers have legal access—at a reasonable cost—to the resources they need,” said Rollans. “Rather than continue to argue in favour of policies that the Federal Court has determined to be unfair, it’s time for educational institutions to come back to a constructive discussion with rightsholders. Canadian publishers are natural partners in Canadian education, and ready to work together towards a fair solution.”

The ACP is the national voice of Canada’s independent English-language book publishers. The ACP supports its 115 members in creating an economically sustainable Canadian-owned and -controlled publishing industry. Visit www.publishers.ca for more information about the association’s programs and mandate.

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