



## **Independent publishers respond to provincial governments’ legal attack on Canadian creators and publishers**

TORONTO, ONTARIO—(February 28, 2018)—The Association of Canadian Publishers (ACP) is alarmed by the legal actions launched last week by Ministries of Education for all provinces and territories (except Quebec, and in Ontario through the provinces’ school boards) against the Canadian Copyright Licensing Agency (Access Copyright) demanding repayment of more than \$25 million collected under a legally certified tariff for the period of 2010 to 2012. ACP calls on the Ministries and school boards to withdraw the suits, pay the tariffs certified by the Copyright Board for the copying of materials in K-12 schools for the period beginning in 2013, and bring Canadian K-12 schools back under licence.

Ministries of Education (outside of Quebec) and Ontario school boards claim they are exempt from paying tariffs certified by the Copyright Board. As was made clear by the Federal Court of Canada in its July 2017 decision on *Access Copyright vs. York University*, tariffs certified by the Copyright Board are mandatory and enforceable; institutions—like the Ministries of Education and Ontario school boards—cannot “opt out” and refuse to pay for the copies they make. In its decision the Court determined that York’s copying policy—almost identical to the policy disseminated to K-12 schools after the amendment of the *Copyright Act* in 2012—was unfair.

“It is concerning that provincial governments continue to rely on copyright infringement as a substitute for fair payment for the hundreds of millions of pages copied annually in Canadian schools,” said ACP executive director Kate Edwards. “Rather than pay a modest tariff certified by the Copyright Board, Ministries of Education and Ontario school boards continue to expose teachers across the country to copyright infringement. Teachers have now been placed in the middle of a legal dispute, despite trying to do the right thing when it comes to copyright.”

“As a founding member of Access Copyright, the ACP views this legal action launched against Access Copyright as a disturbing attack on Canadian publishers and Canadian creative workers. We have always been good partners in supporting Canadian curriculum with Canadian resources,” said ACP president Glenn Rollans. “We have no choice but to interpret this suit as the intimidating action that it is. While we have every confidence that Access Copyright will successfully represent our members’ position, creators and publishers should not have to defend their livelihoods against their own governments. We call on the ministries and boards to reconsider this action, and to work towards constructive solutions that benefit both their students and Canada’s creative sector.”

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](http://www.publishers.ca) for more information about the association’s programs and mandate.

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For more information contact:

Kate Edwards, Executive Director  
[kate\\_edwards@canbook.org](mailto:kate_edwards@canbook.org)  
416-487-6116 x2340

Glenn Rollans, President  
[glenn.rollans@brusheducation.ca](mailto:glenn.rollans@brusheducation.ca)  
780-953-0238