

## Post-secondary tariff decision unlocks value in publishers' educational content

TORONTO, ONTARIO—(December 10, 2019)—The Association of Canadian Publishers (ACP) welcomes news of the Copyright Board of Canada's decision in the *Access Copyright Post-Secondary Educational Institution Tariffs, 2011-2014 and 2015-2017*. The long wait for the decision contributed to instability in the Canadian post-secondary market, forcing publishers to make difficult investment decisions. With the Board's decision, publishers can invest with greater confidence in materials for the post-secondary sector, which will help to ensure the continued supply of Canadian-specific learning resources over the long-term.

In its decision, released December 6, 2019, the Board certified the following rates:

- 2011-2014: \$24.80/student (universities) and \$9.54/student (colleges)
- 2015-2017: \$14.31/student (universities) and \$5.50/student (colleges)

The Board's decision certifies tariffs for the copying of published works in Canadian post-secondary institutions outside of Quebec for the period of January 1, 2011 through December 31, 2017. The 2015-2017 rates will remain in effect until new rates are certified.

ACP notes the drop in the tariff rate between 2014 and 2015, following the introduction of fair dealing for education to the *Copyright Act* and the implementation of copying guidelines by post-secondary institutions across the country. These guidelines have contributed to the erosion of the post-secondary market in Canada, and have since been found by the Federal Court of Canada to be unfair in both their terms and in their application. Though ACP is surprised at the size of the drop given the Court's assessment of the guidelines, the association is encouraged by the Board's decision, particularly in light of the Federal Court's ruling that tariffs are mandatory: educational institutions cannot engage in widespread, systemic copying for free.

"Educational copying has gone largely uncompensated in Canada since 2013, despite clear direction from the Federal Court that tariffs set by the Copyright Board are mandatory," said ACP Executive Director Kate Edwards. "The Board's decision serves as an important reminder that works copied by colleges and universities have value, and must be paid for if Canadian publishers are to continue to invest in the development and publication of new materials."

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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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