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## **Canadian publishers lose the ability to have their rights and interests protected as Access Copyright announces downsizing**

*Federal government's decade-long inaction in fixing Canada's publishing marketplace through copyright reform leading to long-term damage to the sector*

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The Association of Canadian Publishers is concerned to hear that Access Copyright, Canada's licensing collective, will be forced to begin a process of downsizing and restructuring due to the government's continued inaction on copyright reform. Canadian publishers—as well as writers, visual artists, and other creators—will lose the ability to have their rights and interests protected as the federal government fails to deliver on its promise to fix Canada's educational publishing marketplace. [Access Copyright's full statement is available to read here.](#)

Due to changes in fair dealing legislation in the *Copyright Act*, since 2012, the writing and publishing sector—an indispensable part of Canada's culture—has been deprived of over \$200 million in unpaid royalties under tariffs certified by the Copyright Board of Canada, and losses continue to mount. The introduction of fair dealing for education opened the door to widespread, unpaid copying by Canada's K-12 and post-secondary education sectors; **content that was previously paid for has been used for free, and royalties have not been paid to authors, illustrators, translators, other creators, and publishers.** In addition to significant revenue decline, amendments to Canada's *Copyright Act* have resulted in job losses and in several educational publishers stepping away from the K-12 or post-secondary markets.

The government's commitment in Budget 2022 “to ensure a sustainable educational publishing industry, including fair remuneration for creators and copyright holders, as well as a modern and innovative marketplace that can efficiently serve copyright users” was a direct acknowledgement of the damage caused by the 2012 changes to the *Copyright Act*, as well as the urgent need for legislation in order to correct this damage. The lack of action by this federal government is another troubling sign that they are not taking the potential collapse of the educational book publishing sector seriously.

Since 2012, the widespread and systematic practice of freely copying creators' works by the education sector in Canada (excluding Quebec) has had a severe impact on the earnings generated



by Access Copyright. **The organization has experienced a staggering 92% decline in revenue from education, leading to a drop of 79% in total distributions to rightsholders.** This represents a catastrophic loss of revenue in a sector notorious for narrow margins. It also endangers the future of collective licensing in Canada—a business model that is accepted globally, is efficient, and is fair to creators, publishers, and users alike.

“The regrettable, albeit predictable, news that Access Copyright’s Board is initiating a restructuring of the organization means that we are down to the wire for the federal government to make good on its promise to repair our broken marketplace,” said Jack Illingworth, Executive Director of the Association of Canadian Publishers. “We can’t wait any longer for the government to do what is needed to support those we rely on to tell our stories.”

“Independent book publishers play an essential role in Canada’s literary and educational ecosystems and are a key part of Canada’s cultural economy,” said ACP President and Publisher at Arbeiter Ring Publishing, Todd Besant. “The downsizing of Access Copyright signals the irreparable erosion of copyright in Canada’s educational publishing market, which will ultimately result in fewer Canadian books published, fewer jobs in Canadian communities, and more revenue flowing to multinational companies based outside our borders. And most critically, until Canada’s copyright framework is reformed, students will continue to be deprived of critical Canadian perspectives and storytelling.”

The Association of Canadian Publishers urges the federal government to work with Access Copyright to prevent the organization’s severe diminishment and move forward with urgent copyright reform in order to avoid the harm that is on the horizon for the publishers, writers, and visual artists it represents.

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*ACP is the national voice of English-language Canadian-owned book publishers. ACP contributes to the development and maintenance of vibrant, competitive book publishing companies in order to support and strengthen the contribution that Canadian books make to Canada’s cultural, economic, and educational landscape.*

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