



Canadian Association
of Research Libraries

Association des bibliothèques
de recherche du Canada

CARL Supports the AUCC in its Objection to the Proposed Access Copyright Post-Secondary Education Tariff 2011-2013

The Canadian Association of Research Libraries (CARL) supports the Association of Universities and Colleges of Canada (AUCC) in the objection that the AUCC submitted to the Copyright Board of Canada to provisions of the Access Copyright Post-Secondary Educational Institution Tariff 2011-2013 (<http://www.cb-cda.gc.ca/tariffs-tarifs/proposed-proposes/2010/2009-06-11-1.pdf>) on behalf of its non-Quebec member universities, of which many member research libraries of CARL are an integral part. CARL is pleased to offer whatever assistance it can to the AUCC as it prepares its challenge to the Tariff at the Copyright Board this fall.

CARL believes that the proposed Post-Secondary Education Tariff is flawed for a number of reasons including the following:

- Although the Tariff proposes to license uses of digital materials, the vast majority of the digital materials used at Canadian universities can already be used in many ways under the provisions of licenses negotiated with the vendors of those materials. Many other digital materials are used on an “open access” basis, under a Creative Commons license, or with direct permission of their creators. Other uses of digital materials are already explicitly permitted under the Copyright Act or are fair dealing. An Access Copyright license to cover common uses of most digital materials would be of little value to universities.
- Because of the abundance of digital materials (that are used without the need for an Access Copyright license) now available to our faculty members and students, we would argue that the amount of copying by universities of materials that are in the Access Copyright repertoire that is not fair use has greatly diminished since the signing of the last license with Access Copyright. The Access Copyright licensing fee structure for the copying of paper materials should therefore be adjusted to account for the reduced actual copying of paper materials in its repertoire that falls outside of fair dealing.
- One benefit of the previous licenses with Access Copyright was the relatively light institutional reporting requirements in the administration of the license. The survey and reporting requirements put forth in the proposed Tariff will prove onerous, disruptive, and invasive. The cost of a license with such labour-intensive survey and recording provisions should be lower than one that allows licensees to forego such practices, not significantly higher.

CARL notes that the administrations of universities and university libraries are joined in many of their concerns about the Post-Secondary Education Tariff by associations representing library professionals (http://www.cla.ca/Content/ContentFolders/NewsReleases/2010/CLA_Tariff_objections_jul2010_final.pdf) and faculty members and students (http://www.caut.ca/uploads/CAUT_CFS_Objection_to_ACT.pdf).

We believe that the proposed Post-Secondary Education Tariff must not be approved without significant amendment and we strongly encourage the Copyright Board of Canada to consider carefully in the course of its review process the various concerns that have been raised about the Tariff as proposed.

