



## **Open Letter: Objection to Access Copyright Post-Secondary Institution Tariff 2011-2013**

December 7, 2010

Dear Copyright Board of Canada:

Sweeping new proposed federal copyright legislation, known as Bill C-32, raises a number of substantive concerns. These range from novel legal interpretations of the scope and reach of copyright itself, to over-reaching mechanisms for the administration of the Access Copyright tariff.

Access Copyright – a collective that licenses copyrighted works – currently levies a significant fee from postsecondary institutions for their use of copyrighted materials. This fee is passed along to students, who collectively pay tens of millions of dollars to Access Copyright every year.

The proposed tariff, referred to in Bill C-32 as a “Statement of Proposed Royalties” goes far beyond merely changing an existing payment schedule. This “Statement of Proposed Royalties” attempts to redefine how post-secondary educational institutions would carry out their mission. The proposed tariff, if passed, would mandate particular responsibilities; impose a technology mandate; and mandate the design of certain campus-wide information systems, to monitor usage of educational content across campus and beyond.

Currently, the Access Copyright royalty costs institutions \$3.38 per student. Should the new Access Copyright tariff be implemented, the royalty rate would increase to \$45.00 per full-time equivalent student for Universities, and \$35.00 per full-time equivalent student for other educational institutions. Neither Bill-32 nor Access Copyright offers a substantial justification for this royalty, or the 1300% increase.

In addition to needlessly increasing costs, this proposed tariff imposes an attribution requirement so that all copies, digital and physical, are clearly attributed to their copyrighted source material. This attribution requirement is impractical for any “Digital Copy” and for many

reproductions that otherwise fall within the meaning of “Copy” under the proposed legislation. The attribution requirement creates an absurd burden for all educational institutions. To comply with this requirement, an institution would need to put in place the infrastructure and processes to digitally stamp every digital copy printed, e-mailed, uploaded, stored, posted, transmitted, projected, displayed, or otherwise linked. At a time where budgets are being cut, it is too much to ask of our institutions to increase their costs for such an arbitrary regulation. Educational institutions simply lack the capacity to meet this lofty requirement.

A better deal must be struck.

Many Alberta post-secondary institutions have decided to shelter themselves and students from the shock of this new fee by not renewing their licensing agreements with Access Copyright past 2010. We believe this decision is in the best interests of Alberta students and our post-secondary education system. The Alberta Students’ Executive Council stands firm with our institutions in opposing increases to this fee, and seeks a more equitable system of balancing the needs of content creators and post-secondary students.

It is in the best interest of all Albertans to ensure that learning at all levels be accessible, and, no costs increase without due cause.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steven Kwasny', with a long horizontal flourish extending to the right.

Steven Kwasny  
Chair, Alberta Students’ Executive Council