

FIVE FAST FACTS ON ACCESS COPYRIGHT'S POST-SECONDARY TARIFF APPLICATION

1. **This is about high-volume copying, not students copying texts for private study.**

Every year, Canadian universities and colleges generate several hundred million copies of educational materials. That's equivalent to over a million books containing the scientific, technical and artistic output of tens of thousands of Canadian knowledge workers. The knowledge industry and the people who work in it are entitled to compensation when the works they create are not purchased because copies are used instead.

2. **Access Copyright asked the Copyright Board to set a tariff to ensure that creators and publishers are fairly compensated.**

Under the proposed tariff, universities and colleges would pay a flat fee per student to make all the copies they need, up to 20% of any given publication. It's a simple principle: creators are entitled to compensation when their work is used.

3. **The Copyright Board is a quasi-judicial body that, like a court, hears evidence and delivers a pondered decision.**

The Board will examine all the evidence. Arguments about the medium in which the texts originated, the amount of copying, or whether the copying is fair will be decided by the Board, not in the media. Access Copyright is not claiming for works that are already licensed or that are excepted under the *Copyright Act*.¹ The tariff process will identify works for which there is no other licensing arrangement or other exception under the Act. We will only capture what is being used but not otherwise authorized.

4. **The proposed increase has been grossly exaggerated by critics.**

The tariff blends two previous fees, and covers extensive digital copying not covered by previous agreements. The tariff represents a tiny fraction of one percent of university budgets. It's the university's or college's decision whether to absorb the small additional cost, or pass it on to students. Some academics say there should be no payment at all; however professors do not work for free, and their unions are silent when pay increases they demand get passed on to students.

5. **Most countries have licensing regimes that include the education sector.**

It's misleading to allege, as some have, that exemptions in U.S. law for educational use make mass copying free. While the law is different in Canada and the U.S., in neither country is it permissible to make copies on a massive scale without a licence. It's the essence of copyright.

¹ Some university and college libraries have direct licensing arrangements with some publishers. We support all means of ensuring works are paid for. The effect of those licences and the value of the uses will be determined by the Copyright Board.