

Copyright Board
Canada



Commission du droit d'auteur
Canada

Date 2010-12-23

Citation File: Reprographic Reproduction 2011-2013

Regime Collective Administration in relation to rights under sections 3, 15, 18 and 21
Copyright Act, section 66.51 and subsection 70.15(1)

Members Mr. Justice William J. Vancise
Mr. Claude Majeau
Mrs. Jacinthe Th  berge

Proposed Tariffs Considered (Post-Secondary Educational Institutions – 2011-2013)

Interim statement of royalties to be collected by access copyright for the reprographic reproduction, in canada, of works in its repertoire

Reasons for decision

[1] The October 13, 2010 application by Access Copyright for an interim decision is granted. The interim tariff will apply from January 1, 2011 until the earlier of December 31, 2013 and the date a final tariff is certified in these proceedings. The interim tariff tracks the wording of the Association of Universities and Colleges of Canada (AUCC) model licence to the extent possible.

[2] The purpose of the interim tariff is to achieve the following main objectives:

- to provide certainty to targeted institutions by informing them now of what they may or may not do in using the repertoire of Access Copyright pursuant to the interim tariff starting January 1, 2011;
- to maintain the status quo to the extent possible. The indemnity provisions are maintained. Payment and reporting schedules reflect existing agreements. Institutions have the option of dealing with Access Copyright only for uses already targeted in those agreements;
- to allow targeted institutions to make digital copies pursuant to the interim tariff, but only if they so elect;
- to make it clear that since Access Copyright's proposed tariff does not target musical

works, institutions cannot rely on the interim tariff to copy musical works;

- to confirm that institutions that do not require a licence from Access Copyright are not required to deal with it, whether pursuant to the interim tariff or otherwise.

[3] Pursuant to section 66.71 of the *Copyright Act*, the Board orders Access Copyright to post this decision, the interim tariff and the version tracking the differences between the interim tariff and the AUCC model licence on its website, and to prominently post hyperlinks to these documents on its Home page. The Board also orders Access Copyright to send these documents by email if possible, and by hand, postage paid mail or fax if not, to any institution targeted in the interim tariff that Access Copyright licensed, at any time in 2010, for any use targeted in its proposed tariff.

[4] The interim tariff, as any interim measure, may be modified or replaced at any time, on application. Since this tariff is being issued even though its provisions would benefit from fuller discussion, participants wishing to propose immediate changes are asked to file an application to that effect no later than on Friday, January 21, 2011. Other participants will have until Friday, February 4 to respond. Replies shall be filed no later than on Friday, February 11. Further applications to vary the interim tariff will be considered as required.

[5] This decision is being issued without reasons because the Board considers this matter to be urgent. Reasons will follow.

A handwritten signature in black ink, appearing to read 'Gilles McDougall', written in a cursive style.

Gilles McDougall
Acting Secretary General