Western University

From the SelectedWorks of Marni Harrington

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Copyright and Canadian Academic Libraries

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Copyright has become a major issue for universities and colleges in Canada. Many post-secondary institutions have had to confront copyright issues and make decisions about the future of copyright in their libraries.

Successful information literacy and instruction is dependent on a librarians’ ability to access and share information. Excessive control of copyright may restrict the ability to access and share information with students and faculty. As such, copyright has implications for academic libraries and it is important that academic librarians possess a basic understanding of copyright.

### Post Secondary Educational Tariff
- Access Copyright, a copyright collective, was founded to represent copyright creators and owners
- Access Copyright grants copyright licenses to Canadian post-secondary institutions that permit certain uses of copyrighted works such as photocopying and printing
- Rather than renewing the copyright licenses it had with post-secondary institutions, Access Copyright proposed a tariff to the Copyright Board of Canada on March 31st, 2010

### Opposition
- Tariff opposition came from many organizations including the Canadian Library Association, Canadian Association of University Teachers, and the Canadian Federation of Students
- Some post-secondary institutions combined resources and asked that the Association of Universities and Colleges Canada (AUCC) oppose the tariff at the Copyright Board

### AUCC Model License
- In another sudden move, the AUCC announced on April 16th, 2012, that it had negotiated a model license with Access Copyright
- A non-binding model, each AUCC institution had to decide whether to sign the model
- On April 24th, 2012, the AUCC announced it was dropping its objection to the proposed tariff

### Options and Alternatives
- Innovative, and alternative ways of making use of copyright works have arisen:
  - Fair Dealing
  - Open Access
  - Creative Commons
  - Library Digital Licenses

### Tariff Criticism
- Criticized for featuring concerning elements, some critics asserted the tariff included unjustified fee increases, overbroad definitions of key terms, problematic survey and reporting requirements, and attempts to claim compensation for uses outside the scope of the copyright

### UWO/U of T Break Ranks
- In an unexpected move, UWO and U of T broke ranks with other institutions and announced on January 30th, 2012, that they had signed a license
- The terms of the UWO / U of T licenses are similar to the tariff, contain many of the same concerning elements, and have been referred to as the progeny of the tariff

### Copyright Act
- Recent events have broadened fair dealing and improved the ability of post-secondary institutions to use copyrighted works
- Bill C11 – An Act to Amend the Copyright Act passed on June 18th, 2012, and expanded fair dealing to include education, parody, and satire
- Five Supreme Court decisions from July 13th, 2012 provided clarification on fair dealing
- Some copyright scholars assert there is little copying done on campus that necessitates an Access Copyright license

### Options and Alternatives
- Innovative and alternative ways to make use of copyrighted works
- New opportunities for academic librarians in the copyright field
- Institutions that chose not to sign have begun to successfully deal with copyright
- Institutions that chose to sign have the option of giving notice to terminate the agreement

### References

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**What did your institution do?**

Retrieved from Ariel Katz’s Fair Dealing Hall of Fame

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**Fundamental Research**

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