

Copyright Board
Canada



Commission du droit d'auteur
Canada

NEWS RELEASE

The Copyright Board of Canada sets royalties to be paid by Elementary and Secondary Educational Institutions for the copying of literary works

February 19, 2016

Ottawa. Today, the Copyright Board of Canada certified a tariff setting the royalties to be paid by elementary and secondary educational institutions outside Quebec for the reproduction of books, newspapers, magazines, journals and consumables works such as exercise books.

The royalties set in the tariff will be payable to Access Copyright, a collective society that administers the reproduction right in published literary works for all of Canada, except Quebec.

The Board held a ten-day hearing during which it heard expert testimony and examined a number of expert reports. Based on the evidence in the file, the Board set the royalty rate at \$2.46 per student per year, for the years 2010 to 2012 and \$2.41 per student per year, for the years 2013 to 2015.

The rates the Board is certifying today are lower than the previously certified rate of \$4.81 established by the Board for the years 2005-2009. The main reason for that decrease is the fact that as a result of the decision of the Supreme Court in *Alberta v. Access Copyright*, 2012 SCC 37, copies made for student instruction, assignments or class work, that were not included in the fair-dealing analysis in the preceding decision, were now included. This resulted in the Board's finding that a significant proportion of copying by elementary and secondary schools was fair under the fair-dealing provisions of the *Copyright Act*. These copies therefore do not generate remuneration.

In addition, the rate decrease is also explained by the fact that among the published works that are copied in schools, some are not part of Access Copyright's repertoire. Thus, such copies are not compensable under the tariff.

Mr. Gilles McDougall, Secretary General of the Board, said that: "The amount of royalties that will be generated by the Tariff is approximately \$9.4 million per year for the 2010-2015 period."

“The Board believes that the rates being certified today are fair and equitable for both the schools who must pay the royalties and for the right owners to whom the royalties will be distributed,” Mr. McDougall added.

For more information, please contact:
Mr. Gilles McDougall
Secretary General
Copyright Board of Canada
Ottawa ON K1A 0C9
Telephone: 613-952-8624
Email: gilles.mcdougall@cb-cda.gc.ca

Note: The Certified Tariff, along with the Reasons and a Fact Sheet can be found on the Board’s Website under “What’s New – Recent Decisions” at: <http://www.cb-cda.gc.ca/home-accueil-e.html>.