



Online Access for Creator Affiliates - July 2009

In this issue....

- **Update on Copyright Board Tariff Decision for Primary and Secondary Schools**
- **Copyright Debate Takes Aim at Your Livelihood**
- **Important Message from Access Copyright's Co-Chairs**
- **Access Copyright Offering More Google Web Seminars**
- **Sponsorship Program Deadline**
- **Proposed Settlement to Heather Robertson Case Provisionally Approved**
- **New Calendar of Events Online**
- **Notes from our Member Organizations**
- **Changes to Your Contact Information**

Update on Copyright Board Tariff Decision for Primary and Secondary Schools

On June 26, 2009, the Copyright Board of Canada, after careful consideration of evidence about what is being copied in Canadian primary and secondary schools, and after hearing from educational authorities, experts, and Access Copyright, set an inaugural tariff. The tariff will increase the compensation to creators and publishers whose works are photocopied for use in the classroom.

In so doing, the Copyright Board accepted Access Copyright's position that governments were not paying a fair price for the hundreds of millions of photocopies used in schools as substitutes for buying the books.

"The tariff acknowledges the valuable contribution of Canada's educational publishing industry," said Maureen Cavan, Executive Director of Access Copyright. "This is important to Canadians everywhere, because only these publishers produce the books that bring Canadian values and our Canadian heritage into Canadian classrooms."

The tariff of \$5.16 per student per year, represents less than 0.05 percent of the cost of running Canada's education system and can be absorbed without difficulty, the Copyright Board said in its own statement, accessible by clicking [here](#).

"The tariff that the Copyright Board set is less than the cost of a bag of popcorn at the movies, but for Canadian creators, publishers and the writers and illustrators they employ, it's very significant," Ms. Cavan said.

On July 27, 2009, the Objectors to the Access Copyright Elementary and Secondary School Tariff (2005-2009) filed an application for judicial review of the Copyright Board's decision. The judicial review, which is similar to an appeal, maintains that the Copyright Board erred in its analysis of fair dealing and in finding that the tests and examination exception to

infringement in the Copyright Act did not apply, and requests that the Federal Court of Appeal send the case back to the Copyright Board to adjust the \$5.16 tariff rate set by the Board in June 2009. We expect that the judicial review will be heard over the next few months, but a final decision in this important case may still be years away.

In 2004, Access Copyright applied to the Copyright Board for a tariff to cover the photocopying of printed works in its repertoire after negotiations with the educational sector on a fair rate of compensation failed. Access Copyright will continue to provide updates on this issue as they arise.

Copyright Debate Takes Aim at Your Livelihood

The federal government has launched summer-long consultations on reforming [Canada's Copyright Act](#).

Included in the consultations is the opportunity for you to comment online on what the government should do. Right now, the debate is being dominated by those who don't believe you should be fairly compensated for digital and other reproductions of your works. To ensure your side is not forgotten, creators and publishers need to state their interests as forcefully, as passionately and as often as possible.

For more information on how to get involved and make your voice heard, please visit our [website](#).

Important Message from Access Copyright's Co-Chairs

Please join with us in proudly welcoming the Access Copyright Cultural Fund into our world. It is destined to make a modest but critically important contribution to Canadian cultural life, and to broaden public awareness of the creative vitality of Canadian writers, visual artists, and publishers, both here and abroad.

We began charting this new course back in December 2008, when the Board of Directors of Access Copyright, composed of equal numbers of elected representatives from publisher and creator organizations, agreed to set up the fund. Collectively, we recognized that after 20 years of existence we have the maturity and the resources to support this important re-investment in the Canadian cultural community.

Access Copyright has proudly joined ranks with other RRO's around the world to celebrate and enhance the economic and creative environment in which our affiliate creators and publishers operate. As other collective societies have done before us, we too are now setting up a cultural fund that will provide financial support to encourage the development and dissemination of publishable Canadian works.

The Cultural Fund is to be launched with a one-time contribution of \$3 million from royalties accumulated by Access Copyright for the use of works that cannot be identified. Going forward, it will be sustained by an allocation of 1.5% of copyright licensing revenues, or about \$600,000 annually. This is a formula that is common to most collectives. The Cultural Fund will be administered by the Access Copyright Foundation, with its own Board and officers, in partnership with the Writers' Trust of Canada.

The Access Copyright Cultural Fund will provide resources for a wide variety of events and projects designed to support Canadian culture including research, professional development and special events such as conferences. Publishers and creators will be equally eligible for funding.

As we mentioned, the Cultural Fund is a re-investment of resources back into the creative and publishing community. Most collective management organizations around the world use funds like this to promote their national arts and culture. Like them, we intend to have an impact that is positive and tangible.

Let's give a warm welcome to the Access Copyright Cultural Fund!

Michael O'Reilly, Creator Co-Chair and Bill Zerter, Publisher Co-Chair

Access Copyright Offering More Google Web Seminars

Access Copyright is hosting more web-based seminars on the Google Book Settlement.

Online seminars are scheduled for the following times (all times in eastern time):

Tuesday, August 11 2:00 - 4:00 p.m.

Tuesday, August 25 11:00 a.m. - 1:00 p.m.

To reserve your spot, please let us know by [email](#) which seminar you would like to attend as soon as possible. We will follow-up with details on accessing our web seminar through your telephone and computer.

If you are an author, illustrator or publisher of books, the Google Book Settlement will likely affect you. It is a proposed landmark settlement to lawsuits brought against Google separately by the Authors Guild and representatives of the Association of American Publishers alleging that the digitization of books for the Google Book Search program infringed copyright in the United States.

The official [Google Book Settlement site](#) is an excellent resource on the settlement and the place to go if you choose to opt-out of the settlement or to make a claim for your works.

Access Copyright has also prepared a short [article](#) summarizing the settlement.

The deadline to opt-out of the settlement, object to the settlement or remain in the settlement class is September 4, 2009. By opting-out you will forego any revenue that may be owing to you through the settlement but you will continue to have control over your works and have the right to sue Google for any infringement of your copyright.

A fairness hearing on the settlement is scheduled for October 7 in New York. The hearing will determine, among other things, whether the settlement is fair and whether the Settlement Agreement should be approved.

We will continue to provide updates on the settlement on our [website](#) as they occur.

If you have any questions or concerns on the Google Books settlement, we are here to help. Please contact us by [email](#) or by phone at 416-868-1620 (toll-free 1-800-893-5777).

Sponsorship Program Deadline

The next application deadline for Access Copyright's sponsorship program is August 28, 2009. A separate initiative from our new Cultural Fund, our sponsorship program is open to all organizations and individuals staging a conference, a seminar or event that touches on and promotes our organization's mandate.

Access Copyright was founded on the twin principles of facilitating access to copyright protected materials while ensuring that the authors or publishers of those materials are fairly compensated for the use of their works.

Events we have sponsored in the past have ranged from large conferences to local book fairs.

If you are interested in receiving an application form, please [email](#) our Communications department or contact us at 416-868-1620 (toll-free 1-800-893-5777) ext. 283.

Proposed Settlement to Heather Robertson Case Provisionally Approved

On June 16, a hearing was held before the Ontario Superior Court to consider the proposed settlement to a class action lawsuit launched by writer Heather Robertson on behalf of freelancers and other contributors.

The proposed settlement of this action was provisionally approved by the Superior Court of Justice on June 24, subject to providing the Court with further details and submissions with respect to the administration of the settlement's claims process. A copy of the Court's endorsement is accessible here by clicking [here](#).

In the proposed settlement, CTVglobemedia Inc., Thomson Reuters Canada Ltd. and The Gale Group Inc. have agreed to pay \$11 million to settle the class action lawsuit launched by Robertson alleging that creators were not compensated for the electronic reproduction of their works in electronic databases. The publishers have made no admission of wrongdoing.

Information on the proposed settlement can be found by clicking [here](#). You can also call 1-866-777-6323 for more details.

Access Copyright will continue to provide more details on this settlement on our [website](#) as they become available.

New Calendar of Events Online

Find out when and where interesting events are happening in your city with Access Copyright's new [online calendar of events](#). Whether it's a presentation by Access Copyright staff or a cultural festival organized by one of our member organizations, our calendar will have all the details.

If you would like to us to list an event, please send us the details by [email](#). As long as the event fits in with Access Copyright's mandate, we will be pleased to promote it on your behalf.

Notes from our Member Organizations

While Access Copyright is pleased to promote the following events and initiatives, please note that we are not involved in organizing them.

Canadian Artists' Representation (CARFAC): CARFAC is pleased to introduce its new president, Mario Villeneuve. Elected at CARFAC's Annual General Meeting in St. John's, N.L. in early June, Villeneuve replaces Gerald Beaulieu. Based in Whitehorse, Villeneuve is particularly interested in the life of the artists of the north and of creating linkages between the north and other parts of Canada. More information on CARFAC's recent board elections can be found by clicking [here](#).

Canadian Society of Children's Authors, Illustrators and Performers (CANSCAIP): Children's authors, illustrators and publishers from the Prairies and beyond unite! From September 18 to 20, 2009, CANSCAIP will be holding Prairie Horizons 2009, in Lumsden, Saskatchewan. The event will offer a weekend of professional development and networking.

For more information, including on how to register, please click [here](#).

Changes to Your Contact Information

If your contact information has changed recently, please contact Affiliate Services with your updated details. Our Affiliate Services department can be reached by [email](#) and by phone at (416) 868-1620 (toll free 1-800-893-5777) ext. 250 or 275.

[I don't want to receive any more email from Access Copyright](#)

[Access Copyright, The Canadian Copyright Licensing Agency](#) | [Visit Our Website](#) | 1 800 893 5777

info@accesscopyright.ca