



PDAD&C #30, 2013-14

To: PDAD&C

From: Cheryl Regehr, Vice President and Provost

Date: December 11, 2013

Re: Access Copyright Negotiations

PLEASE CIRCULATE WIDELY TO FACULTY MEMBERS AND STAFF

The University of Toronto announces that, despite good faith efforts by both parties, we have been unable to reach an agreement with Access Copyright for a renewal of the current License at a price that we believe fairly values the service that Access Copyright provides.

The University sought to obtain a License that reflected the significant evolution in copyright regulation that has occurred over the term of the current License, including the amendments to the *Copyright Act* in 2012, and the Supreme Court's expansive approach to the user right of fair dealing in its 2012 decisions. We also tried to obtain a royalty rate that took into account changing technology, increased availability of Open Access material, changing publishing practices, and changing user expectations.

This outcome means that, in the year ahead, the University will be operating for the first time in many years without a License with Access Copyright. The University, therefore, will continue to be diligent about compliance with copyright law, making proper use of other licenses, of fair dealing, and of other permissions. We will continue to educate our faculty regarding copyright compliance, and will intensify efforts to make expert resources available through our Libraries to faculty so that they can make the widest possible range of excellent teaching and study materials available to their students in a manner that fully respects the law. The University will also continue to monitor carefully Access Copyright's litigation against York University and its application to the Copyright Board for a Tariff.

The University has indicated to Access Copyright that we will require an up-to-date list of copy shops that are licensed by Access Copyright for coursepack copying that will occur in 2014 and beyond. We hope that Access Copyright will provide this information in the next few days.

The University of Toronto's community consists of both users and creators of copyrighted material. The University remains committed to diligent compliance with the laws that address the rights of both. In addition, the University spends over \$27 million annually on Library acquisitions, including licensed material and electronic resources, and also supports scholarly publishing through the University of Toronto Press.