

MEMORANDUM

To: All Staff
From: Vice-Presidents at Western University
Date: January 2, 2014
Re: Use of Copyright-protected materials

For the past two years, Western University has had an agreement with Access Copyright that enabled members of the Western community to copy a short excerpt of materials that are copyright protected and in the Access Copyright repertoire without seeking permission or paying a royalty. Under the agreement, Western paid Access Copyright a per-FTE student fee of \$26, which was remitted by Access Copyright to the publisher and creators of the copyright protected works. Because most of the compensable usage of copyright-protected works was in course packs and course learning management systems, a major portion of this fee has been passed on to students.

During the term of the agreement with Access Copyright, a new federal Copyright Act was passed into law in 2012 and the Supreme Court of Canada also issued rulings that have altered the landscape considerably with respect to fair dealing and the use of published materials for education and other purposes without seeking permission of the copyright holder or paying a royalty.

Western gave Access Copyright notice in June that the University did not wish to renew the existing agreement on its current terms, but would be prepared to discuss renewal at a substantially lower royalty rate that takes into account the changing copyright landscape and fairly values the service that Access Copyright provides.

After several months of discussions in good faith by both parties, Western was unable to reach a new agreement with Access Copyright and our agreement expired on December 31, 2013.

In the absence of an Agreement with Access Copyright it will be necessary for all members of the Western community to be more aware of their rights under Canadian law to use copyright-protected materials, as well as the rights of the copyright holders. To aid in this the University is establishing copyright literacy resources, including a copyright website which can be found at <http://copyright.uwo.ca>.

Many members of Western's staff do not copy copyright-protected materials as part of their role but those who do should consult with their supervisors for guidance on best practices and may also wish to consult with the office of Tom Adam, Special Advisor to the Provost on Copyright Literacy.