a place of mind
THE UNIVERSITY OF BRITISH COLUMBIA

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May 6, 2011

To: Senate
c/o Lisa Collins, Associate Registrar, Senate & Curriculum Services

From: David H. Farrar

Provost and Vice President Academic

Re: Report to Senate on Access Copyright

Recommendation:

That the Senate receives for information the attached Report on Access Copyright.

Access Copyright (AC), a copyright collective that collects copyright fees for publishers from postsecondary institutions, has proposed dramatic fee increases.

These fees are payable by universities for copying materials from scholarly journals, textbooks, and other materials. AC has applied to the Copyright Board of Canada for approval of a new tariff that would increase UBC's current costs from $650,000/year to $2M/year.

To avoid exposure to a tariff, retroactive from Jan. 1, 2011, UBC is exploring the possibility of opting out of the arrangement with AC. This decision rests with the University executive and is expected to be made soon.

The attached Report provides information on the new tariff.

Attachment: Access Copyright: Report to Senate

Access Copyright Report to Senate

Access Copyright (AC), a copyright collective that collects copyright fees for publishers from postsecondary institutions, has proposed dramatic fee increases.

These fees are payable by universities for copying material from scholarly journals, textbooks, and other materials. Until recently, it was economically feasible for universities to pay a fee to AC and thereby avoid the cost of seeking individual copyright clearance directly from each publisher.

UBC currently pays AC fees amounting to $650,000/year, of which $150,000 is subsidized from UBC's general operating funds and $500,000 a year is built into the cost of course packs purchased by students. AC has applied to the Copyright Board of Canada for approval of a new tariff that would increase these costs to $2M annually.

The Association of Universities and Colleges of Canada (AUCC), on behalf of UBC and its other member universities, is opposing the size of the increase. However, a final determination by the Copyright Board of Canada is likely to take two years or more. Although the full impact cannot be known until this process is complete, the effect on students, faculty, and the university budget will be considerable.

The Copyright Board granted Access Copyright an interim tariff (essentially *status quo*) on Dec. 23, 2010 that will apply from Jan. 1, 2011 through Dec. 31, 2013.

To avoid exposure to a tariff retroactive from Jan. 1, 2011, UBC is exploring the possibility of opting out of the arrangement with Access Copyright. This decision rests with the University executive and is expected to be made soon.

The University is legally obligated to ensure that faculty and staff understand copyright compliance and do not act in violation of the Copyright Act. Infringing activities may result in claims that would have serious financial implications for the University and/or individuals.

If and when UBC opts out of the arrangement, there will be several copying practices that will not be possible in the absence of a collective license and that do not qualify under the fair dealing exception in the Copyright Act. Any photocopying and scanning from copyrighted works by students, faculty, staff and administrators at UBC would need to be limited to what is allowed under the Copyright Act.

Copies made for the purpose of research, private study, criticism or review can continue to be made under the "fair dealing" exception of the Copyright Act. It is also permissible to make copies if authorized by the copyright owner (often the copyright owner is not the author).

Copying done for the purpose of teaching or instruction is generally not considered "fair dealing". Consequently, faculty and staff making copies in paper or electronic formats (for example, by creating pdf files or cutting and pasting material into word documents or other formats, or by scanning, etc.) for distribution to students or colleagues is not generally permitted. Members of faculty or staff can email ubc-copyright@interchange.ubc.ca for assistance.

AUCC has offered assistance to the campus through the provision of Copying Guidelines as part of the broader Fair Dealing Policy.

UBC Library has negotiated license agreements with publishers of electronic journals, books and databases it has purchased. Each resource is governed by the terms of a specific license, and UBC Library has created an Electronic Resources License Information database to help you understand what you can and cannot do with these electronic materials.

Course packs can continue to be produced through the UBC Bookstore with permission from the copyright owner. Keep in mind that significantly more lead-time will be needed to clear copyright (eight to ten weeks is the norm), and in some cases, permission may not be obtained. Faculty will need to be prepared to change their course readings if permission is not granted. For more information: UBC Vancouver Campus 822-0874 or customcourse@mail.bookstore.ubc.ca UBC Okanagan Campus phone 807-9546 or ubco.coursematerials@ubc.ca

UBC Library, the Bookstore, the Office of the Provost and VP Academic, the Office of the University Counsel and the Centre for Teaching, Learning and Technology (CTLT) on both campuses are working to provide coordinated communications, including workshops raising awareness about the copyright issue, identifying opportunities to disseminate and distribute communications, and working with Public Affairs on issues management.

Links:

Broadcast email from Wes Pue, December 23, 2010 outlining UBC□s position: http://collections.library.ubc.ca/files/2011/03/UBCV-Campus-Notice-Access-Copyright-2010-12-23.pdf

Proposed Access Copyright Tariff: http://collections.library.ubc.ca/copyright/access-copyright/proposed-access-copyright-tariff-faqs

UBC Library Copyright site: http://collections.library.ubc.ca/copyright

UBC Electronic Resources License Information: http://licenses.library.ubc.ca/

Copyright Act: http://laws-lois.justice.gc.ca/eng/acts/C-42/index.html

AUCC Fair Dealing Policy: http://collections.library.ubc.ca/files/2011/03/AUCC-Fair-dealing-policy-March-2011.pdf

FAQ on the Fair Dealing Policy: http://collections.library.ubc.ca/files/2010/11/AUCC-Fair-dealing-policy-February-17-2011-rev-FAQ.pdf