

Copyright Board
Canada



Commission du droit d'auteur
Canada

Date 2011-09-08

Citation File: Reprographic Reproduction, 2011-2013

Regime Collective Administration in relation to rights under sections 3, 15, 18 and 21
Copyright Act, ss. 66.51 and 70.15(1)

Members Mr. Justice William J. Vancise
Mr. Claude Majeau
Mrs. Jacinthe Th  berge

Proposed Tariffs Considered Post-Secondary Educational Institutions – 2011-2013
Application to Vary: Academic Year; Amendments to Interim Tariff wording

Interim Statement of Royalties to be collected by access copyright for the reprographic reproduction, in Canada, of works in its repertoire

Reasons for decision

I. INTRODUCTION

[1] On June 28, 2011, the Board amended the *Access Copyright Interim Post-Secondary Educational Institution Tariff, 2011-2013* to clarify that liability and royalties are to be based on the academic year. It also asked the Board's General Counsel to attempt to agree with the parties on amendments to achieve this. An agreement has been reached, which is reflected in the following.

II. DECISION

[2] The interim tariff is amended as follows.

[3] Section 13.1 is replaced by the following:

13.1 The Institution shall establish and maintain records of all Electronic Files made by the Licensee pursuant to section 2(b) of this Tariff and retained for more than one trimester, which records shall specify, for each Electronic File, the date such file was originally created, the title, publisher, author or authors (where known), the ISBN/ISSN number (where known)

and the total number and page numbers of the Pages reproduced, as well as the dates of such reproductions and, where reasonably available, the total number of Pages in the publication from which the Copies were made. Except for the periods of time referred to in section 14.1(b), the Institution shall submit copies of such records to Access Copyright within 60 days of August 31 covering the previous 12 months. For each of the period of time referred to in section 14.1(b), the Institution shall submit copies of such records to Access Copyright within 60 days of the end of the period.

[4] The following section is added after section 14:

14.1 (a) Subject to section 14.1(b), royalties payable pursuant to section 14 are for a licence for an academic year.

(b) For the periods from January 1, 2011 to August 31, 2011 and from September 1, 2013 to December 31, 2013, the royalties payable pursuant to section 14 are for a licence for those periods. Royalties payable pursuant to section 14(a) are pro-rated accordingly.

[5] Section 16 is replaced by the following:

16.(a) Except for the periods of time referred to in section 14.1(b), the Institution to which section 15.1 does not apply shall remit the total amount payable pursuant to section 14(a) herein within 60 days of September 30 of each year during the term of this Tariff;

(a.1) Omitted.

(b) Except for the periods of time referred to in section 14.1(b), that Institution shall remit to Access Copyright within 60 days of August 31 of each year during the term of this Tariff the total amount payable for the immediately preceding period of September 1 through August 31 of each year during the term of this Tariff calculated pursuant to sections 14 (b) through (d) of this Tariff;

(b.1) For each of the periods of time referred to in section 14.1(b), the Institution to which section 15.1 does not apply shall remit to Access Copyright:

(a) the total amount payable for the period pursuant to section 14(a) herein within 90 days of the end of the period; and

(b) the total amount payable for the period calculated pursuant to sections 14(b) through (d) of this Tariff within 60 days of the end of the period;

(c) Together with each payment made pursuant to section 16(b) of this Tariff, including the first, that Institution shall submit to Access Copyright a detailed statement in such form agreed upon between Access Copyright and the Institution showing the data upon which such payment is based.

A handwritten signature in black ink, appearing to read "Gilles McDougall". The signature is fluid and cursive, with the first letter 'G' being particularly large and stylized.

Gilles McDougall
Secretary General