

The following message is being sent on behalf of Reeta Tremblay, Vice-President Academic and Provost:

Dear colleagues,

I am writing to you with regard to our participation in Access Copyright. The University of Victoria will be giving notice to Access Copyright (AC) that it will not operate under the Interim Tariff after August 31, 2012. I am outlining below our reasons behind this decision, the impact on the delivery of our courses and the concrete actions the university will be adopting to support our faculty, students and staff in their teaching and research duties.

Why has UVic made this decision?

There are several reasons for the decision to opt out of the AC Interim Tariff next year. Recent court decisions have expanded the definition of “fair dealing” under the Copyright Act and the library has expanded its electronic journal and book collection licenses which have significantly reduced the relevance of negotiating an Interim Tariff with AC. The Libraries existing license agreements with publishers are valued at approximately \$4M.

Currently, UVic pays AC royalty fees to copy materials that are not included under the library’s license agreements. AC applied to the Copyright Board of Canada for approval of a tariff that included a dramatic increase of fees (from \$3.38 to \$45 per FTE) to be paid by each university. The tariff application would increase the cost of UVic’s royalty payments from \$60,000 to \$700,000 per annum. The proposed tariff also requires universities to give AC access to their records and systems to conduct annual surveillance of copying activities undertaken by their faculty, staff and students.

UVic has decided that the best way to meet the needs of faculty, staff and students is to operate outside of the AC interim tariff after August 31, 2012. At least 35 out of 77 universities (including UBC, Calgary, Alberta, Queens, Dalhousie, York, Saskatchewan and Manitoba) represented by the Association of Colleges and Universities (AUCC) opted out of the Interim Tariff effective August 31, 2011.

How will this decision affect the work of faculty, staff and students?

It is important that all faculty, staff and students abide by the requirements of Canadian copyright legislation when making copies or distributing copyrighted material electronically. Failure to do so may result in serious consequences for the university and individuals.

Course packs prepared and printed by the Bookstore prior to August 31, 2012 will be produced under the current AC interim tariff. From September 1, 2012, all copyright permissions will be cleared by the university’s Copyright Office, while course pack distribution and sales will be handled by the Bookstore. Note that additional lead time may be required to clear copyright permissions after September 1, 2012.

We strongly recommended that faculty and instructors continue to consider alternative course materials, such as:

- Assign a textbook for your course
- Create a custom textbook in collaboration with a publisher for your course
- Provide access to licensed library resources that are accessible through existing licenses managed by the Library
- Use material in the public domain
- Use material with the appropriate Creative Commons license
- Use material in which you hold copyright
- Use material where permission has been granted by the copyright holder
- Use material that is available online as Open Access
- Provide students with a list of references which they can find in the Library

What support is/will be available?

We are committed to supporting faculty, staff and students in their teaching and research pursuits:

- The copyright website provides a central source of information about copyright issues and how to use copyrighted material in a manner that is consistent with Canadian copyright law. The Copyright Office (CO) will communicate best practice guidelines via workshops and departmental meetings to educate the campus community about the issues.
- The CO will also be responsible for securing transactional license/permissions to use copyrighted material for course packs and digital permission. It is also in the process of implementing a new electronic reserve system for tracking copyright clearance.
- The CO has created a database describing the permitted use of libraries' licensed resources.
- Customizing learning management systems (Moodle, Blink, ConneX) to better communicate the requirements of the Copyright Act when posting material for student use.

Subject librarians have been briefed on these issues and they are available to assist faculty members and instructors to find alternatives to material not covered by the Copyright Act or our license agreements. The Bookstore is able to assist with textbook and course pack ordering.

What other steps are being taken?

UVic continues to work with other universities and the AUCC to respond to AC's tariff application and to advocate for the adoption of improved copyright laws that are more responsive to the university community.

Updates and information regarding copyright at UVic is available at copyright.uvic.ca. If you have any questions, please contact the Copyright Office at copyrite@uvic.ca

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