

**FOR IMMEDIATE RELEASE****Court Decision a Big Win for Creators and Publishers**

**Toronto, July 12** – Access Copyright is pleased that the Federal Court of Canada upheld the rights of creators and publishers with its judgment on fair dealing which has helped to clarify its application in the context of the educational system.

On July 12, 2017, the Federal Court issued its decision in the action between Access Copyright and York University. Access Copyright, a copyright collective that represents the creators and publishers of printed works, brought the proceeding in the Federal Court to uphold the rights of its members.

The legal decision, which is the first to review the Fair Dealing Guidelines adopted by the education sector, in this case York University, concludes that “York’s Fair Dealing Guidelines are not fair in either their terms or their application.”

The Court concluded that the guidelines do not meet the test for fair dealing established by the Supreme Court of Canada.

The Court also found that tariffs are mandatory and confirms that, “There is no opting out.”

The Court noted that, “There is a mutual dependence between libraries/professors and the copyright regime which may suggest that a better system of protection and more certain criteria (such as in a licence or in a tariff) would assist all parties interested in education and access to educational materials.”

“The Court struck the right balance between the public good that is education and the need to reward creators to ensure that this public good continues to be well supported by quality Canadian content. Up until today, the state of the law regarding fair dealing left creators and the institutions that copy copyright protected works in a state of uncertainty.” said Roanie Levy, CEO & President of Access Copyright. “This decision will help the parties understand what can be done and paves the way to re-establish stability and royalties to creators.”

Access Copyright would welcome the opportunity for all interested stakeholders to entertain a meaningful dialogue with a view to resolving any outstanding issues between them and establish a new relationship that emphasizes the common ground between those who create and those who teach and learn.

“This does not have to be a zero sum game.” said Cameron Macdonald, Chair of the Access Copyright Board of Directors. “We – creators, publishers and educators – have an

opportunity and responsibility to serve the considerable common interest between content creation and education.”

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For more than 25 years Access Copyright has facilitated content use for educational and professional purposes. We have helped people make customized use of published materials combined with an assurance that the original creators and publishers also benefit, so that they can continue creating new and innovative works. This is vitally important to a strong Canadian culture and to all who rely on quality publications.

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