



Canadian Library Association  
Association canadienne  
des bibliothèques

## CLA Statement on Licenses with Access Copyright in Post-Secondary Institutions

Recently several post-secondary institutions across Canada have negotiated blanket licenses with Access Copyright and others are considering similar licenses. This is a welcome development for post-secondary institutions: re-engagement in contractual negotiations, as has historically been the case since the 1990s, is favourable to being faced with proceedings brought by Access Copyright before the Copyright Board, as has happened over this past year. Nevertheless, the Canadian Library Association is concerned about the developing licensing environment in post-secondary institutions in Canada and urges careful consideration of options.

CLA finds a number of issues institutions should consider carefully before entering into licenses with Access Copyright along the lines of those recently negotiated by AUCC and ACCC. The definitions of “copy” in the “model” agreements recently concluded are drafted more widely than the rights of the copyright owners set out in section 3 of the *Copyright Act* – although these “model” licenses, in other sections, do provide that those signing will have the benefit of all legislated users’ rights. In numerous instances with the license documents, these recent “model” licenses purport to grant rights that are already held by institutions because they are covered under “fair dealing” in the *Copyright Act* or overlap with rights already provided by existing digital licenses with publishers and information aggregators. It is of great concern to CLA that post-secondary institutions will not know, until six months after the license is signed, the details of surveys that Access Copyright will be allowed to conduct under such licenses on the signing university or college campuses. The details of these surveys will require close monitoring by signing institutions in order to ensure that neither individual privacy nor academic freedom will be compromised.

CLA fully understands that university and college administrators must consider many factors before making decisions regarding the need for a license at their own institutions. The Canadian Library Association strongly urges academic leaders to consider other alternatives that ensure lawful use of works protected by copyright without requiring a license agreement with Access Copyright. Alternatives include: institutional policies and practices based upon fair dealing, fuller utilization of institutions’ licensed electronic holdings, use of open access resources, use of creative commons licensing, and site and transactional licensing arrangements. CLA urges institutions to involve their academic librarians in exploring alternatives to licenses with Access Copyright. Although it may still currently be most practicable for some institutions to negotiate blanket licenses in the short-term with Access Copyright (for instance, while post-secondary alternative institutional policies and practices are established), CLA strongly recommends the development of long-term post-secondary institutional strategies that reduce or eliminate institutional reliance on blanket licensing with Access Copyright.

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