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The Honorable Navdeep Bains, P.C., M.P.
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Dear Honourable Ministers,

Re: Copyright Board of Canada's decision to reduce the tariff of copyright fees for K–12 schools

The International Publishers Association (IPA) is the global federation of national publishers associations, representing all aspects of worldwide book and journal publishing. Established in 1896, IPA's mission is to promote and protect publishing and to raise awareness of publishing as a force for economic, cultural and political development. Around the world, IPA actively fights against censorship and promotes copyright, literacy and freedom to publish. We have 60 members from over 50 countries. Our members in Canada are L'Association Nationale des Éditeurs de Livres (ANEL), the Canadian Publishers' Council (CPC) and the Association of Canadian Publishers (ACP).

IPA has particular expertise in the field of education. Our Educational Publishers Forum has been monitoring educational copyright and procurement policy issues around the world since 2009 and the IPA's annual *What Works?* conferences are dedicated to identifying public policies that actually improve educational outcomes. The next conference, to which you are cordially invited, will take place on April 12, 2016, in London.

The alarming decision of the Copyright Board of Canada to substantially reduce the tariff of copyright fees for K–12 schools has been brought to our attention. The IPA is deeply concerned by this development, just as it was by the previous Canadian Government's ill-advised introduction in the Copyright Modernisation Act, in 2012, of a new 'fair dealing' provision for education. IPA made detailed submissions at that time, during the consultation process.

Although clearly not the Board's intention, it is no exaggeration to state that the net effect of these decisions will be to drive down the quality of education in Canada. These legislative changes will discourage essential investment in educational materials in Canada, since their immediate effect is a substantial drop in remuneration for authors and publishers.

A recent presentation on the impact of the Copyright Modernisation Act at the World Intellectual Property Organisation (WIPO), in Geneva, demonstrated this drop in revenues in advance of the Board's decision.

Our concerns are also supported by the findings of last year's PricewaterhouseCoopers study¹ which showed that the introduction of a broad educational exception in the Canadian copyright law has dealt a very serious blow to the Canadian educational publishing sector, where a number of Canadian publishers have closed down and others are reducing staff.

This latest decision will only serve to compound these effects, with a decrease in capital investment in the sector, as well as the cascading loss of skilled editors, curriculum experts, designers, digital workers and others. The long-term effects will be a drop in the quality and range of educational resources available in the market, a diminution of choice for teachers, and a lowering of Canadian education standards. Ultimately, the impact will be felt by Canadian students, who will have to make do with materials that are increasingly sourced from overseas markets where educational publishing has not been devalued.

Of particular concern is the Board's discounting of large quantities of copying undertaken by K–12 schools on the basis that such copying is either insubstantial or that it constitutes fair dealing, whether fair dealing for education (introduced as a new exception by the Copyright Modernisation Act) or other fair dealing exceptions, as interpreted by Canadian courts.

In addition, we would stress that Canada is now quite out of step with its trading partners in its treatment of the secondary market for published works, namely the licensing of reproductions made from published works collectively managed by copyright management organisations, and that this is now demonstrably working to the detriment of authors and publishers of educational works, not only in Canada, but also internationally.

The IPA wholeheartedly supports the public statement made by the Association of Canadian Publishers "*Copyright Board decision offers little clarity on fair dealing for education*"² and urges the Canadian Government to reflect on the damage that this latest decision by the Copyright Board, as well as the fair dealing exceptions and their interpretation, are doing to the educational landscape. Urgent reconsideration is needed of what uses of copyright materials should be classified as "unremunerated fair dealing uses" while a review of the copyright legislation passed by the previous government should also be undertaken without delay.

We remain at the Government's disposal for more detailed information about our concerns.

Yours sincerely



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¹ http://www.accesscopyright.ca/media/94983/access_copyright_report.pdf

² <http://publishers.ca/images/downloads/160303-Release-CopyrightBoardDecision.pdf>