



## **MEDIA RELEASE**

February 27, 2018

### **Alberta Book Publishers call for Alberta Education to remove itself from legal action against Access Copyright**

**Edmonton** - On February 23, 2018 the Book Publishers Association of Alberta (BPAA) wrote to the Minister of Education, the Hon. David Eggen, asking that the Alberta Government remove itself from a legal action against Access Copyright, calling the action “damaging and ill-conceived”.

The lawsuit, launched with other provinces and Ontario school boards, seeks repayment of more than \$25 million collected by Access Copyright from 2010 to 2012 under a legally certified tariff for the use of copyright-protected works used in Canadian schools.

“It is hard for us not to view this action as an overt attempt to harass and intimidate Canadian creative workers, and to exhaust our energy and resources to fight for our rights and livelihoods,” writes BPAA President Alexander Finbow. “As founding members of Access Copyright, the Book Publishers Association of Alberta knows how instrumental Access Copyright has been in defending our right—and in particular the right of small companies and individuals—to be compensated when copying goes beyond legal limits. This poorly founded attack on Access Copyright is an attack on us. We cannot help but see it as an abuse of the dominant position of government in its relationship with our sector, and as a form of collective-busting.”

The BPAA notes that since this action comes at a time when Alberta Education has declined to remit any compensation under the K-12 tariff certified by the Copyright Board for the period beginning in 2013, it adds insult to injury. The decision in the Access Copyright vs. York University case in the Federal Court of Canada in July 2017 established unequivocally that tariffs set by the Copyright Board are mandatory. The same decision states with blunt clarity that the copying guidelines relied upon by York—almost identical to those disseminated by Alberta Education after the amendment of the Copyright Act in 2012—are unfair.

Finbow writes: “Alberta book publishers know that our works are valued in education, because they are used in education. We seek, as we always have, constructive engagement with public education in Alberta. Rather than pursuing this lawsuit, we encourage Alberta Education to explore more positive options which strengthen the creative sector in Alberta while also serving education”.

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Background Information:

1. The Canadian Copyright Modernization Act  
[https://en.wikipedia.org/wiki/Copyright\\_Modernization\\_Act](https://en.wikipedia.org/wiki/Copyright_Modernization_Act)
2. Federal Ruling on Copyright Tariff (2017)  
<https://publishingperspectives.com/2017/08/canada-access-copyright-court-ruling/>
3. Canada’s Education Sector Sues Access Copyright (2018)  
<https://publishingperspectives.com/2018/02/canada-access-copyright-sued-by-education-sector/>