

Motion to support the recommendations presented in the Canadian Federation of Library Associations- Fédération canadienne des associations de bibliothèques (CFLA-FCAB) Brief on the Reform of the Copyright Board of Canada.

Be it resolved that Council of Atlantic University Libraries / Conseil des bibliothèques universitaires de l'Atlantique supports the following recommendations presented in the Canadian Federation of Library Associations-Fédération canadienne des associations de bibliothèques (CFLA-FCAB) Brief on the Reform of the Copyright Board of Canada:

1. The CFLA-FCAB supports the creation of an explicit statutory mandate for the Copyright Board – one that focuses the Board on the public interest and the maintenance of fairness amongst the multiplicity of interests inherent in the copyright environment.
2. The CFLA-FCAB believes that the public interest will be better served through the inclusion of a statutory process for intervenors before the Copyright Board and establishment of a system for making funds available to ensure a broad range of interventions.
3. The CFLA-FCAB supports the enactment of a list of decision-making factors the Board must consider in its decision-making – but recommends it appear in the Copyright Act itself.
4. The CFLA-FCAB supports amending the Copyright Act such that while a new tariff is pending before the Board, the previously ordered tariff will continue to apply to affected institutions and the new tariff, when ordered, shall only apply prospectively.
5. The CFLA-FCAB believes that libraries and their institutions should be able to choose whether to initiate a relationship with a collective through contract, whether or not that collective has proposed a tariff (which will require amendment to current s 70.12), or to participate in a tariff process initiated by a collective.
6. The CFLA-FCAB endorses the current regime both in respect of maintaining the distinction between the processes of the Board governing collectives under s 67 and those under s 70.1 and in so far as the Act supports the fact that literary collectives are not the exclusive representatives of the rights holders they represent.
7. Where a library or its institution is not using works or other subject matter in ways that lie within the ambit of the rights represented by a collective that has proposed a tariff, the CFLA-FCAB recommends that the legislation governing the Copyright Board make it clear that such libraries are not required to provide evidence about their operations to any proceeding before the Board.

Moved:

Seconded: