

Newsletter - November 2012

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November 2012

Bill C-11 is now in effect

The *Copyright Modernization Act* (Bill C-11) came into force on November 7, 2012, except for a few provisions that are still waiting for regulations to be finalized. We have prepared a series of reference sheets that explain some of the main provisions, which are not always easy to understand. Nevertheless, what is clear is that the inclusion of these new provisions in the *Copyright Act* does not allow copyright protected material to be copied freely without compensating the copyright owners. The basic principles remain the same. The creators of the material own the right to exploit their work and have the authority to make it accessible under the conditions they deem appropriate.

Even if certain exceptions have been added for users, various types of copying still require users to obtain permission from the copyright owner or the copyright licensing agency representing the copyright owner. It should also be noted that the Act does not specify which proportion of the copyright protected material can be copied under the provisions allowing “fair dealing” for educational or training purposes. The courts have stated on a number of occasions that the relevant facts must be evaluated on a case-by-case basis.

The reference sheets on the modernization of the *Copyright Act* are available [here](#).

Upcoming payments

Thanks to Savia, our new copyright licensing and rights management system, we will soon be able to continue with the royalty (licence fee) payments that were suspended during the system testing and break-in phases.

Payments totalling **over \$6 million** will therefore be made to authors and publishers by the end of the year.

These royalty amounts were collected under licensing agreements signed with the Quebec government, non-budgetary organizations, media monitoring companies, elementary and high schools, and college institutions. The payments for copies made by educational institutions will represent the equivalent of the royalties payable for a year and a half. This is a **transitional measure** to allow us to adjust to the system’s new architecture.

Check us out online!

New website

As you may have already noticed, Copibec's website has a brand new look. The site is now divided into two major sections so everyone can quickly find what they're looking for.

Copy a work

This section is for users (elementary and high schools, colleges, universities, businesses, not for profit organizations, etc.) who make copies of copyright protected material.

Register a work

This section is for authors and publishers. It contains information about Copibec and collective licensing.

New transaction system

The transaction component of our website has also been upgraded. We're pleased to present [Savia!](#)

*If you're an **author***

Please refer to the [user guide](#) to register as an author or update your registration.

New features!

- **Start** registering a title that is not in the Copibec repertoire. The title will then be submitted to your publisher, who simply has to complete the registration.
- **View** the list of royalties (licence fees) paid to you by Copibec.
- **Go directly** to the list of publications that you have been involved in by clicking "My publications". You'll see all your contributor participations (author, writer, freelancer, visual artist, etc.).

*If you're a **publisher***

Please refer to the [user guide](#) to find out how to register your publications.

New features!

- **View** the list of royalties (licence fees) paid to you by Copibec by clicking “My royalties”.
- Quickly **add** an online user to your account and choose the type of access rights for that user.
- **Complete** the titles that have been copied and reported by users or that have been submitted by one of your authors!

*If you're a **content user***

Please refer to the [user guide](#) to register, request permission to make copies, or report your copies.

New features!

- Quickly **add** an online user to your account and choose the type of access rights for that user.
- **View** your transaction statements.

Data collection in preschool, elementary and high schools

The 2011-2012 data collection process for copyright protected works copied by schools ended last June. The participation rate for the year's three collection periods was 81%.

Copibec received a total of 28,888 copy logs, including those from schools reporting that their teachers had not copied any copyright protected works. Among the copy logs received, 22% indicated that excerpts or articles had been copied from one or more works. The vast majority of the copies complied with the limits of the copying agreement between Copibec and the Quebec ministry of education, recreation and sports (*MELS*).

Effective November 30, 2012, we started receiving data for the first period (September to November) of the 2012-2013 school year. In addition to the data from the 350 schools selected each year, Copibec receives data from other (non-selected) schools that use learning and evaluation situations developed by the ministry of education, *Société GRICS* and the *Fédération des établissements d'enseignement privés*. Since that evaluation material contains excerpts from copyright protected works, all copies made by teachers must be reported to Copibec.

During the past few months, Copibec has been working with Altilogix so that school boards can use its management tool (Repro +) to make inquiries in our online system (Savia) and apply the terms and conditions of the licencing

agreement between Copibec and the education ministry. School boards will eventually have the option of using Repro + to send us data on the titles they copy.

Copibec on tour

Since last June, Émilie McAll Pinard, our Liaison Officer, and other Copibec representatives have been travelling throughout Quebec to meet with management personnel in schools and school boards as well as teachers, educational advisors and remedial teachers. Teachers from **55 schools**, management personnel from about **100 institutions**, and representatives from **22 school boards** attended our meetings or information sessions.

We innovated this year by visiting many professional training centres, trade schools and adult education centres. In addition, we are now using Adobe Connect to get in touch with regions located very far from Montreal. This new technology allowed us to organize an online information session that brought together representatives from the *Commission scolaire Harricana* (Abitibi) and the *Commission scolaire de la Baie-James*.

Nicolas Boudreault, our officer for college institutions, also took to the road to meet with professors and the personnel in charge of applying our licensing agreement. He organized information sessions at *Collège de Shawinigan*, LaSalle College and *Cégep de Ste-Foy* to tell participants about the *Copyright Act*, the college institution copying agreement and our copyright licensing and rights management system.

Copibec also attended various education sector conventions to talk about copyright. Since June, we have set up booths at the conventions of the *Association québécoise de pédagogie collégiale*, *RÉCIT*, the *Association québécoise des professeurs de français* and the *Association pour l'enseignement de la science et de la technologie au Québec*. Émilie McAll Pinard also spoke to school librarians during a meeting organized by the *Fédération des établissements d'enseignement privés*.

Thanks to our outreach efforts, hundreds of teachers and management personnel in institutions across Quebec (including the regions of Montreal, Lac-Saint-Jean, Charlevoix, Central Quebec, Laurentians, Laval, Outaouais, Lower St. Lawrence and many more) now have a better understanding of copyright and the terms and conditions of the agreement between Copibec and the education ministry. They are also more aware of their role in the data collection process so that authors and publishers will be compensated fairly for the use of their material.

We would like to thank all the institutions for their cooperation during our visits. To organize a meeting, please do not hesitate to [contact us](#).

Renewals, outreach and new licensees

Copibec's licensing team has recently started updating some of our licences to include digital copying. About 40 not for profit organizations whose licences were expiring have been offered a new licensing agreement that covers copying in both print and digital formats.

We have also continued our work informing Quebec's 84 regional county municipalities (*MRCs*) about copyright compliance and the need to obtain a copying licence or permission in order to make sure they are acting legally when making copies of copyright protected material. Our initial data shows that *MRCs* mainly copy newspaper articles.

In addition, about 20 professional associations have been contacted to tell them about our licensing options, especially if they make copies of copyright protected material for training purposes. The targeted organizations are in the healthcare sector. The

Regroupement des infirmières et infirmiers en soins intensifs du Québec , the Canadian Medical Association, the Ordre professionnel de la physiothérapie du Québec and the Société québécoise d'hypertension artérielle have now become Copibec licensees.

Lump sum payment for books

In preparation for the 2013 lump sum (repertoire) payment for books, we encourage publishers to make sure all their titles have been registered and completed in the Copibec repertoire. Now, thanks to our Savia system, it's easier than ever to register your titles and consult your catalogue online!

Incomplete titles

Important! Your titles need to be **complete** and **approved**. **Incomplete titles** (including those whose status is "creation in progress" and "pending approval") **will not be eligible for the lump sum payment**. Now is a good time to check your catalogue before the payment is made.

To avoid errors when royalties are distributed, be sure to notify us if any rights have reverted to authors or if collections have been sold!

Since the launch of Savia last July, nearly 1,600 titles have been added to our database.

What if Copibec doesn't manage your rights?

Only publishers who have given Copibec authority to manage their reproduction rights and whose titles are registered in our repertoire are eligible to receive the lump sum payment that will be made in 2013.

If you have any questions about Copibec rights management, Savia or online title registration, please contact [Isabelle Billeau](#), Communications and Rightsholder Services Officer. She will be pleased to provide any information you need.

Have you moved?

Whether you're a writer, freelance contributor to newspapers and magazines, or visual artist, it's important to notify us about your change of address so you can continue to receive royalties when your works are copied. Simply access your online account, update your contact information and check that all your titles have been registered by your publisher.

Annual report

Copibec's [annual report](#) for the 2011-2012 fiscal year is now available online. It contains the reports from outgoing Chair of the Board Danièle Simpson and Executive Director H  l  ne Messier, along with the financial statements (in French) for the past year.

Canadian Conference of the Arts closing its doors

We were disappointed to learn that the Canadian Conference of the Arts (CCA) will begin [winding down its operations](#). The CCA served as the umbrella group for nearly 70 organizations and associations from all across the country that forged a common front against Bill C-11 in February 2012. After 67 years of being associated with all major cultural policy developments at the federal level, the CCA will close its doors after losing its funding.

Our Executive Director appointed VP of IFRRO

H  l  ne Messier, Copibec's Executive Director, was elected to the position of Vice President of the International Federation of Reproduction Rights Organisations (IFRRO) at its annual meeting last October. IFRRO is an independent organization representing reproduction rights organizations (RROs) from over 80 countries as well as numerous associations of authors, publishers and visual artists. It helps provide training for RROs and enables members to share knowledge and repertoires.

On the move

Caroline Blanchet has left her position on our licensing team to take on new challenges. We are confident she will enjoy much success in her endeavours. Best of luck! Simon Éthier has taken over her responsibilities. Welcome back, Simon. He previously held this position during a maternity leave replacement!

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