

October 2015

## Executive Director's departure

By Danièle Simpson, Chair of the Board

After 17 years with Copibec, H el ene Messier, our Executive Director, has decided the time has come for new challenges and will be taking on a similar position with the *Association qu eb ecoise des producteurs m ediatiques* (AQPM). We have mixed feelings about her departure: on the one hand, we're pleased about this new professional experience that she is sure to find very stimulating but, on the other hand, we're sad to see her go. The AQPM has made a smart decision in choosing Ms. Messier among other candidates: she has always been extremely competent, generous with her time and very committed to defending copyright and rallying people around her. She will no doubt have a significant impact in the world of Quebec film, television and Web production.

During our recent meeting, Copibec's Board of Directors had this to say about her: "The Board members would like to pay tribute to H el ene Messier. She was the first Executive Director of Copibec and, thanks to her exemplary work, should be considered one of its true founders. Her tact, strong negotiating skills and unique competency helped make Copibec the main line of defence for copyright in Quebec. The entire written arts community as well as the visual arts sector owe her a debt of gratitude. H el ene deserves recognition and respect. Her departure is a major change for Copibec. And it will be a challenge for all of us to make sure the heritage she has left behind is kept alive and well. We wish her much success and happiness in her future responsibilities."

Fr ed erique Couette, our Legal Counsel, will take over as Acting Executive Director effective October 26. Ms. Couette has been at Copibec for 11 years and is very familiar with the organization's most important files, including licensing and rightsholder relations. She has the full backing and support of the Board of Directors. Her experience and in-depth knowledge of Copibec's operations will help ensure a smooth transition.

## Executive Director's departure (cont'd)

What else is there to say? With heavy hearts, we have to say farewell to our Executive Director H el ene Messier. We will miss her generous spirit. H el ene, the entire team wishes you good luck but we know that your hard work means you won't need to rely on luck. Your future colleagues will discover an outstanding woman and manager.

Nevertheless, the employees and the organization itself are being left in the expert hands of Fr ed erique Couette, the new Acting Executive Director who we are confident will do a great job with this new challenge.

## Lump sum payments

Despite Ms. Messier's departure, life goes on at Copibec. With the arrival of the fall season came the lump sum (repertoire) payments, and the 2015 edition has now been completed. Lump sum payments are generally made every two years and the terms and conditions are decided by the Board of Directors. The payments go to authors, artists, freelance contributors and book, magazine and newspaper publishers. The process took place between February and September 2015. In all, more than **15,000 cheques** were issued for a total of **more than \$3 million paid** to the various rightsholders registered with Copibec who qualified for the designated payments.

Everything started with the payment of a **total of \$507,149** to **visual artists** last winter. That amount included the lump sum payment (\$45,573) and the distribution of amounts on reserve (\$461,576) for the years 2013 and 2014. As a result, 1,553 artists received a cheque either directly from Copibec or through their artist collective for affiliates of SODRAC or CARCC.

Then, **newspaper publishers** were paid a **total of \$212,541** for their eligible publications while **magazine publishers** were allocated an **envelope totalling \$365,048**.

**Contributors to magazines and newspapers** were next as winter turned into spring, with 1,041 contributors sharing a **total of \$569,386**. To be eligible, they had to have a minimum of eight contributions to Quebec periodicals in 2012 and 2013.

Payment season ended in the fall with payouts to **authors and book publishers**. The **available amount was \$1,979,033**. A total of **13,498 cheques** were distributed to authors and publishers for the 45,000 eligible publications.

The amounts available for lump sum payments originated from various sources: interest earned on undistributed amounts for 2012 to 2014, funds paid by foreign reproduction rights organizations that did not provide bibliographic data, amounts that could not be distributed because of incomplete copy logs, and sums collected from the federal government for the 2013-2104 year.

## Another large distribution underway

This year, Copibec has decided to consolidate all its royalty payments for the various education sectors so that only one series of cheques is issued. That will reduce processing costs because fewer cheques will be distributed, but the cheque amounts will be higher for rightsholders whose works have been used by the different education sectors.

For the preschool, elementary, high school and college levels, the next payment will cover excerpts copied and reported for the period between July 1, 2014 and June 30, 2015.

For the university level, the payment will cover copy logs from June 1, 2013 to May 31, 2014.

The amount involved is considerable, reaching nearly **\$8 million**, and will be paid to rightsholders in late November 2015.

## New licence for schools

The negotiations were long and we had to deal with a new government, new stakeholders, new exceptions to the *Copyright Act* and new budget-cutting imperatives but we finally reached an agreement. The licensing agreement with the Quebec ministry of education, higher education and research (MEESR) for schools at the preschool, elementary and high school levels has now been renewed. It came into effect retroactively on July 1, 2015. We would like to highlight the exceptional work done by Geneviève Leblanc and Lise Gagnon from the MEESR as they guided this file through the government machinery.

For the 2015-2016 school year, \$4,460,520 in royalties will be paid to Copibec under the licence, which covers about 3,000 educational institutions and 1,059,000 students (both children and adults). The licence includes new provisions that take into account the growing use of technology (smartboards, document cameras, etc.) and teachers' evolving needs while recognizing the right to fair compensation for the use of copyright-protected works. Danièle Simpson, Copibec Chair of the Board, was pleased that the Quebec government demonstrated its commitment to copyright by renewing the Copibec licence covering the use of material in preschool, elementary and high school institutions. She said that we are especially grateful because the confusion surrounding the notion of fair dealing in the *Copyright Act* has led to situations in the education sector that are often unfavourable for creators.

## Updated copying limits

The copying limits in the licence have been adjusted. Teachers can now copy up to **15%** of the total number of pages in a book or periodical issue. However, for **works developed specifically for preschool, elementary or high school education** purposes (students' textbooks, exercise books, teachers' guides, atlases, etc.), the **copying limit is still 10%** of the total number of pages in the work (or a maximum of **25 pages**).

## Scanning and projecting

The licence allows copies to be made in print or digital format. Digital excerpts can be used on smartboards, tablets, computers, PowerPoint presentations, etc. If the excerpt is commercially available for purchase (e.g. book chapter sold separately), the school must buy that version.

In addition, the licence contains provisions on projecting copyrighted material. **If the work is not available in digital format**, a single copy of the entire work can be made in order to display it on a smartboard, for example. It is also possible to use a document camera to present an entire work. However, a few copies of the original work must be made available to students in the class during the projection.

An entire **work that was legitimately acquired in digital format** can be displayed using a smartboard. However, in the case of **works specifically designed for preschool, elementary or high school education** purposes, they may only be displayed on a smartboard if all the students have original versions of the work or if the work comes with a publisher's licence that allows such use.

## Collecting data on copied works

To ensure that the royalties paid can be redistributed to the rightsholders of the copied works, data identifying the works used and the number of copies made must be submitted to Copibec in compliance with the licence. Discussions will begin soon between Copibec, the MEESR, school boards and private schools to decide on the procedures for future data collection.

The school boards are already required to report the excerpts from copyright-protected works made available to teachers or students on the school boards' secure networks. To do so, they have to use Copibec's online system.

More information about the MEESR-Copibec agreement is available in our [Educator Space](#).

## What's new in SAMUEL?

Did you know there are now over 12,000 documents in SAMUEL? Institutions at the preschool, elementary, high school and college levels that have a licence with Copibec can use SAMUEL free of charge.

In the past few months, titles have been added from *Les Presses de l'Université de Montréal*, *Éditions Québec Amérique*, *Éditions du Septentrion*, *Éditions du Boréal*, *Éditions Alto*, *Éditions Écosociété*, *Lux Éditeur*, *Éditions du Noroît*, *Éditions Ada*, *Soulières Éditeur* and a number of other partners. The most recent issues of arts and culture magazines and new press photos have also been added. Titles and images from authors and contributors such as Gilles Tibo, Lysiane Gagnon, Jacques Lacoursière, Marie-Claire Blais, Stéphane Dompierre, Tristan Malavoy, David Suzuki, David Boily, Daniel Bélanger, Damien Robitaille and many others are available! With more than 12,000 documents to choose from, now is a great time to explore what [SAMUEL](#) has to offer.

Get in touch with us if you'd like more information or want to organize a presentation for your institution!

## Copibec's Educator Space

Do you work in the Quebec education sector? Don't forget that our [Educator Space](#) gives full details about what's authorized under your licence as well as information about copyright in general. Bookmark us!

For example, if you work at the preschool, elementary, high school or college level, did you know the copying limits are different depending on whether the copyright-protected material was designed specifically for your educational level or whether the material is of a general nature? And did you know your licence allows you to use SAMUEL, our digital content platform?

If you work at the college or university level, have you heard about Get It Now, which gives libraries access to millions of scientific articles in just a few clicks?

Do you have a question you haven't found an answer to? A Copibec specialist would be pleased to help you! It's easy to get in touch with us by phone or email or you can also write your question in the "Ask a copyright specialist" section located in the bottom right corner of every page in our [Educator Space](#).

## Get It Now is a solution for CEGEPs and universities

As we mentioned last spring, Copibec is now partnering with the U.S. [Copyright Clearance Center](#) (CCC) to offer Quebec CEGEPs and universities the Get it Now solution.

In recent months, our information activities among Quebec CEGEPs and universities have shown that many postsecondary institutions are very interested in the benefits of Get It Now. Discussions are therefore underway to conclude agreements.

Get It Now is an essential complement to interlibrary lending, giving CEGEP and university libraries instant 24/7 access to newspapers and magazines from well-known publishers all over the world at reasonable prices.

The Get It Now application can be integrated into your institution's library catalogue to access publications that the library hasn't subscribed to. It's easy to order articles, and the free dashboard included with the application allows librarians to easily monitor purchase volumes and generate real-time reports so they can track needs and budgets.

For more information about Get It Now, please contact our [licensing team](#).

## New Board of Directors for 2015-2016

At Copibec's annual general meeting on June 17, the members of the new Board of Directors elected Danièle Simpson (UNEQ) as Chair of the Board, Gilles Herman (ANEL) as Vice-Chair, Véronyque Roy (UNEQ) as Secretary and Yann Pineau (Les Quotidiens du Québec) as Treasurer.

The following Board members were also elected at that time, completing the Board of Directors and ensuring representation from all the sectors whose works are administered by Copibec:

Francine Bergeron, Société de développement des périodiques culturels québécois (SODEP)

Emmanuelle Bruno, Association nationale des éditeurs de livres (ANEL)

André Dumont, Association des journalistes indépendants du Québec (AJIQ)

Lise Létourneau, Regroupement des artistes en arts visuels du Québec (RAAV)

Gaëtan Lévesque, Association nationale des éditeurs de livres (ANEL)

André Roy, Union des écrivaines et écrivains québécois (UNEQ)

Please note, however, that Jean-François Bouchard returned to the Copibec Board of Directors last October to replace Gaëtan Lévesque. We would like to thank Mr. Lévesque very much for his involvement.

At the meeting, Jean-François Bouchard, the outgoing Chair of the Board, noted that the negotiations with content users had often been difficult and he explained that "we are not trying to maintain any privileges: we are working to defend and promote our culture and the French language." He also mentioned that he hoped Quebec would retain a system of legal protection for all authors and creators and anyone who distributes their works.

For the 2014-2015 year, Copibec collected \$13,625,000 in royalties (licence fees), which was 11% less than the previous year. The decline clearly illustrates the growing challenges for authors and publishers when it comes to ensuring recognition of their right to be compensated for the use of their works. Our [Annual Report](#) for the 2014-2015 fiscal year is now online. In addition to the financial statements, it contains the reports of the outgoing Chair, Jean-François Bouchard, and the Executive Director, Hélène Messier.

## New licence for libraries

To take into account certain changes in the *Copyright Act* affecting interlibrary lending as well as new technology available to users, Copibec updated the licence for libraries and document centres. Over 200 municipal, government and private libraries were then notified about the amended licence and asked to sign the new agreement with Copibec.

The amended licence allows excerpts to be copied in print and digital formats. In addition to photocopiers, self-serve scanners are now covered. Digital copying is also allowed for interlibrary lending. As a result, library employees can now give digital copies of documents (periodical articles, book chapters, statistical charts, etc.) to people who request them but there is no longer a time limit on the use of the document by that person. Moreover,

the licence's provisions on managing and maintaining collections have been updated to reflect the new wording in the *Copyright Act*.

It should be noted that under the *Copyright Act*, libraries are allowed to make photocopiers available to their clientele as long as a regulatory notice is posted and the library or document centre has an agreement with a copyright licensing agency. The cost of an agreement varies according to the population served, the number of self-serve units and the opening hours.

Almost all municipal libraries in Quebec, plus *Bibliothèque et Archives nationales du Québec* and many private and government document centres open to the public have had agreements with Copibec for many years.

## Pay-per-use licences and a variety of requests

Since July 1, we have processed about 3,000 requests for pay-per-use licences (specific authorizations) primarily from teachers wanting to make copies that exceed the authorized limits in their Copibec licence.

Nearly 200 of the requests received, representing an increase of roughly 15% over the corresponding period last year, were from users asking to copy an entire work in digital format to meet the specific needs of a student with a perceptual disability. Some of the requests came from New Brunswick and as far away as the Northwest Territories. In cooperation with the relevant publishers, we take action quickly so the student can have access to the material as soon as possible.

Schools are not the only users of our services. We receive requests from a large number of users of all types for permission to make copies, whether they're copying a book chapter for the board of directors of a community organization, distributing an article to the members of a condo association, installing interpretive signs along a new trail, filming the covers of magazines or using scientific publications to keep a group of front-line workers informed. As you can see, our daily work is quite varied and we make every effort to adapt our licences and rates to the needs of our multisector clientele!

## Do you teach at the college level?

Have you subscribed to the [new newsletter](#) from *Lux éditeur*? Instructors can access digital press kits for entire works from *Lux éditeur* free of charge for three weeks to evaluate whether the works are useful for their courses. Then, if you want to include a chapter in your program, the works are available in digital format in our [SAMUEL](#) platform, where you can produce excerpts for your students. Your institution is not charged when you use content in SAMUEL within the limits of your licence, and Copibec makes sure the royalties are paid to the copyright owners whenever works are used. It's a great example of a partnership that ensures access for the education sector!

## On the move in our communications team

Anouk Pérusse is back from her maternity leave and will be involved in making improvements to SAMUEL, our digital content platform that was launched this fall. Welcome back Anouk!

Kevin Charron remains your contact if you're an author or magazine or newspaper contributor while Isabelle Billeau is your go-to person if you're a publisher or visual artist. If you have a question of a general nature, our receptionist Magalie Dufresne is always pleased to help you.

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last changed 12/21/2015

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