

Info@Copibec

Winter 2016-2017

Failing grade for Higher Education Minister Hélène David

During question period at the Quebec National Assembly on December 9, Hélène David, Minister responsible for Higher Education and former Minister of Culture and Communications, gave a misinformed reply to questions from Claire Samson, MNA for Iberville (CAQ party), who asked whether the Minister would send a clear message to universities about respecting creators and paying the royalties owed to them. In particular, Ms. David stated that Université Laval was not doing anything illegal when in fact legal proceedings are already underway. She also called into question the usefulness of copyright collectives such as Copibec. Unfortunately, her remarks showed that she did not fully understand the issues at stake.

Copibec has distributed a media release that can be viewed in French [here](#).

The *Union des écrivaines et des écrivains québécois* and the *Association nationale des éditeurs de livres* also issued a statement [strongly criticizing the Minister's remarks](#).

Lower royalty cheques?

Copibec recently paid out royalties for the three educational levels:

- Preschool, elementary and high schools
- Colleges
- Universities

The royalties distributed in 2016 were down by nearly \$1 million compared to 2015. This precipitous decline was attributable mainly to lower amounts collected from universities, together with the non-renewal of Université Laval's licensing agreement with Copibec.

In the short term, the royalties paid to you by Copibec could drop even more dramatically. All the licensing agreements with the education sector will be up for renewal in 2017. Of course, we very much hope the educational institutions in Quebec will recognize that true fair dealing means paying reasonable royalties when millions of pages are reproduced from copyrighted works every year.

Author and publishers, it's more critical than ever to make your voices heard! Take action so the royalties for your copied works do not disappear entirely. Be sure to contact your provincial MNA and federal MP to remind them about the importance of fair compensation for the use of your works.

In the lawsuit against Université Laval launched by Copibec as representative for authors and publishers, the Quebec Court of Appeal's ruling is expected to be delivered in early 2017 and could have an impact on subsequent developments. We hope the judges examining this case will recognize the scope of this class action.

Winter-themed content on SAMUEL

Special selections for all ages

SAMUEL is offering teachers a compilation of [winter-themed content](#) (mainly in French). Check out the novels, illustrations, photos and song lyrics! You'll find text and images from many authors, illustrators and photographers.

Browse through SAMUEL

You don't need to register to see what's in the catalogue!

If you work in an educational institution at the preschool, elementary, high school or college level, you can access content on SAMUEL by using your Savia account (the same one you use to report your copying online). There are no additional fees because you're covered by your licence. And if you simply want to explore SAMUEL, you don't even need an account. All you have to do is visit copibecdigital.ca!

For more information, feel free to [contact us](#)!

How to remove your works from illegal downloading sites

We were recently informed about the Zonenet.me website, which allows peer-to-peer file sharing in a forum setting. The site lists numerous links for ebook files (in ePub format). The links redirect to downloading sites where the books are available free of charge and apparently without any permission from the copyright owners.

We were especially interested in the Quebec authors section of Zonenet.me, where we discovered a large number of links leading to illegal, easily downloadable copies of books published here. We did a test to see if requests to have works removed from the hosting sites would be effective. Before submitting our requests, we contacted about 10 Quebec publishers whose works had been made available. After confirming that none of the publishers had given permission for the works to be used on the sites, the publishers authorized us to act on their behalf to have the files taken down.

We then took steps with the hosting sites to make sure the rights of authors and publishers would be respected. Our efforts were successful and we're pleased to share the procedure with you below.

Process is simple

On all the hosting sites involved, there is an option (email and/or notification form) for requesting that illegally copied works be removed.

In general, you need the following information to have a work taken down:

1. Identification as the work's copyright owner or as the copyright owner's authorized representative
2. Contact information
3. Identification of the illegally copied works (title, series, author and/or publisher)
4. Exact location of the documents (URL link on the hosting site). Be careful not to refer to the forum page; use the URL link for the site where the illegally copied work is hosted (e.g. Zonenet.me linking to Zippyshare.com hosting site). **You will be required to go directly to the page where the online document is hosted**, which may entail multiple clicks, creating a user account and even viewing ads. This may therefore take

some time.

5. Notification that the works were copied without permission from the copyright owners or their agents and that the copies contravene the Canadian *Copyright Act*. Before proceeding, it's important to make sure permission hasn't been given for downloading the work from the relevant site.

Notification was effective

All the requests submitted by Copibec were processed quickly and the **files were taken down within 24 hours**.

Requesting that the works be removed is unfortunately one of the only options available to Quebec authors and publishers in these infringement cases. In the past, we worked with the RCMP to have copyright infringement cases handled. However, the RCMP no longer gets involved unless Canadians' lives or safety are in danger.

Given the volume of illegally copied files available online and the time needed for each removal request, Copibec isn't able to monitor or give the necessary notifications for all the works in our repertoire. Nevertheless, we can give you support so you can submit your own requests. If you need removal request letter templates or additional information before requesting that works be removed, please do not hesitate to contact Annie Massicotte, our legal intern, by [email](#) or by phone at 514-288-1664 or 1-800-717-2022 ext. 225.

We're continuing to document these copyright infringement cases and we encourage you to be vigilant. Go ahead and [let us know](#) if you encounter any illegally copied works or copyright infringement on other sites.

Annual report

Copibec's [annual report](#) is available online. In addition to the 2014-2015 financial statements, it contains reports from Danièle Simpson, outgoing Chair of the Board, and Frédérique Couette, Executive Director.

In her report, Danièle Simpson noted that "Copibec is still faced with the same issue of weakened copyright, which was unfortunately confirmed last February by the Copyright Board." In a case involving Access Copyright and the Council of Ministers of Education (all provinces except Quebec), the Copyright Board ruled that most of the photocopies made from books, newspapers and magazines in schools could qualify as "fair dealing." Access Copyright has appealed that decision.

The outgoing Chair also pointed out that Quebec had always "shown respect for its writers, artists and copyright owners in general." She added that the "Quebec government must maintain its exemplary attitude and avoid undermining the unanimous commitment by the National Assembly in 2010 to recognize the crucial role of content creators and the importance of intellectual property in the economic model of Quebec arts and culture."

As our Executive Director stated so fittingly, now that the Quebec government is updating its cultural policy, the entire arts and culture sector hopes that "as it did in 2010, the government will reaffirm the need to fully recognize Quebec creators' rights, adequately protect them against illegal copying of their work, apply the private copying principle, and ensure that they receive income reflecting the value of their intellectual property."

Government consultations

It's clear that our governments were in the mood for consultations this past year. Many of those proceedings focused on the arts and culture sector, including the [renewal of Quebec's cultural policy](#), a new digital strategy incorporating a [culture and digital component](#), the [public consultation on educational success](#) and consultations on [Canadian content in a digital world](#). Copibec has participated in and monitored these various consultations by sharing its expertise and highlighting the importance of arts and culture within Quebec and across Canada. It has been widely noted that habits are changing in the digital era but arts and culture remain just as important in terms of

our identity, interconnectedness and economy. The memorandum submitted by Copibec during the consultations on the renewal of Quebec's cultural policy can be viewed [here](#).

Follow us on social media to find out more about what we're participating in and, most importantly, to make sure your voice is heard. Many of the consultations encourage the public to make their opinions known on the issues that will be instrumental in forming our society of tomorrow. It's important for anyone involved in arts and culture to share their views, whether you're an author, visual artist, musician or publisher. Our governments say they're listening so don't miss this opportunity! There's still time to get involved in some of these consultations. Use the links above to get more details.

Showing respect for copyright!



Look for it! Quebec businesses and organizations that recognize the importance of copyright and fair compensation for creators whose works are used can now display the above logo to identify themselves. The logo will be sent to our approximately 5,000 licensees in the coming months when their licensing agreements are renewed.

Copibec's goal is to shine a spotlight and thank the companies, organizations and educational institutions that have signed copying agreements. The logo can be displayed on their websites, indicating to customers, employees and the public that the licensee has taken an ethical approach by respecting the work done by others and recognizing the value of intellectual property.

Unclaimed royalties

Did you know that protection under the *Copyright Act* continues to apply to works, including out-of-print and very old works, even if the author, publisher or their successors cannot be located? Fortunately, the Act makes it possible to use those "orphan" works legally. The Copyright Board has the power to issue a licence to anyone who makes a [request](#) for a work whose copyright owner cannot be located. The rightful copyright owner then has five years after the licence expires to identify him or herself and collect the relevant royalties.

To carry out its role, the Copyright Board has reached agreements with the various collective licensing agencies as a logical extension of their mandate, which is to protect the rights of creators and publishers. Depending on their sector of activity, the agencies also take part in the search efforts, recommend terms and conditions for licences and keep the collected royalties in reserve.

Under the [licences granted](#) in recent years, Copibec is currently holding royalties for the use of the following works:

- Collective work. **La Revue de Manon**, Montreal [Emma GENDRON éd.], 1925-1931
- Collective work. **La Revue du Foyer**, Montreal [Emma GENDRON & Joseph-Arthur HOMIER éd.], 1929-

1931

- Collective work. Programs of the **Montreal Repertory Theatre**, Montreal: [n.p.], 193?-1960
- Collective work. Programs of the **Théâtre Arcade**, Montreal: [n.p.], 194?-1949
- d'AUTEUIL, Marie-Louise (text); Le TESTUT, Gérard (illustrations). **Mémoires d'une souris canadienne**, Montreal, Éditions Albert Lévesque / Librairie d'Action canadienne-française limitée (collection Les Récompenses), 1932
- DAVELUY, Marie-Claire (text). **Les Aventures de Perrine et de Charlot**, Montreal, Bibliothèque de l'Action française, 1923
- DAVELUY, Marie-Claire (text). **La captivité de Charlot**, Montreal, Librairie Granger Frères limitée, 1938
- FOREST, Marguerite and OUIMET, Madeleine (text). **Mon premier livre de lecture** (rev. ed.), Montreal, Granger Frères, ©1943
- FOREST, Marguerite and OUIMET, Madeleine (text). **Mon deuxième livre de lecture**, Montreal, Granger Frères, 1959, ©1943
- LUDA, pseudonym of Ludmilla SCHNITZER, née MAKOWSKY (text). *Vassilissa-la-très-belle*, excerpt from **Contes russes**. Paris, Scanéditions / La Farandole, 1993
- MARCHAND, Gérard. **Le régiment de Maisonneuve vers la victoire**, 1944-1945. Montreal, Presses Libres, 1980
- MÉLANÇON, Claude (text). **Par terre et par eau**, Quebec City, Le Soleil, 1928
- NELCYA (text). **Nogard ou Le Dragon qui voulait apprendre à vivre**, Montreal, Les Éditions la Courte Échelle, 1981
- PAGÉ, Jean-Charles. **Les Fous crient au secours**. Montreal, les Éditions du Jour, 1961
- TESSIER, Pierre. "Arthur Prévost, le 10 janvier 1969, à l'occasion de son 6000e article", photograph, January 10, 1969

If you have information about any of these works or if you hold the rights, please contact Simon Éthier, Licensing and User Services Officer, by [email](#) or by phone at 514 288-1664 or 1-800-717-2022 ext. 224.

In addition, Copibec is looking for more than 3,000 copyright owners (authors, illustrators, translators and certain publishers) whose book excerpts, newspaper articles or magazine articles have been copied. You or someone you know may be owed money! Please visit the [Copibec is looking for you!](#) section of our website to find out more.

Copyright news from Canada and beyond

Copyright owners across Canada hard hit by “fair dealing”

Access Copyright, which is the equivalent of Copibec for all provinces except Quebec, has announced that the royalties it will pay out in 2017 are expected to fall by 55%. This dramatic decline will affect many Copibec members whose works are copied in educational institutions outside Quebec.

To find out more about the reasons for this decrease, read the article in [The Book Seller](#).

Cultural content is very profitable for Web giants but not creators

Cultural content is a big money-making machine for the Web giants. A study shows that a quarter of their revenue is

generated by that content. In France, the value is over €500 million. But at the same time, the major Web companies pay very little in royalties to creators.

Read the article (in French) by [Les Affaires](#) or the complete study (in English) by [Roland Berger](#) .

Myths and facts about copyright review in Canada

“Copyright only helps big corporations.” This persistent myth will be repeated often in 2017 as the federal government undertakes its review of the *Copyright Act*. Hugh Stephens does a good job demolishing this faux fact and demonstrates that copyright is a major economic driver.

Read the post in the [Hugh Stephens blog](#).

Copyright will remain in the spotlight in 2017

2017 will be a crucial year for copyright protection. The five-year review of the *Copyright Act* will get underway and rulings are expected in pending lawsuits. For background and an overview of what’s to come, read the [article in University Affairs](#).

Recording industry takes on YouTube-MP3

Major players in the recording industry are working together to stop *youtube-mp3.org* from “stream-ripping.” The free site allows soundtracks from YouTube videos, including song videos, to be illegally converted into MP3 files.

Read the article in [Ars Technica](#).

Copyright protection on social media

Social media can be a real challenge for individuals and organizations who want to protect their copyright. Online content is shared with thousands of others and it becomes difficult or even impossible for copyright owners to make sure their rights are respected. What can we do personally and collectively to protect our rights?

Find out more in the article at [Canadian Lawyer Mag](#).

Facebook cracking down on pirated music

Facebook has become an effective way to obtain goods and services. But that also makes it an easy way to access pirated content. An anti-piracy group has motivated Facebook to shut down various groups that were distributing music illegally.

To find out more, read the article at [Business Insider](#).

When does inspiration become infringement?

Is it possible to be inspired by others’ work without being accused of copyright infringement? There’s a fine line between inspiration and infringement. Copyright specialist Hugh Stephens shows how blurred that line can be by describing the many accusations and lawsuits in recent years among writers, musicians and directors.

Read the post in the [Hugh Stephen blog](#).

Beatles-related companies sued for Shea Stadium footage

The Ron Howard documentary *Eight Days a Week* about the Beatles' touring years is embroiled in some copyright controversy. A lawsuit has been filed about ownership of 30 minutes of footage from a remastered version of the Beatles' famous concert at New York City's Shea Stadium.

To find out more, read the article by the [Hollywood Reporter](#).

McDonald's sued for unauthorized use of graffiti

It's true: graffiti is protected by copyright. However, McDonald's has continued to use the works of acclaimed artist Dash Snow without permission despite lawsuits filed by the late graffiti artist's family.

Read the article in [The Fashion Law](#).

On the move

Long-time employee Patricia Whitford, Surveys and Reporting Coordinator, has left Copibec. We're sorry to see her go. She had been with us since the beginning, going back nearly 20 years! She started as the friendly voice of Copibec, serving as receptionist before becoming a reporting officer. Throughout those many years, Patricia processed thousands of Excel files and analyzed millions of copy log entries to make sure that royalties could be paid to the authors and publishers of the copied works. She toiled behind the scenes doing a very important job for our copyright collective and the owners we represent. We'd like to thank her for her hard work and involvement and wish her best of luck. We're confident she'll enjoy much success in her new endeavours. Her contagious laughter will be missed!

The entire Copibec team wishes you a Happy New Year!

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