



June 3, 2015

[CB-CDA 2015-032]


File: Access Copyright – Post-Secondary Educational Institutions Tariff (2011-2013)

ORDER OF THE BOARD

Access Copyright is asked to answer the following questions by no later than **Friday, June 26, 2015**. Mr. Maguire can provide a response no later than **Friday, July 3, 2015**.

1. On December 9, 2014, Access announced that it will be offering, beginning July 1, 2015, one-year and three-year Premium and Choice licences to post-secondary educational institutions. The Premium licence will cover paper and digital copying at rates of \$18/FTE for universities and \$8/FTE for colleges (one-year term), or \$15/FTE for universities and \$7/FTE for colleges (three-year term). The Choice licence will cover handouts and e-mail attachments at rates of \$6/FTE (one-year term) or \$5/FTE (three-year term) for universities and colleges, accompanied by a rate of 12 cents per page for coursepacks and digital uploads.
 - a) Please explain the basis on which these rates were arrived at.
 - b) Has Access' position with respect to the royalties sought under the Access Copyright Post-Secondary Educational Institutions Tariff (2011-2013), namely \$26 for universities and \$10 for other educational institutions, changed? If not, please explain why the value of the licence would apparently have gone down considerably between the period 2011-2013 and the periods for which the Premium and Choice licences apply.
2. The term of the AUCC, ACCC and Proprietary model licences is from January 1, 2011 to December 31, 2015. What is the impact of the new rates announced by Access in December of 2014 on the licences entered into by universities and colleges, particularly in respect of the period for which there appears to be an overlap (July 1, 2015 to December 31, 2015)?
3. Evidence in the 2011-2013 Tariff proceeding (AC-15, Supplementary Levy et al. Witness Statement, paras. 3-9; AC-2, Witness Statement of Levy et al., paras. 47-48) indicates that, as of December 31, 2013, 22 ACCC institutions had entered into the 2012 ACCC Model Licence and 60 had not; 63 proprietary colleges had entered into the 2012 Proprietary Colleges Model Licence and 82 had not; and 35 AUCC institutions had entered into the 2012 AUCC Model Licence and 22 had not (including University of Toronto and University of Western Ontario, whose licences expired on December 31, 2013 and were not renewed).
 - a) Are these figures still accurate? If not, please provide updated figures.

- b) Of those who have signed one of the 2012 model licences, have some institutions attempted to renegotiate the rates and structure of their licence with Access after it made its announcement in December of 2014?
 - c) Of those who did not sign one of the 2012 model licences, have some attempted to negotiate a licence with Access based on rates and structure different than those offered in one of the 2012 model licences?
 - d) If licences with different rates and structure have indeed been renegotiated or negotiated, what are the rates and structure that have been agreed upon?
4. Have some institutions entered into, or are in discussions with a view to enter into, a Premium or Choice licence with Access for the period beginning July 1, 2015? If so, please indicate how many there are, their type (universities, colleges, proprietary colleges) and whether they have formally entered into a licence with Access or are still at the negotiations stage.



Gilles McDougall
Secretary General