

May 30, 2012

Dear Jean-Yves Leduc and Leslie Weir,

Thank you for your time in presenting the developing situation with respect to copyright, over the course of meetings held with the *Association of Professors of the University of Ottawa* (APUO) in April and May 2012.

Following discussions with you and having consulted with members and experts of our university community, we encourage the university to operate independently and *not sign* the recent copyright model licence as negotiated between the *Association of Universities and Colleges of Canada* (AUCC) and *Access Copyright*.

We recommend continuing the investigation, discussion and investment in expanding the university's Copyright Office to create a local Copyright Information Centre that would work more efficiently and would better serve the interests of the university, research community and respective rights holders.

The model licence is unsound for the following reasons:

- the terms outlined in this agreement are found to be untimely, given the debate of Bill C-11 this month in the House of Commons;
- licensing via *Access Copyright* is deemed unnecessary in the majority of cases and services will be better managed locally;
- there will be negative consequences associated with unnecessary costs to students, researchers and faculty.

Concerning the timing of this agreement

While details of Bill C-11 (Copyright Act) are still being settled in Parliament, it would be premature to sign a licence with *Access Copyright*, especially for the proposed five-year term period, before all sides have a chance to reflect upon and examine the outcomes from this process.

Concerning the unnecessary need to pay Access Copyright

Access Copyright will not disclose its list of rights holders. In other words, we don't know what we are getting for our money. The university pays millions of dollars every year for fully-licensed research material in the form of electronic databases and journals and is a proponent of *open access*. In many cases, we have already paid to ensure the materials we share, circulate, and consult are all covered under the Copyright Act. In accepting *Access Copyright's* terms, we will potentially be paying for resources which we have already licensed. This deal fosters an ideology of blindly making duplicate payments on prepaid resource usage rights.

Furthermore, the model licence does not realistically define the difference between copying versus linking to documents, nor does it take into account the multiple modes and paths a single user might use to read an online document on different occasions, and in so doing, hampers the end-user by creating new barriers to accessing research and learning in our institution. For example: a student might download an article to a mobile device, then email it to himself and finally save it to a dropbox drive (the cloud). Whether or not these constitute "multiple copies" where extra coverage might be required, is unclear.

Concerning cost to students and researchers

The model licence includes a price increase of \$3.38 to \$26 per student. It is speculated that this cost could be passed on to all students, although only a percentage are using *Access Copyright* protected material. That means students will pay \$26 per year, \$100 (or more) in total, as they complete their degree at the University of Ottawa, without ever seeing any direct return on their individual investments.

In conclusion, APUO urges the University of Ottawa not to take the easier, but more costly step of paying an unaccountable and non-transparent licensing agency. In the spirit of a school that is poised to lead other Canadian universities by having become internationally recognized as a top research institution, it behoves us to listen to students and researchers who have voiced strong statements against accepting the model licence. APUO stands in solidarity with scholars and intellectuals who have recognized that this is a key opportunity to play a leadership role by rejecting the model licence and working toward better-managed solutions that are fair to our students and faculty, at the same time recognizing our obligations to rewarding the rights holders.

Yours truly,

A handwritten signature in black ink, appearing to read "Christian Rouillard". The signature is written in a cursive, flowing style.

Christian Rouillard, Ph.D.

President