

# York University to appeal recent copyright decision

July 31, 2017



## ***Statement from Maureen Armstrong, General Counsel, York University***

“As many will know, in 2013 Access Copyright launched a lawsuit against York University and recently, the Federal Court issued its decision in the first phase of that litigation.

The lawsuit followed changes to the *Copyright Act* and a series of Supreme Court of Canada decisions in 2012 that had significant impact on educational institutions. Fair dealing is an important exception to copyright that attempts to balance the rights of the copyright owner with the needs of users, who require access to copyrighted material to pursue their research, studies and/or education. Fair dealing practices are currently in use at universities across Canada.

We take matters of copyright law very seriously. Our Fair Dealing Guidelines are intended to reflect a balance between the interests of creators, publishers and of users and function within a system that continues to include the University spending millions of dollars per year on licenses and acquisitions.

In the Access Copyright lawsuit, two questions were at issue: whether the Interim Tariff issued by the Copyright Board of Canada is mandatory and enforceable and whether York’s fair dealing guidelines were “fair”. While the Court found in favour of Access Copyright and against York University on both these issues, York University has decided to appeal the decision to the Federal Court of Appeal in advance of the October 2, 2017 deadline.

York will continue to respect copyright law, including during the appeal process, through a comprehensive system that includes permissions, library licenses and acquisitions, transactional licenses and application of the fair dealing provision of the Copyright Act.

The University will continue to seek potential improvements to our system of copyright compliance and will make modifications where prudent.”

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### **For more information:**

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