

Access Copyright Background – for League of Canadian Poets Members

History

Access Copyright is a not for profit agency created under legislation in 1988 (the first version was known as Cancopy) to collect revenue for owners of copyrighted text when their work is photo-copied. It was intended for authors and creators – and the Repertoire Payment, last year, \$496, is sent out annually to writers whose work is not identified, but share in the money paid, largely by federal and provincial governments and the education system, under photo-copying licences granted by AC. Over the years, publishers have moved into the system and now only about 25% of the collective pie passes to writers – it was 100% at the beginning. Writers have complained for the past decade, including the League and Writers Union of Canada and this resulted, after much refusal, in a report being commissioned and written by Martin Friedland, a law professor with expertise in the legal, financial and statistical issues.

The Friedland Report has been called a ‘stunning indictment’ of AC. AC did not release the document for more than a year, until sustained complaint was levelled by writers and it had to. The report can be found on their website – an annotated and slanted version. The responses detail the positions they have taken, very much toward large publishers – now even the smaller presses who publish most of the written culture of this country have seen their shares reduced.

Note the disparities: in 2005 the largest publisher received \$1.7 million, the highest cheque to a writer was slightly above \$7000 - or 0.4% - while Repertoire writers received \$496 – or 0.03%. Our best evidence is that the largest publisher’s figure for 2008 will be \$4 million.

What the League is Doing

Since the LCP AGM in Newfoundland, the President and LCP representative to Access Copyright have been taking AC to task – a difficult thing to do, as AC has a \$37,285,000 budget (2007) and we are volunteers. This is very much the little guy taking on the big guy and the LCP is standing up for the rights of poets. When at the AGM, we asked the LCP membership to support pressing the following issues which Access Copyright has so far not responded to adequately, in terms of the Friedland report, and in terms of our concerns as a creator group member of Access Copyright:

(1) redressing the imbalance of revenue distributions between creators and publishers, with the publishers receiving the "lion's share", to improve the creator share of reprographic revenue distribution; (2) including preventing contract splits which unbalance the overall distribution of the revenue distributions; (3) protecting and improving the revenue splits represented by repertoire payments to creators; (4) refreshing and renewing our collective licensing agreements, and the governance of the association the LCP is a member of, and many of us are affiliates of, to better represent the moral rights and collective agreements rights of creators through Access Copyright.

The creator-group members of Access Copyright did succeed in achieving a creator group meeting prior to the September Board meeting of Access Copyright. While not all creator group members were able to attend, an impressive number did attend or send representatives. All creator group members – there are 18 - of Access Copyright were invited, and have been kept informed since, as best we can manage. We presented a position paper of concerns identified by consensus in the creator group meeting to the Access Copyright Board. We also made it clear at the time that the LCP would also express its more specific concerns independently. It was our impression at the time that while the Access Board members present listened for the most part politely, the Board pretty much presented a solid wall of resistance to any change which would properly address the concerns the creator groups raised.

Since then, some controversial issues in terms of process and points of information have arisen and have been faced down, again, to the best of our ability. The main focus of our efforts is this: while the League of Canadian Poets may be regarded by some as a rather small fish, we have raised big issues. We are not satisfied with the current state of affairs, and are not going away quietly. This means a lot of time and energy has been spent so far on this very serious situation, especially by your President, and there is more rough water ahead.

The LCP issued a press release and a letter from our President to various federal government departments and the media following the September creator-group meeting, and the presentation to the Access Copyright Board, stating our concerns, and calling for a public audit, an efficiency audit, an effectiveness audit and a public enquiry.

We are now awaiting response from: (a) the other creator group members of Access Copyright, who are working to become better informed about the issues, and who will, we hope, support the LCP call for change; (b) the present Board of Access Copyright, which has not yet issued a formal response to the issues and concerns and requests for change the creator groups presented to the Board meeting in September, (c) the federal government.

We appreciate the continued support of the LCP membership as we work to represent the interests of creators in our Canadian reprography collective, Access Copyright. Please refer to the LCP website for copies of current information on this issue.

Cathy Ford, LCP AC Representative