

OCULA Resolution on Opposition to Access Copyright License Agreements

WHEREAS there exist model license agreements between Access Copyright and the Association of Universities and Colleges of Canada (AUCC) and between Access Copyright and the Association of Canadian Community Colleges (ACCC), and

WHEREAS there exist agreements between Access Copyright and the University of Toronto and between Access Copyright and the University of Western Ontario, and

WHEREAS the Canadian Association of University Teachers (CAUT), the British Columbia Library Association (BCLA), the Atlantic Provinces Library Association (APLA), the Manitoba Library Association (MLA), the Newfoundland Labrador Library Association (NLLA), the Progressive Librarians' Guild (PLG) as well as many leading copyright scholars in Canada have taken strong positions against the Access Copyright licenses, and

WHEREAS the addition of "education" to the fair dealing categories, and the broad support for fair dealing in the Supreme Court's pentalogy rulings of July 2012 provide further support for the position that the Access Copyright license does not provide any additional value to institutions beyond their existing rights, and

WHEREAS the fee structure is inequitable to students on whom the costs are imposed, and

WHEREAS several provisions in the license agreements limit the use of emerging technologies and increase the potential for monitoring and surveillance,

BE IT RESOLVED THAT the Ontario College and University Library Association (OCULA):

1. Stands opposed to the Access Copyright license agreements, including the AUCC and ACCC Model Licenses and the separate licenses with the University of Toronto and the University of Western Ontario,
2. Urges Canadian post-secondary institutions not to enter into this licensing agreement,
3. Encourages those who have already signed to exercise their termination options as soon as possible, and
4. Recommends that institutions move toward the construction of systems of knowledge creation and sharing based on fair dealing, open access, site licensing as well as transactional licenses where they are needed.

Moved by: Marni Harrington

Seconded by: Kristin Hoffmann