



Canadian Federation of Library Associations
Fédération canadienne des associations de bibliothèques

Unanimous Supreme Court of Canada Decision is a Major Win for Education and Libraries in Canada: Confirms Tariffs Not Mandatory and Reiterates Users' Rights and Fair Dealing Principles

August 10, 2021 - On July 30, 2021 the Supreme Court of Canada (SCC) released its judgment in *York University v. Canadian Copyright Licensing Agency (Access Copyright)*. In a major win for libraries and educators, the SCC upheld that the tariffs offered by Access Copyright are not mandatory for non-licensees, and that Access Copyright cannot sue for infringement in this case. Further, the Court reiterated that the six factors of fair dealing are to be considered from the perspective of the end user and not only from the institutional perspective.

This decision is consistent with the legislative intent of Parliament in copyright law going back nearly a century, and builds upon the spirit of decades of cohesive Supreme Court decisions on fair dealing and copyright. With the release of this decision, libraries and their user communities can continue to exercise their users' rights to access and support Canadian culture and expression.

The library community applauds York University and the many intervenors representing the public interest in copyright in Canada.

Canada's libraries spend hundreds of millions annually on collections and provide spaces for authors to write, discuss and promote their work. The Library community will continue to engage in ongoing respectful dialogue with creators and publishers that reflects our mutual goals of supporting culture and protecting the public good. Ensuring the vibrancy of, and access to, Canadian publishing across all sectors is in keeping with the public interest goals of libraries.

Canadian libraries will continue to publicly advocate for copyright law that is balanced between the rights of users and rights of creators; a balance that has been asserted repeatedly by the SCC and reconfirmed in this unanimous decision.

The Canadian Federation of Library Associations/Fédération canadienne des associations de bibliothèques (CFLA-FCAB) is the united voice of Canada's libraries. We work to influence public policy, advance library excellence, and raise the visibility of libraries in Canada to advance our national intellectual, social, economic, and cultural success. Our membership includes national, provincial, territorial, regional, and specialization library associations across Canada.