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News / CAUT challenges copyright ruling against York

In a setback for balanced copyright rules, the Federal Court has sided with Access Copyright in a case against York University. The case centred on the question of whether copying practices at York were subject to an Access Copyright tariff, and whether copies made within York's fair dealing guidelines met the test of fair dealing under the Copyright Act.

Largely ignoring earlier Supreme Court rulings, Justice Michael Phelan rejected York's fair dealing approach and found that the tariff is mandatory.

"We are very disappointed with the decision, and believe the court erred on the application of fair dealing and the mandatory nature of the tariff," said CAUT executive director David Robinson.

Robinson says fair dealing allows the use of copyright-protected works, without permission from or payment to rights holders, if the material is used for research, education and other specified purposes, and meets certain fairness standards.

"It's important that the education community work to preserve the principle of fair dealing and the rights of users to use copyrighted material for education and research," Robinson added.

York University has announced it is appealing the decision, and CAUT along with the Canadian Federation of Students is seeking to intervene before the court.

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