

Memorandum

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TO: Board of Governors
FROM: Professor Christopher Manfredi, Provost and Executive Vice-President (Academic)
SUBJECT: Renewal of Licensing Agreement with Copibec
DATE: May 16, 2024
DOCUMENT #: GD23-68
ACTION REQUIRED: INFORMATION APPROVAL/DECISION

ISSUE & EXPECTED OUTCOME Approval is requested for the renewal of the *Convention concernant la reproduction d'oeuvres littéraires* between McGill University and the *Société québécoise de gestion collective des droits de reproduction* (Copibec).

BACKGROUND & RATIONALE Copibec is a not-for-profit organization founded in 1997 by the [Union des écrivaines et écrivains québécois](#) (UNEQ) and the Association nationale des éditeurs de livres (ANEL). Various other organizations representing newspaper and periodical authors and publishers and visual artists are also [members](#) of Copibec. Copibec acts as an agent on behalf of many authors and publishers with respect to the right to reproduce their printed and digital works.

Agreements between Quebec universities and Copibec have been in place since 1987. The Copibec licence with the majority of Quebec universities regulates the creation and distribution of course packs, which is the production of multiple copies of works for teaching. The licence specifies limitations on what can be reproduced (such as number of pages, percentage of total work, type of work) and the payment of fees. Such agreements are similar to agreements in the rest of Canada between some Canadian universities and Access Copyright, which is brokered by the Association of Universities and Colleges of Canada.

McGill's current agreement with Copibec, effective from June 1, 2021 until May 31, 2024, was approved by the Executive Committee of the Board of Governors at its meeting of December 6, 2021. As the date of expiry for the agreement is approaching, McGill as well as other Quebec universities are asked to seek governance approval of a new agreement.

The new 3-year agreement (valid from June 1, 2024 to May 31, 2027) provides for a reduced rate of \$12.10 per FTE for the entire term of the

agreement for the reproduction of copyrighted works, compared with \$13.50 per FTE in the expiring agreement. This change represents a reduction of 10.37% and a system-wide saving of over \$300,000 per year. The new agreement also maintains the gains of previous negotiations, such as the right to reproduce 20% of a work, which was raised from 15% with the last agreement.

ALIGNMENT WITH MISSION AND STRATEGIC PRIORITIES	In granting the University the right to reproduce printed and digital works for teaching purposes, the proposed agreement supports the University's core mission in teaching and learning.
COMPLIANCE WITH UNIVERSITY POLICY	The proposed agreement is in compliance with University policies.
COMPLIANCE WITH LEGISLATION/ EXTERNAL REGULATIONS	The agreement is in compliance with provincial legislation and has been reviewed by Legal Services
RISK FACTORS	Signing a new 3-year agreement with Copibec ensures that McGill is protected from copyright compliance risks in a legal and regulatory environment that continues to evolve with respect to copyright and the concept of fair dealing as applicable to higher education. Signing a new agreement also ensures that McGill remains in alignment with the rest of the Quebec universities.
SUSTAINABILITY CONSIDERATIONS	The agreement will be carried out according to McGill's current policy and procedures for sustainability.
IMPACT OF DECISION AND NEXT STEPS	Should the Board of Governors approve the new licensing agreement, the agreement will be signed by representatives of McGill University and Copibec, securing the agreement for a three-year period.
MOTION OR RESOLUTION FOR APPROVAL	<i>Be it resolved that the Board of Governors, on the recommendation of the Provost and Executive Vice-President (Academic), approve the 2024-2027 Convention concernant la reproduction d'oeuvres littéraires between The Royal Institution for the Advancement of Learning/McGill University and Copibec, effective, from June 1, 2024 until May 31, 2027;</i> <i>Be it further resolved that the Board of Governors authorize the Provost and Executive Vice-President (Academic) to sign the Convention and any accessory documents on behalf of the University.</i>
APPENDICES	<i>Convention concernant la reproduction d'oeuvres littéraires entre l'Université McGill et Copibec (2024-2027) is available upon request.</i>
