



Société québécoise de gestion collective des droits de reproduction

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FOR IMMEDIATE RELEASE

COPIBEC GETS GREEN LIGHT TO SUE UNIVERSITÉ LAVAL

MONTREAL, February 9, 2017 – In a decision announced yesterday, the Quebec Court of Appeal has authorized a class action by the *Société québécoise de gestion collective des droits de reproduction* (better known as Copibec) against Université Laval on behalf of all authors and publishers from Quebec, the rest of Canada and other countries. This decision overturns the February 2016 ruling by the Honourable Justice Beaupré of the Quebec Superior Court.

Gilles Herman, Copibec’s Chair of the Board, was pleased that the Court of Appeal overturned the initial ruling, approved Copibec’s motion and agreed to designate Copibec as the authorized representative for the group of claimants in the class action lawsuit. “We hope this will motivate the University community to react and put pressure on the University’s rector to resolve this disgraceful situation,” he noted. **Claude Robinson**, who attended the hearings, was also pleased with the ruling which he said would have “a crucial impact on the lives of Copibec members.”

The Quebec Court of Appeal, composed of Justices Gagnon, Bélanger and Mainville, delivered this unanimous ruling in Copibec’s favour following hearings held on November 23, 2016 and subsequent deliberations. Outlining the reasons behind the Court’s ruling, Justice Gagnon wrote that this class action is intended to help ensure that authors have access to justice while preserving legal resources and, if applicable, efficiently punishing behaviours that would otherwise remain beyond the reach of judicial intervention because of the limited degree of injury when considered in individual terms. He concluded that the action proposed by Copibec meets all these higher-level considerations (ref. subsection 86).

Since June 1, 2014, Université Laval has no longer been requesting permission from authors and publishers and has stopped paying royalties when copyrighted works are copied in coursepacks sold to students or made

available to them online. The Quebec City-based university copies more than 11 million pages from over 7,000 works each year. It is the only educational institution in Quebec to take this approach. All the other institutions have been issued comprehensive copying licences from Copibec and have agreed on the royalties payable for copying.

On November 10, 2014, Copibec, with the support of many organizations representing authors, publishers and Canadian and foreign collective licensing agencies, filed a motion with the Quebec Superior Court to obtain authorization to launch a class action. In addition to asking the Court to order Université Laval to stop its illegal copying activities, Copibec is seeking material, moral and exemplary damages in the amount of approximately \$4 million per year on behalf of all persons whose copyright has been infringed.

On March 10, 2015, a group of 34 Quebec authors, including Michel Tremblay, Marie Laberge and Yann Martel, co-signed [an open letter](#) that was published in French in the Montreal daily *Le Devoir* in which they criticized Université Laval for failing to pay fair compensation to content creators. A [second open letter](#) signed by 25 authors and 60 publishers was published in *Le Devoir* in French on June 6, 2016 and highlighted the inconsistencies between the university's copyright approach and its claims that it plays a fundamental, innovative educational and research role and is committed to our society's sustained development.

Many European reproduction rights organizations, publishers and authors have expressed their frustration on this issue to the Quebec government.

Authorization for a class action is the preliminary stage in this legal process. Copibec's next step is to go back to the Superior Court, which will rule on the merits of the case itself.

Daniel Payette, the lawyer representing the parties in the class action, pointed out that the authors and publishers involved do not have to take any specific steps to participate in the lawsuit. Anyone whose copyrighted works have been reproduced without permission will automatically be included in the class action and will be kept informed as the legal proceedings progress.

For more information, please go to the [Copibec website](#) or send an email to info@copibec.qc.ca

ABOUT COPIBEC

Copibec, whose official name is the *Société québécoise de gestion collective des droits de reproduction*, is a not-for-profit organization created in 1998 by the *Union des écrivaines et écrivains québécois*

(UNEQ) and the *Association nationale des éditeurs de livres* (ANEL) to manage the reproduction rights for copyright protected works in print and digital formats. It has the authority to manage the reproduction rights of thousands of Quebec publishers and authors as well as the authors and publishers represented by reproduction rights organizations in 33 countries, including the United States, France and Belgium.

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