



Canadian Association of University Teachers  
Association canadienne des professeurs et professeurs d'université

June 19, 2012

Dr. John McKendry  
Acting President  
Kwantlen Polytechnic University  
12666 72nd Avenue  
Surrey, British Columbia  
V3W 2M8

Dear Dr. McKendry:

I am writing because I understand that Kwantlen has signed a letter of intent to accept the AUCC-Access Copyright model agreement. I want to urge you to reconsider the decision to accept that badly flawed agreement which is not in the interests of your institution, its faculty, or your students.

The problems with the model agreement are many – exorbitant fees, unacceptable surveillance, restriction of scholarly communication, deeming the sending of a url to be “making a copy”, and coercion to remain under license. What is particularly surprising is that AUCC would have agreed to this model arrangement at the time it did – just as the federal government is about to pass a new copyright act that extends fair dealing to education, when there are several important intellectual property cases before the Supreme Court that are likely to further extend the Court’s already liberalized conception of fair dealing, and when a greater portion than ever of intellectual property is accessible without permission or payment to Access Copyright because of widespread use of site licenses, open access, and greatly expanded court recognition of fair dealing.

We have provided a very detailed backgrounder on the model agreement which you will find at <http://www.caut.ca/pages.asp?page=1079&lang=1> . I would also draw your attention to Prof. Michael Geist’s “Why Universities Should Not Sign the Access Copyright - AUCC Model Licence” -<http://www.michaelgeist.ca/content/view/6507/125/>. Geist is the Canada Research Chair in Internet and E-commerce Law at the University of Ottawa and one of the leading intellectual property experts in the country.

We understand the risk aversion that is perhaps the only thing that would impel a university to sign such a bad agreement. Fortunately, a growing number of universities are doing the right thing in rejecting the Access Copyright agreement. To this point, these include UBC, Winnipeg,

.../2

UNB, Athabasca, Windsor, York, Waterloo, and Mount Royal. We urge you to do the right thing by having Kwantlen join this list. CAUT will do anything it can to support universities that act in their own interests and in the interests of their students and faculty by refusing to accept this very bad deal.

Yours sincerely,



James L. Turk  
Executive Director

/mmp

cc: Terri Van Steinburg  
Cindy Oliver