

PHOTOCOPYING OF PUBLISHED WORKS IN COMMUNICATIONS CANADA

REPORT OF A SURVEY

by

Françoise Hébert

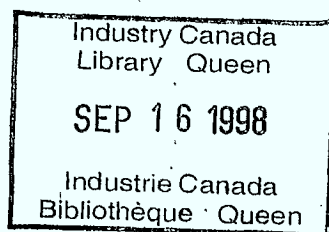
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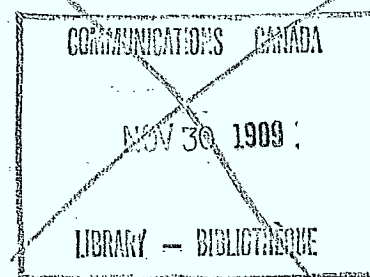
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Communications Canada

Project Authority

Denis Guay
A/Director
Copyright Directorate
Communications Canada
Tel: (613) 990-4220

Project Liaison

Raymond Lepage
Policy Advisor
Copyright Directorate
Communications Canada
Tel: (613) 990-4223

Consultants

Project Director

Françoise Hébert
Information Resources Consultant
7 Thornwood Road, Suite 302
Toronto, Ontario
M4W 2R8
Tel: (416) 926-1902
Envoy: FM.HEBERT
Fax: (416) 962-0293

Statistical Services
and Data Analysis

Ray Ferris and Vladimir Kadlec
R.M. Ferris Research
27 Park Road
Toronto, Ontario
M4W 2N2
Tel: (416) 962-0291
Fax: (416) 962-0293

Translation Services

Cartier et Lelarge Inc.
5585, av. Monkland, Bureau 100
Montréal, Québec
H4A 1E1
Tel: (514) 486-4767

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Françoise Hébert
Project Director

SUMMARY

The purpose of this project was to provide data on photocopying in the offices of Communications Canada, estimate the proportion of copies that might be covered by a licence agreement with photocopying collectives, and design a methodology for surveying the volume and content of photocopying in federal government offices across Canada.

SURVEY METHODOLOGY

An inventory was made of photocopying machines located on the premises of Communications Canada offices across Canada, and the annual volume of exposures was determined for each machine.

Every one of the 88 copying machines in the department was logged by survey staff over several days in March 1989. Data from 8,178 copying transactions representing 86,873 copies was collected, weighted and analyzed. A sample of this size is accurate plus or minus 0.33 percentage points, 95 times out of 100. For copies from published works, data is accurate plus or minus .96 percentage points, 95 times out of 100.

SURVEY FINDINGS

In 1988, approximately 14.5 million exposures were made on the 88 photocopying machines located on the premises of Communications Canada.

In our survey, we found that 88 per cent of all copies were made from unpublished works such as correspondence, internal reports, invoices, administrative or personal material. Only 12 per cent of copies were made from published works such as books, periodicals or newspapers. The major characteristics of copies made from published works were:

TYPE	Government documents	32%
	Periodicals	27%
	Books	15%
	Other types of works	15%
	Newspapers	11%
GENRE	Non-fiction	79%
	Map, chart, graph	9%
	Drawing, artistic work	4%
	Photograph	4%
	Advertisement	4%
	Poetry or lyrics	2%
	Fiction	1%
	Drama	-
COUNTRY OF PUBLICATION	Music score, sheet music	-
	Canada	57%
	U.S.A.	34%
	France	6%
	Great Britain	2%
LANGUAGE	Other countries	1%
	English	67%
	French	21%
	Bilingual English and French	12%
YEAR OF PUBLICATION	Other	-
	Prior to 1988	36%
ORIGINAL PAGES COPIED	After 1988 (14-15 months)	64%
	Single original page copied	12%
	Between 2 and 10 pages	37%
	More than 11 pages copied	51%
MULTIPLE COPYING	One copy of each original page	49%
	Multiple copies	51%
PORTION COPIED	Up to 2 per cent	6%
	Between 2 and 10 per cent	18%
	Between 11 and 20 per cent	13%
	Between 21 and 99 per cent	8%
	Complete item copied	55%
	Complete article copied	81%
	Portion only copied	19%

LICENCE AGREEMENTS FOR PHOTOCOPYING

A primary reason for conducting this survey was to determine the proportion of copies that might be covered by and subject to payment under a copying licence with collectives. Photocopying collectives seek compensation based on the nature, volume and use of copies made. Because of this, it is important to realize that some copying does not infringe copyright, or is not covered by licence agreements.

1. Works in the public domain may be freely copied.
2. Copying less than a substantial part of a work is not an infringement of copyright.
3. Some copying is permitted by specific exceptions in the Copyright Act.
4. It is not an infringement of copyright to deal fairly with a work for the purposes of private study, research, criticism, review or newspaper summary.
5. Some published works may not be represented by collectives.

We constructed a model to demonstrate that accurate data can provide valuable assistance in the negotiation of a photocopying licence, ensuring that payment is made only for copies for which payment is due. Our model showed that about 58 per cent of copies made from published works, or about 6.9 per cent of all copies made annually on Communications Canada machines, might be subject to payment to a photocopying collective. This translates to about 445 payable copies per employee.

A simple projection of this amount to the 228,000 employees of the federal government suggests that about 102 million copies per year might be subject to payment to a photocopying collective. If the negotiated price per page were 2 cents, as it is in Australia, the cost of an annual licence for photocopying in all federal government offices could be approximately \$ 2 million dollars per year. If the price per page were 3.45 cents, as it is in Norway, the annual cost of a federal government photocopying licence would be about \$3.5 million dollars per year.

METHODOLOGY FOR A FEDERAL GOVERNMENT SURVEY

Communications Canada is one of approximately 140 departments and agencies of the Government of Canada. Substantial and representative data will be needed to ensure that certain objectives are achieved in the negotiation of a photocopying licence:

- * The copying guidelines must permit all or substantially all of the copying that routinely occurs on government machines.
- * The cost of the licence must be fair. Payment should be made only for copies for which payment is due.

The following sampling plan would provide the data necessary for effective negotiation with photocopying collectives.

1. Probability sampling should form the basis for data collection on photocopying in the Government of Canada.
2. The Government of Canada should collect only generic data on photocopying, to facilitate the negotiation of a collective licence for photocopying. Bibliographic data should not be collected unless it becomes necessary to do so.
3. To build on the database created for this study, three additional departmental surveys should be conducted using the methodology developed for the Communications Canada survey. Results should be analyzed and followed by a plan of stratified random sampling of some machines in some departments. When the database can support extrapolation to all government copying, random sampling can be reduced to a maintenance minimum.
4. For the 3 additional departmental surveys, logging should be done by trained staff designated for this purpose. During subsequent stratified sampling, some self-sampling should be introduced and carefully monitored to weigh loss of confidence against cost savings.

1. INTRODUCTION

The Canadian Copyright Act was first enacted in 1924. Its fundamental purpose was to provide authors with the rights to control the use of their works and to receive compensation when their works were used.

Recent decades saw the development of new technologies such as photocopiers, computers and facsimile machines. These innovations rapidly placed authors and users of information in a position of conflict.

Authors claimed that as copyright owners, they were legally entitled to compensation when their works were copied. Users argued that it was unrealistic to expect them to secure individual permissions and make individual payments for small amounts of copying, especially single copies of short works such as periodical and newspaper articles.

The Copyright Act was outdated and incapable of resolving the conflict between authors and users of works protected by copyright.

In recognition of this fact, the Government of Canada launched a lengthy process of research and consultation, which culminated in a two-phase revision of the Copyright Act. Phase 1, An Act to amend the Copyright Act and to amend other Acts in consequence thereof, became law in June 1988. Phase 2 is expected to be tabled in autumn 1989.

The Government of Canada took the position during the revision process that creators make a special contribution to Canadian society and must be compensated for the constantly increasing use of their works. At the same time, the Government recognized the importance to society of the widest possible access to works protected by copyright.

In order to balance these equally important but sometimes conflicting interests, the Government of Canada in the new Copyright Act encouraged the formation of collectives for the management of copyright, and established a Copyright Board to regulate them.

A collective consists of a group of copyright owners such as authors, who join together to exercise their rights collectively. A collective photocopying licence permits users, within clearly defined limits and for a specific period of time, to copy works represented in the collective repertoire. The collective collects a licence fee from users, and distributes this money to authors and publishers whose works were copied during the licence period.

The concept of the collective management of copyright received wide support from both the creator and user communities in Canada. Creators saw collectives as a practical approach to the management of rights that were difficult for them to exercise on an individual basis. Users saw collectives as a quick and efficient way to obtain permission to copy works protected by copyright.

A major study on reprography collectives was sponsored in 1986 by the Book and Periodical Development Council. The central finding of the study was that a Canadian reprography collective was feasible and should be established, and that a substantial revenue potential existed for the collective in a series of markets.

In the BPDC report, government copying was estimated at 2 - 3 billion copies, with 300 - 500 million pages copied from published material and 100 - 200 million pages copied from Canadian published material.

The report recommended dealing with federal copying first, based on the logic that government, like other users, should pay for photocopying, and that the Government of Canada had accepted and promoted the concept of collectives.

In February 1989, the Canadian Reprography Collective and l'Union des écrivains québécois wrote to the President of Treasury Board, stating that together they represent the majority of writers and publishers across Canada and that they "will be administering the photocopying and other reprographic rights of copyright owners". They also stated in their letter that:

"The Government, including the public service and Parliament, is a primary user of material protected by the Copyright Act and we believe that it is appropriate for Treasury Board to obtain a blanket licence to cover the copying of copyright material by government personnel and parliamentarians."

"The Canadian Reprography Collective and l'Union des écrivains québécois, therefore invite the Government to enter into negotiations for such a licence."

A photocopying licence negotiated to cover the copying of copyright material by government personnel must achieve three distinct goals:

1. The licence must provide clear rules concerning permitted copying, so that staff will not be subject to uncertainty concerning the legality of their actions.
2. The licence must simplify and improve access to information, by eliminating the need to obtain individual permissions to photocopy copyright works.
3. The cost of the licence must be fair and reasonable, based on the actual copying that occurs of works represented by the collective.

In order to achieve these goals and negotiate effectively for a photocopying licence, Government of Canada representatives need current, objective and reliable information on the volume and content of copying in its offices across Canada.

2. PURPOSE OF THE PROJECT

The purpose of this project is to

- * Design a methodology for surveying the volume and content of photocopying of published works in the federal government
- * Conduct a survey to provide data on the volume and content of photocopying in the offices of Communications Canada.

Specific objectives of the project are to

- * Determine the number of photocopying machines and the volume of copies made on these machines in all offices of Communications Canada
- * Determine the generic nature of works copied
- * Develop a database that can support specific enquiries and that can be used for cost and configuration modeling purposes
- * Estimate, by constructing one or several models, the proportion of exposures that may be subject to payment to a reprography collective
- * Design the database to enable it to incorporate the findings of any subsequent photocopy studies conducted by other federal departments, using the methodology developed in this study.

3. METHODOLOGY FOR COMMUNICATIONS CANADA SURVEY

3.1 APPROACH

This study was designed as a probability survey and conducted in several distinct steps:

1. An inventory was made of photocopying machines found on the premises of Communications Canada offices across Canada. The annual volume of exposures made on each machine was determined.
2. A representative number of photocopying transactions were logged at each machine to determine the nature of copies made.
3. Logged data were weighted to provide departmental estimates of copying by type of material.
4. Data were analyzed and an estimate produced of the volume of exposures that might be subject to payment to a reprography collective.
5. A sampling plan for all federal government departments was developed. The database for this study was designed to accommodate the findings of any additional studies which used the methodology designed in this project.

3.2 INVENTORY OF PHOTOCOPYING MACHINES

As the first step in this project, an inventory of photocopying machines located on the premises of Communications Canada offices across Canada was compiled, and the annual volume of exposures on each machine determined.

This step proved somewhat easier than anticipated because of the extensive data available for machines located at headquarters offices in Ottawa. We were provided with computer printouts of monthly and annual exposures made on each of the 29 photocopying machines in the Journal Tower offices of Communications Canada.

For other machines located in research centres and regional and district offices across Canada, we were provided with either a count or an estimate of the annual volume of exposures.

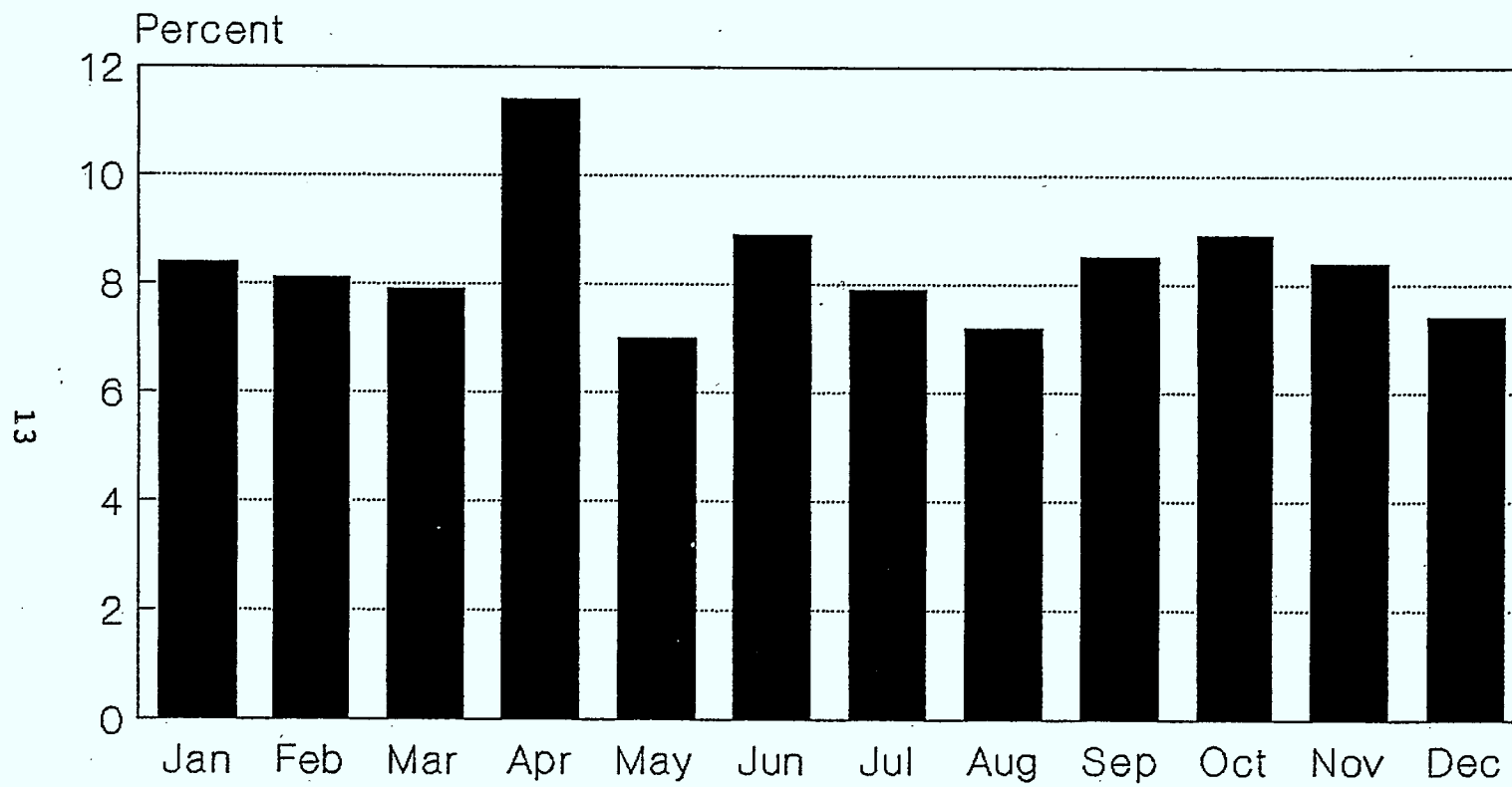
A decision was made to exclude from this study the Minister's Office on Parliament Hill, and the agencies reporting through the Minister of Communications, for example the Canada Council, the National Film Board, the National Library of Canada and the Canadian Broadcasting Corporation.

Logs were not completed for off-premises departmental copying, for example the clipping service in which several hundred copies of newspaper articles are produced daily for Communications Canada on Supply and Services Canada machines. Sampling of Supply and Services machines would capture this data.

Communications Canada has a total of 88 photocopying machines located in its offices across Canada. In 1987/8, 14.5 million exposures were made on these machines, representing an average of about 165,000 exposures per machine.

Detailed statistics provided for the 29 machines located in the Journal Tower offices in Ottawa showed significant monthly variations in the volume of exposures. Table 1 illustrates monthly copying totals for Journal Tower machines in the 1987/88 fiscal year.

Table 1. Monthly Volume of Photocopying, Journal Tower Machines
Communications Canada



Fiscal 1987-1988 Data Where Available

3.3 LOGGING OF COPIES

The objective of Step 2 in this project was to determine the nature of items copied made on Communications Canada photocopying machines. Bilingual log forms, briefing notes and training guides were developed to collect this information. These documents are reproduced in the Appendices.

Logging of exposures took place in March 1989 only. Logging at different periods throughout the year would be necessary to determine if there is a relationship between the monthly volume of copying and the nature of items copied.

All 88 departmental machines were included in the logging exercise. The number of log forms completed at each machine was determined by a formula based on the annual volume of exposures at that machine in relation to all other machines in the department. A minimum of 20 and a maximum of 200 forms per machine were prescribed in the formula. In calculating percentage estimates, logged copies were weighted by machine volume to compensate for over and under sampling.

The logging period for each machine was divided into two sessions. Once a session began, all exposures were logged until no log forms remained in the package of forms for that session. There was no self-selection of items to be logged.

Five coordinators organized and supervised the logging exercise. Log forms were completed by staff specifically assigned to or hired on a temporary basis for this purpose. The decision that logs would be completed by appointed staff rather than voluntarily by any person making a copy was taken to ensure a high level of confidence in the logging data collected.

The logging exercise was labour-intensive and therefore costly to the department. It took an average of 15 hours to complete the required number of forms at each machine. About 1,320 person-hours were spent logging the 88 departmental machines.

A total of 8,178 log forms were returned, representing 86,873 exposures. A sample of this size is accurate plus or minus 0.33 percentage points, 95 times out of 100.

3.4 TERMINOLOGY

Data reported in this survey is presented either from the perspective of transactions, copies or exposures. The terms can be defined as follows:

Transaction: The session at a photocopying machine during which a work or a portion of a work is copied once or several times.

Copies: The total number of original pages copied, multiplied by the number of copies of each page. For example, 6 copies of 4 original pages represents 24 copies. This may or may not represent 24 exposures: If some copies were spoiled, there were more exposures than usable copies. If more than one original page was reproduced on a copied page, there were more copies than exposures.

Exposures: The number of reprographic actions of the photocopying machine, equivalent to the counter total on the machine. It includes all good and spoiled copies.

In this survey, spoiled copies were disregarded. The number of original pages copied was accurately recorded, even if more than one original was copied onto a single copied page.

To ensure consistency, copy data forms the basis for all information relating to the nature of published items copied. Where appropriate for better understanding of copying patterns, transaction-based data is also presented.

The definitions of a government document, book, periodical and other terms used in the logging exercise are included in the Appendix B document Guide to Photocopying Log Forms.

All percentages in this report have been rounded to the nearest integer or whole number.

4. SURVEY FINDINGS

4.1 WHAT WAS COPIED

The type of item copied in this survey was determined by analyzing the content of 8,178 log forms representing 86,873 copies. The average number of copies made during a copying transaction was 11. Table 2 below shows the number of log forms or transactions completed during the survey, and the number of copies represented in those transactions.

Table 2. Type of Item Copied

	Transactions		Copies		Copies per Transaction
	n	%	n	%	
Unpublished works	7,324	90%	76,504	88%	10
Published works	854	10%	10,360	12%	12
Total	8,178	100%	86, 873	100%	11

Table 2 above shows that 90 per cent of all transactions logged in this survey involved making copies from unpublished works, defined in this survey as items which have not been issued to the general public, for example correspondence, internal reports, invoices, and administrative or personal material.

Some 88 per cent of all copies (as opposed to transactions) were made from unpublished works. Our only interest in unpublished copies was to determine the relative proportion of copies logged which were from unpublished and published works. No other data on unpublished copies was collected in this survey.

All subsequent tables in this chapter refer only to copies made from published works, and have been calculated from the basis of 854 transactions representing 10,369 copies. A sample of this size is accurate plus or minus .06 percentage points, 95 times out of 100.

For published works, data elements logged included

1. Type of item copied

- * Government document
- * Book
- * Periodical
- * Newspaper
- * Other

2. Genre of item copied

- * Non-fiction
- * Fiction
- * Poetry, lyrics
- * Drama
- * Drawing, artistic work
- * Photograph
- * Advertisement
- * Map, chart, graph
- * Score, sheet music

3. Country of publication

- * Canada
- * U.S.A.
- * Great Britain
- * France
- * Other

4. Language of item copied

- * English
- * French
- * Bilingual English and French
- * Other

5. Year of publication

6. Original pages copied

Number of copies of each original

7. Proportion of physical item copied

Complete or portion of article copied

Table 3. Copies by Type of Published Work Copied

Type of published work	n	%
Government document	3,335	32%
Book	1,525	15%
Periodical	2,805	27%
Newspaper	1,176	11%
Other	1,527	15%
Total copies from published works	10,369	100%

Table 3 above shows that of all copies made from published works, 32 per cent were made from government documents, including documents published by the federal and provincial governments in Canada, and by foreign governments such as those of the U.S.A, Britain or France. Publications of quasi-governmental international agencies such as Unesco and the World Intellectual Property Organization were included in this category.

Some 27 per cent of copies from published works were made from periodicals, compared to 15 per cent from books, 11 per cent from newspapers and 15 per cent from other works such as maps, photographs, pamphlets and brochures.

Table 4 below cross-tabulates this data by the other categories of data collected during the survey. In this and subsequent tables in this chapter, numbers total to the right of each row, and not to the bottom of each column.

Data for all copies is presented on the first line of the table. Variations from the all-copy average, depending on the circumstances of the copying transaction, can be noted by scanning down the vertical column directly below the average number. For example, Table 4 shows that on average in this survey, 15 per cent of all copies were made from books. When we consider only those copies which were made from works published in Canada, 5 per cent were made from books. When we consider only those copies made from works published in the U.S.A., 30 per cent were made from books.

Table 4. Type of Published Work Copied (Rows total at right)

	Government Document	Book	Periodical	News Paper	Other
All copies (n=10,369)	32%	15%	26%	13%	16%
Published in Canada	39%	5%	24%	20%	12%
U.S.A.	18%	30%	30%	-	22%
Britain	-	52%	48%	-	-
France	64%	3%	33%	-	-
Other	15%	10%	47%	4%	24%
English	22%	20%	27%	13%	18%
French	56%	10%	20%	10%	4%
English and French	30%	1%	42%	9%	18%
Other	76%	10%	-	14%	-
Published prior to 1988	32%	25%	22%	-	21%
Published since 1988	30%	10%	31%	18%	11%
Original pages copied					
1 page	16%	2%	18%	50%	14%
2-10 pages	29%	11%	47%	5%	8%
11+ pages	38%	21%	15%	7%	19%
Copies of each original					
One copy only	31%	22%	29%	7%	11%
More than one	33%	8%	24%	16%	19%
Portion of work copied					
Less than 2%	11%	34%	52%	1%	2%
Between 2% and 10%	19%	25%	33%	10%	13%
Between 10% and 20%	13%	30%	26%	11%	20%
Complete item	31%	9%	28%	12%	20%
Complete article	23%	12%	36%	16%	14%

Table 4 above shows that on average 32 per cent of all copies from published works were made from government documents, 15 per cent from books, 26 per cent from periodicals, 13 per cent from newspapers and 16 per cent from other works. These numbers changed depending on the circumstances of the copying transaction.

When we consider only copies made from Canadian works, 39 per cent came from government documents, 24 per cent came from periodicals and 20 per cent from newspapers. Only 5 per cent of copies made from Canadian works came from books.

When we consider only copies made from works published in the U.S.A., 30 per cent came from books and 30 per cent from periodicals, while 18 per cent came from government documents. During this survey, no copies were made from U.S. newspapers.

In the case of copies made in Great Britain, 52 per cent came from books and 48 per cent from periodicals. In the case of copies made from works published in France, 64 per cent came from government documents and 33 per cent from periodicals.

When copies were made from works published in the French language, 56 per cent came from government documents and 20 per cent from periodicals. When copies were made from works published in languages other than English or French, 76 per cent came from government documents, 14 per cent came from periodicals and 10 per cent came from books.

When we consider only those copies made during a copying transaction when the complete physical item was copied, 31 per cent of copies came from government documents, 9 per cent came from books and 28 per cent came from periodicals.

4.2 GENRE OF PUBLISHED WORKS COPIED

Data was collected in this survey on the "genre" of published works copied. Table 5 below shows the frequency of genre data that was logged, by transactions and by copies.

Table 5. Genre by Transactions and Copies

Genre	Transactions	%	Copies	%
Non-fiction	629	84%	7,255	79%
Fiction	7	1%	123	1%
Poetry, lyrics	1	-	182	2%
Drama	0	-	0	-
Drawing, artistic work	9	1%	359	4%
Photograph	7	1%	26	1%
Advertisement	40	5%	378	4%
Map, chart, graph	62	8%	821	9%
Music score, sheet music	0	-	0	-
Total	755	100%	9,144	100%

Table 5 shows that non-fiction represents 84 per cent of transactions and 79 per cent of copies logged in this survey. Maps, charts and graphs were the next largest genre of works copied, representing 8 per cent of transactions and 9 per cent of copies. No drama or music was copied during the survey.

There was only one transaction, representing 182 copies, in which poetry or lyrics were copied. There were only 7 transactions in which fiction was copied, 7 transactions in which photographs were copied, and 9 transactions in which drawings or artistic works were copied. Advertisements were copied in 40 transactions while maps, charts and graphs were copied in 62 transactions.

Table 6 below cross-tabulates genre data against the other categories of data logged in this survey. Table 6 is an accurate record of copies made in this survey but because of the small volume of copying in all but the non-fiction genre, these copying patterns may not be representative and should not be used for extrapolation purposes.

Table 6. Genre of Published Works Copied (Rows total at right)

	Non- Fiction	Fiction	Poetry, Lyrics	Illus, Art	Photo	Ad	Map, Chart
All copies (n=9,144)	79%	1%	2%	4%	1%	4%	9%
Government document	95%	-	-	-	-	3%	2%
Book	95%	-	-	3%	-	-	2%
Periodical	98%	-	-	-	-	1%	1%
Newspaper	64%	1%	-	26%	2%	7%	-
Other	26%	8%	-	1%	-	13%	52%
Published in Canada	78%	2%	-	8%	1%	6%	5%
U.S.A.	80%	-	-	-	-	2%	18%
Britain	100%	-	-	-	-	-	-
France	72%	-	28%	-	-	-	-
Other	100%	-	-	-	-	-	-
English	76%	-	-	6%	-	5%	13%
French	85%	-	10%	-	1%	3%	1%
English and French	81%	11%	-	-	-	8%	-
Other	90%	-	-	-	-	-	10%
Published prior 1988	76%	-	5%	-	-	2%	17%
Published since 1988	82%	2%	-	7%	-	6%	3%
Original pages copied							
1 page	80%	1%	-	1%	1%	2%	15%
2-10 pages	86%	-	5%	-	-	7%	2%
11+ pages	74%	3%	-	8%	-	2%	13%
Copies of each original							
One copy only	88%	3%	-	1%	1%	4%	3%
More than one	71%	-	4%	6%	-	5%	14%
Portion of work copied							
Less than 2%	91%	-	-	-	1%	1%	7%
Between 2% and 10%	75%	-	14%	-	1%	8%	2%
Between 10% and 20%	80%	-	-	-	-	8%	12%
Complete item	80%	3%	-	-	-	1%	15%
Complete article	83%	2%	-	5%	-	2%	8%

Table 6 above shows that of all copies for which genre was noted on the log form, 79 per cent were from non-fiction works. Of the remaining copies, 1 per cent were fiction, 2 per cent were poetry or lyrics, 4 per cent were illustrations, drawings or artistic works, 1 per cent were photographs, 4 per cent were advertisements and 9 per cent were maps, charts or graphs.

When copies were made from government documents or from books, 95 per cent were non-fiction, as were 98 per cent of copies made from periodicals. When copies were made from works in the French language, 85 per cent were non-fiction, compared to 76 per cent for works in the English language, and 90 per cent for works in other languages.

Data for non-fiction genres may not be representative. For example, there was only 1 transaction out of 755 in this survey that involved copying poetry or lyrics, and that transaction produced 182 copies. Table 6 allows us to track its characteristics: The work of poetry or lyrics copied was published in France, in the French language, prior to 1988. Between 2 and 10 original pages were copied, and multiple copies were made of each page. Between 2 and 10 per cent of the entire item was copied.

The information in Table 6 reflects accurately the copying of poetry or lyrics which occurred during this survey, but may not be representative of copying for that genre of work, and should not be used for extrapolation purposes. The same caution would apply to all genres logged in this survey except non-fiction. Consequently, we have not included genre data in subsequent tables in this report.

4.3 COUNTRY OF ORIGIN OF PUBLISHED WORKS COPIED

The national origin of published works from which copies are made is important in the context of copyright and collectives. Because of international conventions to which Canada is a signatory, works by authors of 79 countries are afforded the same copyright protection in Canada as works by Canadian authors.

Reprography collectives in Canada may enter into bilateral agreements with collectives in other countries, to represent the works of the authors represented by these collectives. As a consequence, photocopying licenses in Canada may cover the works of authors from other countries. The cost of a photocopying licence would vary depending on whether foreign works were covered by the licence or not.

Table 7 shows that on average for all copies made in this survey, 57 per cent were copied from Canadian works while 34 per cent were copied from works published in the United States of America. About 6 per cent of copies were made from works published in France and 2 per cent were made from works published in Great Britain. Copies from works published in all other countries of the world represent only 1 per cent of copies made during this survey.

When we consider only copies made from government documents, 70 per cent were made from documents published in Canada by the federal or provincial governments. About 20 per cent were made from government documents published in the U.S.A. It should be noted that American government documents are not protected by copyright and may be freely copied.

When we consider only copies made from books, 21 per cent were made from Canadian books while 70 per cent were made from books published in the U.S.A. When we consider only copies made from periodicals, 50 per cent were made from Canadian periodicals while 39 per cent were made from periodicals published in the U.S.A.

Virtually all copies made from newspapers were from Canadian newspapers.

Table 7. National Origin of Published Works Copied

	Canada	U.S.A.	Britain	France	Other
All copies (n=10,639)	57%	34%	2%	6%	1%
Government document	70%	20%	-	9%	1%
Book	21%	70%	7%	1%	1%
Periodical	50%	39%	3%	6%	2%
Newspaper	99%	1%	-	-	-
Other	45%	52%	-	-	2%
English	45%	50%	3%	-	2%
French	73%	-	-	27%	-
English and French	100%	-	-	-	-
Other	100%	-	-	-	-
Published prior to 1988	35%	54%	2%	6%	3%
Published since 1988	70%	24%	2%	4%	-
Original pages copied					
1 page	84%	15%	-	1%	-
2-10 pages	62%	24%	3%	10%	1%
11+ pages	47%	46%	1%	5%	1%
Copies of each original					
One copy only	50%	45%	1%	1%	3%
More than one	63%	24%	2%	11%	-
Portion of work copied					
Less than 2%	23%	69%	1%	3%	4%
Between 2% and 10%	38%	37%	10%	13%	2%
Between 10% and 20%	48%	47%	-	1%	4%
Complete item	68%	27%	1%	4%	-
Complete article	63%	31%	1%	3%	2%

4.4 LANGUAGE OF PUBLISHED WORKS COPIED

The language of a work is not relevant from a copyright perspective. It is interesting to note the language of Canadian works copied however, because photocopying collectives in Canada have been organized along language lines. The Canadian Reprography Collective tends to represent English language works and l'Union des écrivains québécois tends to represent works in the French language. This makes little practical difference for users of copyright works, because the two collectives have signed bilateral agreements and will likely issue joint licenses for photocopying.

Table 8 below shows that 67 per cent of all copies made during this survey were from works in the English language while 21 per cent were from works in the French language and 12 per cent of copies were from bilingual English and French works.

When we consider only copies made from government documents, 50 per cent were English, 37 per cent were French and 12 per cent were bilingual.

When we consider only copies made from books, 86 per cent were English and 13 per cent were French. From periodicals, 67 per cent were English and 15 per cent were French. From newspapers, 74 per cent were English, 17 per cent were French and 9 per cent were bilingual.

When we consider only copies made from works published in Canada, 52 per cent were English, 27 per cent were French, 20 per cent were bilingual and 1 per cent were in languages other than English or French. All copies made from works published in the U.S.A. and Great Britain were English, while 98 per cent of copies made from works published in France were French.

Table 8. Language of Work Copied

(Rows total at right)

	English	French	Bilingual	Other
All copies (n=10,165)	67%	21%	12%	.3%
Government document	50%	37%	12%	1%
Book	86%	13%	1%	-
Periodical	67%	15%	18%	-
Newspaper	74%	17%	9%	-
Other	81%	6%	13%	-
Published in Canada	52%	27%	20%	1%
U.S.A.	100%	-	-	-
Britain	100%	-	-	-
France	2%	98%	-	-
Other	94%	6%	-	-
Published prior to 1988	81%	17%	2%	-
Published since 1988	61%	22%	17%	-
Original pages copied				
1 page	83%	14%	3%	-
2-10 pages	56%	23%	20%	1%
11+ pages	71%	22%	7%	-
Copies of each original				
One copy only	76%	15%	9%	-
More than one	58%	28%	14%	-
Portion of work copied				
Less than 2%	96%	3%	1%	-
Between 2% and 10%	66%	23%	11%	-
Between 10% and 20%	85%	12%	3%	-
Complete item	53%	27%	20%	-
Complete article	67%	19%	14%	-

4.5 YEAR OF PUBLICATION OF WORKS COPIED

The year of publication of a work is important because copyright legislation sets a specific term for copyright protection. Generally, the term of copyright is the life of the author plus 50 years. For photographs and sound recordings, the term is 50 years from the time the work was created. For crown publications, the term is 50 years after the work was published.

When copyright expires, the work is said to fall into the public domain. It is no longer protected by copyright and may be freely copied. Copies made from works in the public domain will not be represented by collectives and will not be subject to payment.

Copies in this survey were most often made from recently published works. Some 64 per cent of all copies were made from works published in 1988 or 1989, which translates as the most recent 14 to 15 months. About 36 per cent of copies were made from works published prior to 1988.

The oldest work from which copies were made was published in 1938. It was logged as an "other" type of work and could conceivably have fallen into the public domain, the only such instance in this survey. The second oldest work from which copies were made was published in 1950, the third in 1955 and the fourth in 1966. Taken together, these copies represent only 1 per cent of copies made from published works during the survey. Copies from works published prior to 1980 represent 8 per cent of all copies. And as shown in Table 9 below, 36 per cent of copies were from works published prior to 1988.

This varies considerably according to the type of work copied. Some 57 per cent of copies from books were from books published prior to 1988. The oldest book copied was published in 1950. For newspapers, 99 per cent of copies were from issues published in 1989. Only 1 per cent of copies were published prior to 1989. The oldest newspaper copied was published in 1986.

For periodicals, 72 per cent of copies were from periodicals published after 1988 while 28 per cent were from periodicals published prior to 1988.

Table 9. Year of Publication

(Rows total at right)

	Prior to 1988	After 1988
All copies (n=10,298)	36%	64%
Government document	37%	63%
Book	57%	43%
Periodical	28%	72%
Newspaper	1%	99%
Other	50%	50%
Published in Canada	22%	78%
U.S.A.	57%	43%
Britain	28%	72%
France	46%	54%
Other	80%	20%
English	44%	56%
French	32%	68%
English and French	7%	93%
Other	-	100%
Original pages copied		
1 page	21%	79%
2-10 pages	31%	69%
11+ pages	43%	57%
Copies of each original		
One copy only	40%	60%
More than one	32%	68%
Portion of work copied		
Less than 2%	63%	37%
Between 2% and 10%	34%	66%
Between 10% and 20%	50%	50%
Complete item	34%	66%
Complete article	38%	62%

4.6 ORIGINAL PAGES COPIED

The length of a work is not particularly important from a copyright perspective. Copyright protects works whether they be 6-line or 600-page poems, whether they be 3-line jingles or 300-page librettos.

Important factors are the proportion of a work that was copied, and the number of times each original page was copied. These factors are important because of the issues of SUBSTANTIALITY and FAIR DEALING.

SUBSTANTIALITY: Copyright gives authors the right to copy their work or a substantial portion of their work. Copying less than a substantial portion of a work is not an infringement of copyright, and such copies are not subject to payment to a collective, even if the work copied is represented by the collective. Substantiality is not defined in the Copyright Act, although it has been interpreted to represent only a very small portion of a work.

FAIR DEALING: Some copying which would otherwise infringe copyright is permitted in the Copyright Act for the purposes of "private study, research, criticism, review or newspaper summary". The Copyright Act does not define fair dealing, and so once again it is not possible to calculate exactly the proportion of copies in this survey that might be considered fair. Interpretations of fair dealing have determined that it does not extend to multiple copying, nor to copying an entire work. Fair dealing must be judged according to the quality and the quantity of what is copied during a copying transaction.

This survey collected data on the number of original pages from a work that were copied in a copying transaction, the number of times each original page was copied, the total number of pages in the physical item from which the copies were made, and whether a shorter work contained inside a larger one, for example a periodical or newspaper article, was copied wholly or in part.

We calculated the average number of original pages copied from all works and from each type of work.

Table 10. Average Original Pages Copied by Type of Work

All types of works	7 pages
Government document	9 pages
Book	18 pages
Periodical	6 pages
Newspaper	2 pages
Other	7 pages

Table 11 below shows data collected on the original number of pages copied from a work. The pages did not need to be in sequence but could be scattered throughout a work. Spoiled exposures were not counted.

On average for all copies, 12 per cent were made during transactions in which only 1 original page was copied, 37 per cent were made during transactions in which between 2 and 10 pages were copied, and 51 per cent were made during transactions in which 11 or more pages were copied.

These numbers varied depending on the type of item copied. When books were copied, only 1 per cent of copies were made during transactions in which a single original page was copied. When newspapers were copied, 52 per cent of copies were made during transactions in which a single original page was copied.

Table 12 presents the same original page data but based on TRANSACTIONS, which provides a clearer picture of copying patterns. In 46 per cent of transactions logged in this survey, only 1 original page was copied from the work. In 37 per cent of transactions, between 2 and 10 pages were copied and in 17 per cent of transactions, more than 11 original pages were copied from the work.

There was significant variation from the average depending on the type of work copied. When books were copied, 16 per cent of transactions involved copying just one original page. When newspapers were copied, 87 per cent of transactions involved copying just one original page.

Table 11. Original Pages Copied from a Work (Rows total at right)

	1 page	2-10 pages	11+ pages
All copies (n=10,789)	12%	37%	51%
Government document	6%	33%	61%
Book	1%	26%	73%
Periodical	8%	62%	30%
Newspaper	52%	15%	33%
Other	11%	19%	70%
Published in Canada	17%	41%	42%
U.S.A.	5%	27%	68%
Britain	2%	65%	33%
France	2%	61%	37%
Other	4%	34%	62%
English	15%	32%	53%
French	8%	40%	52%
English and French	3%	67%	30%
Other	6%	94%	-
Published prior to 1988	7%	32%	61%
Published since 1988	15%	39%	46%
Copies of each original			
One copy only	9%	28%	63%
More than one	14%	47%	39%
Portion of work copied			
Less than 2%	29%	70%	1%
Between 2% and 10%	11%	61%	28%
Between 10% and 20%	16%	28%	56%
Complete item	13%	36%	51%
Complete article	13%	36%	51%

Table 12. Original Pages Copied from a Work, by Transaction

	1 page	2-10 pages	11+ pages
All transactions (n=883)	46%	37%	17%
Government document	32%	44%	24%
Book	16%	44%	40%
Periodical	34%	53%	13%
Newspaper	87%	12%	1%
Other	47%	33%	20%
Published in Canada	54%	33%	13%
U.S.A.	31%	45%	24%
Britain	27%	48%	25%
France	16%	62%	22%
Other	28%	45%	27%
English	51%	34%	15%
French	34%	45%	21%
English and French	25%	56%	19%
Other	21%	79%	-
Published prior to 1988	29%	42%	29%
Published since 1988	55%	34%	11%
Copies of each original			
One copy only	41%	38%	21%
More than one	54%	38%	8%
Portion of work copied			
Less than 2%	56%	43%	1%
Between 2% and 10%	35%	51%	14%
Between 10% and 20%	34%	43%	23%
Complete item	55%	30%	15%
Complete article	49%	33%	18%

4.7 MULTIPLE COPYING FROM PUBLISHED WORKS

We collected data on the number of times each original page was copied during a copying transaction. When the number of copies of each page varied during the transaction, the number of copies closest to the average was recorded. We did not collect bibliographic data such as author and title, and thus were not able to determine whether a work was copied in more than one transaction over the course of the survey.

Table 13 below shows that on average for all copies made during this survey, 49 per cent were made during transactions in which only one copy of each original page was made. Some 51 per cent of copies were made during transactions in which more than one copy of each original page was made.

There was considerable variation from the average depending on the circumstances on the copying transaction. When books were copied, 73 per cent of copies were made in transactions in which only one copy of each page was made. When periodicals were copied, 55 per cent of copies were from single-copy transactions. For newspapers, 32 per cent of copies were from single-copy transactions.

When considering only those copies made during transactions in which a single original page was copied from the published work, we found that 62 per cent of the copies were from multiple-copy transactions. When we consider only copies made during transactions in which more than 11 original pages were copied, 32 per cent were from multiple-copy transactions.

When considering only copies made during transactions in which the entire item was copied, we found that 33 per cent were copies from single-copy transactions while 67 per cent were from multiple-copy transactions.

If the work copied was a complete short work such as an article contained in a newspaper or periodical, we found that 49 per cent of copies were made during transactions in which the entire article was copied only once, while 51 per cent of copies were made during transactions in which more than one copy was made of the complete article.

Table 13. Multiple Copying from Published Works

	One copy only	Multiple Copies
All copies (n=10,634)	49%	51%
Government document	49%	51%
Book	73%	27%
Periodical	55%	45%
Newspaper	32%	68%
Other	38%	62%
Published in Canada	43%	57%
U.S.A.	64%	36%
Britain	34%	66%
France	12%	88%
Other	100%	-
English	55%	45%
French	34%	66%
English and French	36%	64%
Other	79%	21%
Published prior to 1988	55%	45%
Published since 1988	46%	54%
Original pages copied		
1 page	38%	62%
2-10 pages	37%	63%
11+ pages	61%	39%
Portion of work copied		
Less than 2%	85%	15%
Between 2% and 10%	52%	48%
Between 10% and 20%	73%	27%
Complete item	33%	67%
Complete article	49%	51%

Table 14. Multiple Copying from Published Works, By Transaction

	One copy only	Multiple copies
All transactions (n=844)	70%	30%
Government document	76%	24%
Book	88%	12%
Periodical	74%	26%
Newspaper	54%	46%
Other	60%	40%
Published in Canada	67%	33%
U.S.A.	79%	21%
Britain	70%	30%
France	36%	64%
Other	100%	-
English	69%	31%
French	72%	28%
English and French	70%	30%
Other	49%	51%
Published prior to 1988	77%	23%
Published since 1988	66%	34%
Original pages copied		
1 page	64%	36%
2-10 pages	70%	30%
11+ pages	86%	14%
Portion of work copied		
Less than 2%	91%	9%
Between 2% and 10%	79%	21%
Between 10% and 20%	64%	36%
Complete item	63%	37%
Complete article	70%	30%

4.8 PORTION OF PUBLISHED WORK COPIED

The portion of the work that is copied is important in the context of the Copyright Act, because of the concepts of substantiality and fair dealing. Non-substantial copies and copies made for the purposes of fair dealing are lawful and not subject to payment to a collective, even if the works are represented in the repertoire of the collective.

Because these concepts are not defined in the Copyright Act, they cannot be accurately measured in a study such as this. But this survey provided accurate quantitative data on the portions of works that were copied. Quantity is one of several elements used to determine substantiality and fair dealing.

In tables 15 and 16, works are considered to be the physical item placed on the photocopying machine and from which copies were made, for example a book or a newspaper or periodical issue. By collecting data on the number of original pages copied and the total number of pages in the complete physical item from which copies were made, we were able to calculate the exact portion of the item that was copied during a copying transaction.

This information is important for monographic works such as books, because the physical item from which the copy is made is most likely equivalent to a copyright work. This may not be the case for periodical and newspaper issues which usually contain several copyright works. For these types of items, additional data is presented in Tables 17 and 18.

Table 15 below shows the portion of the physical item that was copied. For this table, we arbitrarily selected the proportions of 2 per cent, 10 per cent, 20 per cent and 100 per cent. The data base constructed during this survey can sustain enquiries for any proportion or range of proportions between 1 per cent and 100 per cent.

As shown in Table 15, 6 per cent of copies were made in transactions in which less than 2 per cent of the work was copied, while 55 per cent of copies were made during transactions in which the complete physical item was copied.

There was variation from the average depending on the circumstances of the copying transaction. For example when government documents were copied, 68 per cent of copies were made during transactions in which the complete item was copied.

When books were copied, 11 per cent of copies were made during transactions in which less than 2 per cent of the work was copied and 27 per cent of copies were made during transactions in which between 2 and 10 per cent of the work was copied.

On the assumption that fair dealing does not extend to multiple copying, the number of copies of each original is an important consideration. In this survey, when we consider only single-copy transactions, we find that 10 per cent of copies were made during transactions in which less than 2 per cent of the item was copied, 20 per cent of copies were made during transactions in which between 2 and 10 per cent of the physical item was copied and 20 per cent of copies were made during transactions in which between 10 and 20 per cent of the physical item was copied.

Table 16 below presents the same data as Table 15, but from the basis of transactions to provide a clearer picture of copying patterns.

In this survey, 16 per cent of copying transactions involved copying less than 2 per cent of the item, 19 per cent involved copying between 2 and 10 per cent of the item and 12 per cent of transactions involved copying between 10 and 20 per cent of the item. In 46 per cent of transactions, the complete item was copied.

When books were copied, 43 per cent of transactions involved copying less than 2 per cent of the book, while the complete book was copied in 13 per cent of transactions.

Table 15. Portion of Physical Item Copied (Rows total at right)

	Up To 2%	Between 2-10%	Between 11-20%	Between 21-99%	Complete Item
All copies (n=8,143)	6%	18%	13%	8%	55%
Government document	2%	11%	7%	12%	68%
Book	11%	21%	22%	19%	27%
Periodical	11%	18%	12%	4%	55%
Newspaper	1%	16%	16%	1%	66%
Other	1%	12%	17%	1%	69%
Published in Canada	3%	12%	11%	8%	66%
U.S.A.	12%	19%	18%	8%	43%
Britain	3%	81%	1%	-	15%
France	3%	46%	4%	3%	44%
Other	19%	30%	37%	9%	5%
English	9%	18%	17%	10%	46%
French	1%	19%	7%	4%	69%
English and French	-	13%	3%	4%	80%
Published prior to 1988	10%	16%	17%	10%	47%
Published since 1988	4%	20%	11%	6%	59%
Original pages copied					
1 page	13%	14%	17%	3%	53%
2-10 pages	10%	27%	9%	5%	49%
11+ pages	-	11%	16%	12%	61%
Copies of each original					
One copy only	10%	20%	20%	13%	37%
More than one	2%	17%	7%	3%	71%

Table 16. Portion of Physical Item Copied, by Transaction

	Up To 2%	Between 2-10%	Between 11-20%	Between 21-99%	Complete Item
All transactions (n=701)	16%	19%	12%	7%	46%
Government document	9%	14%	12%	13%	52%
Book	43%	19%	13%	12%	13%
Periodical	29%	26%	12%	4%	29%
Newspaper	1%	18%	5%	2%	74%
Other	6%	16%	28%	5%	45%
Published in Canada	6%	20%	13%	7%	54%
U.S.A.	39%	18%	11%	6%	26%
Britain	11%	59%	20%	-	10%
France	13%	4%	5%	9%	69%
Other	19%	19%	18%	12%	32%
English	20%	16%	12%	7%	45%
French	2%	31%	13%	7%	47%
English and French	10%	23%	7%	10%	50%
Published prior to 1988	34%	11%	8%	19%	30%
Published since 1988	9%	24%	9%	6%	52%
Original pages copied					
1 page	20%	14%	9%	3%	54%
2-10 pages	18%	26%	14%	6%	36%
11+ pages	1%	17%	18%	20%	44%
Copies of each original					
One copy only	21%	22%	11%	7%	39%
More than one	6%	14%	16%	6%	58%

4.9 COMPLETE OR PART OF ARTICLE COPIED

For newspapers, periodicals, encyclopedias, anthologies or other compilations of short works, we collected data on whether the complete article contained in the larger work was copied, or whether only a portion of the article was copied. This data is presented in Table 17 for copies and Table 18 for transactions.

As shown in Table 17, our survey revealed that 81 per cent of copies were made during transactions in which the complete article was copied, while 19 per cent of copies were made during transactions in which only a portion of the article was copied. This varied depending on the circumstances of the copying transaction. For example, 91 per cent of copies from periodicals were made during transactions in which the complete article was copied, as were 89 per cent of copies from newspapers.

When considering only instances in which a single original page was copied, we found that 77 per cent of copies were made during transactions where the complete article was copied. In other works, the total length of these articles was one page or less.

Table 18 presents the same data as Table 17, but based on transactions rather than copies in order to provide a clearer picture of copying patterns.

Table 18 shows that in copying transactions involving periodical or newspaper articles, or other short works contained in a larger physical item, the complete article was copied 76 per cent of the time.

Complete newspaper articles were copied 89 per cent of the time, while complete periodical articles were copied 85 per cent of the time. Shorter copyright works contained in books were copied in their entirety 51 per cent of the time.

Table 17. Portion of Article Copied

(Rows total at right)

	Complete article copied	Portion only copied
All copies (n=8,082)	81%	19%
Government document	79%	21%
Book	61%	39%
Periodical	91%	9%
Newspaper	89%	11%
Other	78%	22%
Published in Canada	84%	16%
U.S.A.	77%	23%
Britain	44%	56%
France	89%	11%
Other	87%	13%
English	77%	23%
French	92%	8%
English and French	91%	9%
Published prior to 1988	82%	18%
Published since 1988	80%	20%
Original pages copied		
1 page	77%	23%
2-10 pages	78%	22%
11+ pages	84%	16%
Copies of each original		
One copy only	75%	25%
More than one	86%	14%

Table 18. Portion of Article Copied, by Transaction

	Complete article copied	Portion only copied
All transactions (n=702)	76%	24%
Government document	73%	27%
Book	51%	49%
Periodical	85%	15%
Newspaper	89%	11%
Other	53%	47%
Published in Canada	76%	24%
U.S.A.	77%	23%
Britain	60%	40%
France	77%	23%
Other	80%	20%
English	75%	25%
French	85%	15%
English and French	63%	37%
Published prior to 1988	70%	30%
Published since 1988	79%	21%
Original pages copied		
1 page	78%	22%
2-10 pages	71%	29%
11+ pages	82%	18%
Copies of each original		
One copy only	75%	25%
More than one	77%	23%

5. LICENCE AGREEMENTS FOR PHOTOCOPYING

A primary reason for conducting this survey of photocopying in Communications Canada was to determine the proportion of copies that might be covered by and subject to payment under a copying licence with collectives.

The Canadian Reprography Collective (CRC) and l'Union des écrivains québécois (Uneq) are collectives which together represent the majority of writers and publishers in Canada. Through bilateral agreements with reproduction rights organizations in other countries, they also represent a growing number of foreign authors and publishers.

The CRC and Uneq administer the photocopying and other reprographic rights of copyright owners by negotiating blanket licenses to cover the copying of copyright material. Each licence includes copying guidelines which set out the maximum amount of copying authorized under the licence. These licence guidelines limit the amount of copying permitted in respect to both the percentage of a work and the number of copies that can be made.

Appendix D reproduces the maximum Copying Guidelines that the Canadian Reprography Collective is authorized to negotiate on behalf of the copyright owners it represents. In most instances, the amount of copying authorized under a particular blanket licence will be fixed at a lower amount than that permitted by these Guidelines.

In negotiating a copying licence and in fixing licence fees and royalties, collectives seek compensation based on the nature, volume and use of the copies made under the terms of the licence. Because of this, it is important to realize that some copying does not infringe copyright, or is not covered by licence agreements.

1. PUBLIC DOMAIN

Certain published works have fallen into the public domain because their term of copyright protection has expired. These works are no longer protected by copyright and may be freely copied. They will not be represented by collectives.

2. NON-SUBSTANTIAL COPYING

Copyright law grants to copyright owners the exclusive right to copy their work or a substantial part of their work. Copying less than a substantial part of a work is not an infringement of copyright. Non-substantial copies are not subject to payment to a collective, even if the work copied is represented by the collective.

3. COPYING PERMITTED BY LEGAL EXCEPTION

Some copying which would otherwise infringe copyright is permitted by specific exceptions in the Copyright Act. The current Act does not provide many such exceptions, but it is possible that Phase II revisions to the Copyright Act, expected to be tabled before the end of 1989, may provide certain limited exceptions for certain types of copying.

4. FAIR DEALING

Copyright law states that it is not an infringement of copyright to deal fairly with a work for the purposes of private study, research, criticism, review or newspaper summary. It is likely that some copying which occurs in government departments is fair dealing and therefore not subject to payment to reprography collectives.

5. WORKS NOT REPRESENTED BY COLLECTIVES

Some published works may not be represented by collectives. For example, government documents from the United States of America are not protected by copyright and will not be represented by collectives. Another example is publications which include a notice that the work may be freely copied. Still other examples of published works not likely to be represented in a collective repertoire include bus schedules, conference programmes and health information pamphlets published by non-profit organizations.

It is evident that not all copies made from published works will be covered by licence agreements with collectives. Any negotiated licence must take non-infringing copies into account, to ensure that payment is made only for copies for which payment is due.

5.1 A SIMPLE MODEL FOR NEGOTIATIONS

Data collected in this survey of copying in the offices of Communications Canada allows the construction of models which can provide estimates of the number of copies which might be subject to payment to a collective. Below, we have constructed a very simple model to illustrate that accurate data on copying can provide valuable assistance in the negotiation of a photocopying licence agreement. More complex modeling based on type of publication cross-tabulated by other relevant variables would refine the calculations and provide more accurate estimates.

Table 19. Model for Communications Canada Copies
Possibly Covered by a Licence Agreement

Annual Exposures		14,505,000
Less Unpublished Copies	- 88%	
Copies from Published Works		1,740,600
Less Government Publications	- 32%	
Copies From Works Represented By Collective		1,183,608
Less Works In Public Domain	-	
Less Non-Substantial Copying (here estimated at less than 2%)	- 6%	1,112,591
Less Fair Dealing (here estimated for single copies only (49%) when 2-10% of the work is copied (20%))	- 10%	
Copies Possibly Subject To Payment		1,001,332
Portion of Annual Exposures Possibly Subject to Payment		6.9%

The simple model above makes several assumptions. One assumption is that the copies recorded in this survey are reasonably representative of the copies made annually in the offices of Communications Canada.

Another assumption is that all published works except government documents will be represented by collectives. In fact, a collective may have the right to represent only those works whose authors have specifically authorized it to represent them, directly or indirectly through bilateral agreements with other collectives. The issue of who is represented by the collective will be important in the negotiation of licence agreements. It will have a major impact on the cost of the licence, and on the liability of licensees for copying in amounts permitted under the licence but for works which are not covered by the licence.

Non-substantial copying is estimated in the model above. There is no exact formula to determine substantiality, which is a function of both the quantity and the quality of the portion of the work that is copied. In this instance, we have made an assumption that less than 2 per cent of a work represents a non-substantial portion of a work. Copying 3 pages out of a 200 page book, for example, is here assumed to represent non-substantial copying. In negotiating a photocopying licence with collectives, the amount of non-substantial copying will be an item negotiated between the collective and the user. Legal precedents concerning substantiality will inform these negotiations.

Fair dealing is also estimated in the model above. As with substantiality, there is no exact formula to determine the portion of copying that could be defended as fair. Fair dealing will be another item negotiated with the collective. Legal precedents concerning fair dealing will inform the negotiations.

For the purposes of this model, we have calculated that fair dealing does not apply to multiple copying, nor to situations where the entire work is copied, whether that work is a periodical article or a book. We estimated that fair dealing applies in all cases of single copying (49 per cent of published copies) where between 2 and 10 per cent of the work was copied (20 per cent of the 49 per cent). The resulting 10 per cent is similar to the 10 per cent of copying which Australian copyright law considers fair dealing. In Norway, the Kopinor licence discounts 7.5 per cent of copies for spoilage and 5 per cent for private copying.

In the case of newspapers, the definition of a "work" for copyright purposes is unclear. If an article was written by an employee of the newspaper, an argument could be made that the copyright exists in the newspaper issue as a whole, and that copying a single article out of a complete issue might be fair dealing. Conversely, if an article was written by a contributor who retained the copyright in the article, then copying the entire article might not be fair. It is difficult for users to determine which situation exists without making the appropriate enquiries. For this exercise, we did not take this issue into account. We may therefore have underestimated the copies from newspapers which might be permissible under fair dealing.

Based on the findings of our survey of Communications Canada copying and on the assumptions noted above, we can make a rough estimate that 1,001,332 copies out of a total of 1,740,600 copies from published works might be subject to payment to a collective. This represents 58 per cent of copies made from published works and 6.9 per cent of total exposures made annually on Communications Canada machines.

5.2 COMPARISONS AND PROJECTIONS

It is possible to project our findings and estimates of copying in Communications Canada to cover copying in all offices of the Government of Canada, and then to compare these estimates to the situation in another country.

The sole objective of this exercise is to establish perspective. The findings of this survey are not representative of copying in all federal government offices in Canada. Additional sampling in other departments would be necessary to determine with any degree of certainty if the volume and nature of copying in other departments is similar to that in Communications Canada.

Bearing in mind the important caveat above, the following table projects to the federal government as a whole the findings of our survey and our estimate of copies that might be subject to payment to a collective. Our basis for projection is the ratio of copies per employee.

Table 20. A Simple Projection to All Federal Employees

	DOC	Federal
Total Exposures	14,505,000	1,469,688,000
Employees	2,250	228,000
Exposures per Employee	6,446	6,446
Published Copies	12%	12%
Published Copies	1,740,600	176,362,560
Published Copies per Employee	774	774
Negotiated Copies Payable	58%	58%
Negotiated Copies Payable	1,001,332	102,290,285
Negotiated Copies Per Employee	445	445

The projection in Table 20 provides a perspective on the volume of copies in the federal government, if federal copying patterns were similar to those of DOC in our survey. While we cannot make this assumption with any degree of certainty, this table is presented to illustrate the order of magnitude of the situation.

Another useful exercise compares the federal estimates above to the actual situation in Norway. The Norwegian collective Kopinor has a photocopying licence with the central government administration in that country, and conducts surveys of government copying every five years. The most recent survey was conducted in 1986/87. It revealed the following:

- 4,025 copies per government employee, of which 5.8% or
- 233 copies per government employee are of protected material. By negotiation, this is reduced by 7.5% for spoilage and 5% for private copying, leaving
- 214 copies per government employee for which remuneration is paid.

The price per copy paid in 1988 is NOK 0,196 or about 3.45 cents per page. The Norwegian government has approximately 120,000 employees. The estimated annual cost of the KOPINOR government licence is \$885,960.

Based on this information, it is useful to compare the situation as it exists in Norway and as it would exist in Canada if federal copying patterns were similar to those of DOC in this survey, and if the Canadian licence had been negotiated according to the model described in Table 19 above.

The cost of a copying licence is usually negotiated by the collective and the user. In Norway, the per-page charge in 1988 was 3.45 cents for the central government licence. In Australia, an agreement between users and the Australian collective was not able to be negotiated. A Copyright Tribunal eventually set a rate of 2 cents per page. Table 21 below calculates the possible cost of a licence for the Government of Canada, based on the Norwegian and Australian precedents.

Table 21. A Brief Comparison of Canada and Norway

	Canada	Norway
Total Exposures	1,469,688,000	483,000,000
Employees	228,000	120,000
Exposures per Employee	6,446	4,025
Copies Payable	102,290,285	25,680,000
Copies Payable per Employee	445	214
Cost of licence at 3.45 cents (Norwegian charge in 1988)	\$ 3,529,015.00	\$ 885,960.00
Cost of licence per employee	\$ 15.48	\$ 7.38
Cost of licence at 2 cents (Australian charge set by Copyright Tribunal)	\$ 2,045,806.00	
Cost of licence per employee	\$ 8.97	

The rough estimates, projections and comparisons above show that the cost of a photocopying licence for the Government of Canada may exceed \$ 2 million if based on 2 cents per page, and \$3.5 million if based on 3.45 cents per page. Accurate data on the volume and nature of copies made on government machines can ensure that the negotiated licence is based on actual copying patterns and provides value for cost.

6. SUGGESTED METHODOLOGY FOR GOVERNMENT-WIDE SAMPLING

Our survey findings and the model based on these findings, described in the previous chapter, are useful to illustrate how the nature and volume of what is copied can influence the negotiation of a copying licence. These findings, however, apply only to photocopying in Communications Canada in March 1989.

Communications Canada is one out of approximately 140 departments and agencies of the Government of Canada. While copying patterns in this survey may be similar to those of other departments, there may be differences due to departmental functions and/or time of the year.

The negotiation of a photocopying licence for the Government of Canada will require substantial and representative data to ensure that certain objectives are achieved in the negotiating process:

- * The copying guidelines which will form part of the licence must permit all or substantially all of the copying which occurs on government machines. Any copying which exceeds permissible limits will require the securing of individual permissions, an expensive and time-consuming operation. Negotiators on behalf of the Government of Canada must be familiar with what and how much is copied, to ensure that such copying is permitted under the terms of the licence.
- * The cost of the photocopying licence must be carefully negotiated. Fair payment should be made where payment is due, but payment should not be made for copying which is not subject to payment, for example non-substantial copying, copying of works in the public domain, fair dealing, and copying under specific exceptions.

Succinctly put, accurate data on government copying is essential to ensure that a copying licence provides maximum value for cost. This chapter describes the steps that would be necessary to build on the sampling foundation of this study, in order to develop reliable data on what is copied on photocopying machines in the Government of Canada. The sampling plan should provide all data required for effective negotiation with collectives.

6.1 TOTAL RECORDS VERSUS SAMPLING

Completely accurate data on Government of Canada photocopying would involve keeping comprehensive records of what is copied on each and every federal government machine throughout the year, including bibliographic information such as author and title. Comprehensive records have one advantage: They enable distribution of licence revenues by a collective to its individual members according to a formula based on the actual copies made of their works.

The disadvantage of total record-keeping is that the cost of collecting and analyzing such data would be prohibitive. If Government of Canada employees make approximately 1.5 billion exposures per year of which perhaps 175 million represent copies from published works, maintaining comprehensive records would require logging about 14 million copying transactions each year.

It is not necessary to collect total records on photocopying if probability sampling is a viable alternative. In other countries where photocopying and music collectives exist, probability sampling has been widely accepted as the basis for negotiation and revenue distribution.

RECOMMENDATION 1.

Probability sampling should form the basis for data collection on photocopying in the Government of Canada.

6.2 GENERIC VERSUS BIBLIOGRAPHIC DATA

Photocopying data can be divided into two main categories;

1. GENERIC data such as whether a work is published, the type of work, country of publication, date of publication, and amount of copying. Generic data only was collected in our survey of photocopying in Communications Canada. Generic data can be collected by checking off categories on a simple log form. Computer analysis is straightforward.

2. BIBLIOGRAPHIC data such as the name of the author, the title of the work, the name of the publisher, the International Standard Book or Serial Number. Bibliographic data can be collected either by writing this data on a log form, or by making an extra copy of the title page of the work copied and adding relevant information on the specific pages copied and the number of copies made of each page. The analysis of bibliographic data is complex and requires maintenance of an extensive computer database.

Generic data is necessary for negotiating a photocopying licence while bibliographic data is not. Generic data can be analyzed and summarized by the Government of Canada without major expenditure. The analysis of bibliographic data is expensive and complex. Bibliographic data is necessary for revenue distribution by a collective to its members, but is not of interest to the Government of Canada as a user of copyright material.

For these reasons, bibliographic data should be collected by the Government of Canada only if it becomes necessary to do so. Necessity is a factor likely to be determined by negotiation with collectives.

RECOMMENDATION 2.

The Government of Canada should collect only generic data on photocopying, to facilitate the negotiation of a collective licence for photocopying. Bibliographic data should not be collected unless it becomes necessary to do so.

6.3 VALIDATION SAMPLING

This survey of copying in Communications Canada sampled all departmental photocopying machines for a short period of time. The survey established a ratio of published to unpublished works copied, and determined the generic nature of published works copied and the proportion of the work that was copied.

This data may not be representative of the nature or volume of copying in the Government of Canada. Additional data should be collected to expand the sampling base to other departments, and logging should be scheduled at other times during the year. The objective of additional sampling would be to validate and complement the findings of the Communications Canada survey.

The following approach would provide the data required to determine, with an acceptable level of certainty, the volume and nature of copies made from published works in the Government of Canada.

1. Conduct 3 other departmental surveys using the methodology developed for the Communications Canada survey. This involved determining the annual volume of copying on each departmental machine, and logging a statistically valid number of copies on each of the departmental machines. Conduct these departmental surveys at different times, for example in June, September and November.
2. Add data logged in the additional departmental surveys to the database created in the Communications Canada survey. Compare the findings of the 4 departmental studies, to identify significant variables. Such variables could include the general area of activity of the department (policy versus service for example), the employment category of the majority of staff using the machines (operational, management, scientific or professional, administrative support), or the specific type of activity in the area adjacent to the machine (library, personnel services, legal services).
3. Based on significant variables identified in the 4 departmental studies, develop a stratified sampling plan to log a specific number of machines in a specific number of departments during specific periods of the year. The selection of departments, machines within a department and scheduling of the logging exercise would be random. The objective will be to validate the findings of the 4 departmental studies while adding to the sample database. After this stage, data in the database should be able to support reasonable extrapolation to all government copying.
4. Reduce sampling to the minimum necessary for maintenance of reasonable levels of confidence in the database. Maintenance sampling should be done on a yearly basis, with location and timing of the logging exercise randomly determined.

RECOMMENDATION 3.

To build on the database created for this study, conduct 3 additional departmental surveys based on the methodology developed for the Communications Canada survey. Analyze results and based on significant variables, initiate stratified random sampling of some machines in some departments. When the database can support extrapolation to all government copying, reduce sampling to a maintenance minimum.

4.4 LOGGING BY STAFF MAKING COPIES

In the Communications Canada survey, the decision was made that logging would be completed by a small number of staff specifically trained to do so, and not by the many employees in the department who use the copying machines.

This decision resulted in a highly accurate logging exercise, but the cost to the department in terms of staff time was high as each machine took approximately 15 hours to log.

The 3 additional departmental surveys recommended to establish a fundamental database should continue to use this approach. The number of log forms to complete at each machine might be reduced, effecting some savings in the cost of logging.

During the subsequent stratified sampling exercise, another less costly approach could be tried. This would involve placing notices on the machines being sampled, and requesting staff to log the copies they make from published works.

Self-logging would no doubt reduce the level of confidence in the data collected. Careful examination would determine if cost savings justified the lowering of confidence levels. The self-logging approach is used by the Copyright Clearance Centre in the U.S.A. to log copying in multinational corporations such as Exxon. But problems of non-compliance by staff in one large corporation recently resulted in a lawsuit. Self-logging is also used in other countries, including Kopinor in Norway.

RECOMMENDATION 4.

For the 3 additional departmental surveys, logging should be done by trained staff appointed for this purpose. During subsequent stratified sampling, some self-sampling should be introduced and carefully monitored to weigh loss of confidence against cost savings.

COMMUNICATIONS CANADA
STUDY ON PHOTOCOPYING OF PUBLISHED WORKS
BRIEFING NOTES FOR SURVEY COORDINATORS

1. Purpose of the Study

A. Reprography Collectives

Authors and publishers in Canada, represented by the Canadian Reprography Collective and l'Union des écrivains québécois, claim that the Government of Canada is a primary user of material protected by copyright.

These organizations recently invited the Government to enter into negotiations to obtain a blanket license to legalize the copying of published works which occurs on federal government photocopying machines. Negotiations will be better informed if there is accurate data on what is copied on government photocopying machines.

B. Photocopying Survey

The objective of this study is to design a methodology for surveying the volume and content of photocopying of published works in the federal government. To do this, we are conducting a survey of copying in Communications Canada offices across the country.

The survey will determine the nature of published works copied on departmental photocopying machines, and estimate the proportion of all exposures that could be covered by a licensing arrangement with collectives.

C. We Want To Set A Positive Example

Communications Canada is the Department responsible for copyright revision. The new copyright law encourages the formation of collectives. It is important that this Department take a positive step to recognize the rights of authors in the works they have created, and cooperate with the organizations they have formed to exercise their rights on a collective basis.

2. Approach

The Survey of Photocopying of Published Works at Communications Canada has been undertaken for the department by:

Project Director: Francoise Hebert
Information Resources Consultant
7. Thornwood Road, Suite 302
Toronto, Ontario M4W 2R8

Telephone: (416) 926-1902
FAX: (416) 962-0293
Envoy: FM.HEBERT

Departmental Liaison: Raymond Lepage
Copyright Directorate
Communications Canada
Third Floor, Journal Tower North
300 Slater Street
Ottawa, Ontario K1A 0C8

Telephone: (613) 990-4223
FAX: (613) 952-1231

The Photocopying Study has been divided into two phases:

Phase I consisted of an inventory of photocopying machines in departmental offices across Canada. We determined the number and location of machines, and the annual volume of copying which occurs on each machine. Agencies such as the Canada Council, the National Library of Canada and the National Film Board are not included in this study.

PHASE II IS BEGINNING NOW. It involves the collection of information on the nature of copies made on departmental machines. We specifically want to know:

1. What proportion of exposures made on DOC machines are made from published works?
2. What is the nature of copies made from published works?

To determine the answer to these questions, log forms must be completed at every photocopying machines in the department.

3. Methodology

Step 1. Survey Coordinators are appointed.

Each sector in DOC has been asked to appoint a survey coordinator who will organize and supervise the logging operation on certain floors in the Journal Tower, or at various locations across Canada.

Step 2. Survey Coordinators attend a briefing session.

This session is intended to brief coordinators on the purpose of the survey, outline the logging exercise schedule and specifications, and review the log forms and logging instructions.

Sub-Coordination for regions, districts and research centres will be briefed by telephone.

Step 3. Logging assistants are appointed.

Coordinators appoint logging assistants who will complete the log forms. Logging assistants could be junior clerical staff, or the key operator for each machine.

Step 4. Logging assistants are trained to complete log forms.

Logging assistants will be given copies of the logging instructions, which they should read carefully. Coordinators might wish to hold a brief training session for logging assistants, at which sample forms are completed in a simulated logging session. The log forms are straightforward, and should not be difficult to complete.

Step 5. Logging exercise takes place, under the supervision of coordinators.

Logging must be completed by March 23.

The number of log forms to complete at each machine was determined by computer, based on the annual volume of copying at that machine in relation to all other machines in Communications Canada. The number of log forms varies from a minimum of 20 to a maximum of 200, depending on the machine.

Logging will occur during two separate sessions, with half the forms completed in the first session, and half the forms completed in the second session. Envelopes provided for each machine will contain the correct number of forms to complete at each logging session.

THIS IS VERY IMPORTANT: Once a session has started, all copies made on that machine must be logged, until there are no log forms left in the session envelope. There must be no interruption in the logging process, and no decision made to log some copies but not others.

Start the first session at 9am on a day of your choice. If forms still remain to be completed at lunch time, the coordinator or other person will need to relieve the logging assistant. Remember, there should be no interruption in the logging session once it has begun.

If a logging session is not complete at the end of the working day, start logging again at 9am on the next morning, and continue until no log forms remain.

The second session can immediately follow the first, or it can occur a day or two later.

It is not necessary to log all machines at the same time. Different machines can be logged on different days, allowing coordinators to stagger the workload and to use the same assistant to log several machines.

Conduct the logging sessions during normal business hours, between 9am and 4pm. We are trying to obtain typical data, so no logging during weekends or evenings.

Coordinators should be available to answer questions that logging assistants or departmental staff may have during the logging sessions. The project coordinator and the Copyright Directorate staff will also be available to answer questions.

Step 6. Completed log forms are returned.

Return completed log forms in their original envelope. Uncompleted forms should be returned in the same envelopes. Locations outside the Journal Towers in Ottawa should use courier services. Return all log forms in their envelopes to:

Raymond Lepage
Copyright Directorate,
Third Floor, Journal Tower North (613) 990-4223

**GUIDE TO
PHOTOCOPYING LOG FORMS**

1. LOG IN CONTINUOUS SESSIONS

Once a logging session starts at a particular machine, logging should continue without interruption until all the log forms have been completed. It is important for the validity of survey results that there be no interruption in logging, and no selection of items to log or not log.

2. LOG COPYING OF SECRET OR PROTECTED DOCUMENTS

No information collected in this survey compromises the security of classified documents. Logging assistants do not even need to see the document being copied. Logging forms can be completed by asking questions of the person making copies of classified material, or by asking this person to complete the forms. Because most protected documents are not published, only the total of exposures needs to be recorded.

3. BE POLITE. DON'T PUSH.

This is a departmental survey, conducted under the authority of the Minister and the Deputy Minister. Approach staff who are making copies with a statement such as:

"The Department is conducting an important survey on photocopying of copyright works. Please answer a few brief questions on the copies you are making."

If there is hesitation, point out that the survey is confidential. Neither the individual making the copies nor the item copied are specifically identified. If the staff member still refuses to cooperate, write REFUSED across the form and withdraw until the next person comes along. If there are lots of refusals (this should not happen), contact your survey coordinator.

4. HOW TO COMPLETE THE LOG FORM

Sections below correspond to the log form.

1. TYPE OF ITEM COPIED

Unpublished: Correspondence, internal reports, invoices,
administrative material, personal documents

Total exposure (original pages x copies) _____

THANK YOU. STOP HERE

Unpublished items are those which have not been issued to the general public. They include all internal administrative documents, draft reports, correspondence, memoranda, forms, notes, minutes of meetings, and personal documents.

This survey is concerned only with the number of exposures made of unpublished material, to determine the overall proportion of copies made of this type of item on departmental machines.

If several items copied are unpublished, you may log the copying "session" at the copying machine, rather than individual copying transactions. A session could involve copying just one letter or report, or it could involve copying a large number of separate unpublished items.

Simply count the total number of exposures made from unpublished items by the staff member during that copying session, enter this total on the log form, and stop there.

Published:	Federal government document	1
	Document from another government	2
	Book	3
	Periodical	4
	Newspaper	5
	Other	6

Log ALL individual photocopying transactions involving published works. A transaction involves copying a copyright work or a part of a copyright work. Generally, the physical item or thing held in your hand is a copyright work, for example a book or a brochure. But ...

But there are two exceptions to watch out for.

- * Each article in a newspaper or periodical is a copyright work
- * Each contribution to an anthology or compilation such as an encyclopedia is a copyright work.

If someone is copying two articles from a periodical, complete two log forms. Each copied article represents a copying transaction. If someone is copying an entire periodical, or an entire anthology, log each article or contribution separately. Sometimes this will mean a lot of forms. Sorry, but please.

Government documents can be books, periodicals or any other type of item. Their nature as a government document takes priority in this survey. If a government document is co-published with a commercial publisher, do not log it as a government document but as a book, periodical etc...

Federal government document refers to any publication of the federal government, including Communications Canada, which has been made available free or for sale to the general public through the Department or through the Canadian Government Publishing Centre. This includes annual reports, White or Green papers, departmental newsletters, directories, Parliamentary papers, laws and statutes etc...

Document from another government includes any publication of the provincial or municipal governments in Canada, or of any foreign governments such as the U.S, British or French governments. Publications of international government bodies such as the United Nations and Unesco should be logged in this category.

Book includes reference works, encyclopedias, monographs, theses or other items of a monographic nature. It also includes publications such as conference proceedings and annual reviews.

Periodical refers to publications issued in serial form, usually identified by date or number. It also refers to supplements and newsletters.

Newspaper refers to serial publications which appears on a daily or weekly basis, usually printed on flimsy paper in larger than normal page format, and concerned mainly with the reporting of current events.

Other refers to any published item that does not fall into a category above, such as maps, photographs, music scores, pamphlets or brochures.

2. GENRE OF ITEM COPIED**(Circle one only)**

Text:	Non-fiction	1
	Fiction	2
	Poetry, lyrics	3
	Drama	4
Illustration:	Drawing, artistic work	5
	Photograph	6
	Advertisement	7
	Map, chart, graph	8
Music:	Score, sheet music	9
Other:	(Specify) _____	10

Non-fiction includes text whose content is based on reality. It includes most newspaper and periodical articles, textbooks, how-to books, commentary, analysis, research, criticism.

Fiction includes works of the imagination presented in narrative form, for example novels, children's stories, short stories.

Poetry includes works of the imagination, often expressing thought or feelings, often presented in verse or rhyme.

Lyrics are poetic words meant to be sung. If accompanied by musical notation, log as music.

Drama includes works of the imagination designed for theatrical presentation, for example play and movie scripts.

Drawings, artistic works includes line drawings, sketches, paintings, designs and other artistic representations.

Photographs include pictures produced by a photographic technique. Include original photographs, or photographic reproductions contained in the work that is copied.

Advertisements include product advertisements which appear in periodicals, newspapers and other items. Advertisements often include photographs and artwork accompanied by text.

Map, chart, graph includes the illustrated or tabulated representation of physical, political, statistical features or information.

Music scores, sheet music includes musical notation, which may be accompanied by lyrics.

-
- | | | |
|---------------------------|---------------|---|
| 3. COUNTRY OF PUBLICATION | Canada | 1 |
| | U.S.A. | 2 |
| | Great Britain | 3 |
| | France | 4 |
| | Other | 5 |
-

If several countries including Canada are indicated as the country of publication, circle Canada even if Canada is not first among those listed.

- | | | |
|----------------------------|---------|---|
| 4. LANGUAGE OF ITEM COPIED | English | 1 |
| | French | 2 |
| | Other | 3 |
-

If publication is English and French, circle both. If there is no text, for example in a photograph, do not circle any number.

- | | |
|------------------------|----------------------|
| 5. YEAR OF PUBLICATION | (Use 4 digits) _____ |
|------------------------|----------------------|
-

For books and reports, the year of publication will normally be found on the back of the title page. For newspapers and periodicals, use the year of publication of the issue copied. If several dates are listed, use the most recent.

- | | | |
|------------------|-------------------------|-------|
| 6. AMOUNT COPIED | Original pages copied | _____ |
| | Copies of each original | _____ |
-

Original pages copied refers to the total number of original pages copied from any one source. The pages do not need to be in sequence, and can be scattered throughout a book or periodical. Indicate the total number of pages copied (12), not the page numbers of the copied pages (page 64 to 75). Do not count discarded copies. If two original pages are copied onto one page, count the two originals, not the single copy.

Copies of each original refers to the number of time each original page is copied, for example 2 copies of an article, or 6 copies of a book chapter.

7. PHYSICAL ITEM FROM WHICH COPIES ARE MADE

Total pages in the complete physical item _____

For newspapers, periodicals, encyclopedias, anthologies
or other compilations of short works:

The complete article was copied

1

Only a portion of the article was copied

2

Total pages refers here to the physical item or thing that is placed on the photocopying machine and from which copies are made, for example a book, periodical issue, newspaper section, brochure, photograph or map. It does not refer to the number of pages that are copied, but to the number of pages in the item from which copies are made.

Indicate the total number of numbered pages in the physical item being copied. Use the number of the last numbered page in the body of the work. Disregard supplementary numbering for summaries, prefaces or indexes.

If pages are not numbered, please estimate the total number.

Newspapers, periodicals, encyclopedias, anthologies or other compilations are groups of individual works, often created by different authors. We are interested in knowing whether articles, stories, poems or other short works contained inside larger works are copied in whole or in part.

FINISHED!

When all log forms to be completed during a logging session have been completed, please return them to your survey coordinator, who will return them to us.

THANKS FOR YOUR HELP.

Francoise Hebert
Project Coordinator

Raymond Lepage
Copyright Directorate

COMMUNICATIONS CANADA

PHOTOCOPYING LOG

 Insert requested information or circle appropriate number

1. TYPE OF ITEM COPIED

 Unpublished: Correspondence, internal reports, invoices,
 administrative material, personal documents

Total exposure (original pages x copies) _____

THANK YOU. STOP HERE

Published:	Federal government document	1
	Document from another government	2
	Book	3
	Periodical	4
	Newspaper	5
	Other	6

2. GENRE OF ITEM COPIED

(Circle one only)

Text:	Non-fiction	1
	Fiction	2
	Poetry, lyrics	3
	Drama	4
Illustration:	Drawing, artistic work	5
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 For newspapers, periodicals, encyclopedias, anthologies
 or other compilations of short works:

The complete article was copied	1
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CANADIAN REPROGRAPHY COLLECTIVE**SCHEDULE A
(to Affiliation Agreement)****COPYING GUIDELINES
(February 8th, 1989)**

These Copying Guidelines set out the maximum amount of copying which the Collective is permitted to authorize in any circumstance for any kind of material. They establish the limits within which the Collective will deal with users seeking licences for various purposes and in various circumstances.

When the Collective grants a licence to a particular user, the licence will include rules for copying (or licence guidelines) which will be appropriate for the purpose or business of that user. For example, users in educational institutions (elementary, secondary, college), libraries, businesses and government offices have different needs. In most instances, the amount of copying authorized by a particular blanket licence will be fixed at a lower amount than that permitted by these Copying Guidelines. This "amount of copying" permitted by a licence will be limited in respect to both the percentage of the whole work which the user may copy (see section C below) and the total number of copies which the user may copy (see section D below).

In negotiating and fixing licence fees and royalties, the Collective will seek compensation based on the use made of the copies. For example, an educational institution may pay less than a commercial enterprise, and an educational institution may pay more for a reproduction made on material other than paper to facilitate preservation or overhead projection (in instances where this is permitted) or more to copy print music.

The Collective recognizes that material included in databases is particularly vulnerable to abuse and, where database rights are sought, will exercise special caution when granting licences.

The Collective recognizes the principle that reprographic copies shall not substitute for material which it is reasonable to expect a user to purchase and that systematic or repeated copying shall not be authorized. The Collective is sensitive to the special problems that relate to the copying of current issues of periodicals, illustrated books and other materials.

The Collective reserves the right to exclude certain types of publications from its repertoire on the basis of data supplied to it by authors and publishers or data otherwise available to it. The repertoire of the Collective will not include publications which contain a notice specifically prohibiting copying under the authorization of a blanket licence from a collective or licensing body.

A. GENERAL PROHIBITIONS

The Collective shall **not** permit copying from the following works:

1. Unpublished works;
2. Work books, work cards, assignment sheets, test and examination papers and any other materials intended to be "consumable";
3. Commercial newsletters;
4. Originals of artistic works including photographs or prints; and
5. Print music, for use by choirs, orchestras, bands and similar ensembles (including religious, instructional, recreational or professional groups).

B. OTHER GENERAL PROVISIONS

1. As owner of copyright or his or her licensed publisher or agent (in accordance with existing agreements), an affiliate retains the right to licence reprographic copying which is outside the limitations in these Copying Guidelines. However, an affiliate shall advise the Collective within thirty (30) days after authorizing any reprographic copying. This will provide useful information on user copying and assist the Collective in identifying unlicensed copying.
2. Licences granted by the Collective shall contain a provision stating that permissions to make copies of publications or numbers of copies outside the terms of the licence (if beyond the limits of these Copying Guidelines) must be requested in writing from the respective copyright owners.
3. The Collective will assist licensees in obtaining permissions from authors and publishers for reprography beyond the limits of these Copying Guidelines.
4. The Collective shall require a notice clearly identifying the source of the material copied to be placed on every copy of each copyright item made by its licensees.

C. PROPORTION OF PERMITTED COPYING

No copyright item reproduced by reprography shall exceed

- (a) Twenty percent (20%) of an entire work; and
- (b) Twenty percent (20%) of a complete publication (single issue of a periodical, single volume of a book, single folio etc.),

whether the copying is in one sequence or taken from various parts of the work or publication,

except:

1. In the case of a newspaper article, where that entire article may be copied;
2. In the case of an article in a periodical issue or in a set of conference proceedings where that entire article may be reproduced from an issue containing other works;
3. In the case of a short story or play where that entire item may be reproduced from a book or periodical issue containing other works, or in case of an article where that entire item may be reproduced from a book containing other works;
4. In the case of poetry or print music where that entire poem or item of print music may be reproduced from a book or periodical issue containing other works;
5. In the case of material from encyclopaedia, annotated bibliographies or similar reference works (containing individual essays or other entries) where the whole of any entry may be reproduced;
6. In the case of a reproduction of an artistic work (including drawings, paintings, prints, and works of sculpture, architecture or artistic craftsmanship) where that entire artistic work may be reproduced from a book or periodical issue containing other works;
7. In the case of any copyright material in respect to which rights holders have authorized the Collective to license reproduction by means of Braille or similar tactile symbols or by a sound recording solely for persons who are unable to read print or view visual material because of a physical handicap, where the whole of any copyright item may be reproduced; and
8. In case of an out-of-print publication, where a greater proportion of a work may be copied at the discretion of the Collective, provided that the Collective shall make reasonable efforts to consult with the publisher and author regarding requests to copy an entire work.

D. MULTIPLE COPIES

1. The number of reproductions of any one item of copyright material (i.e. a story, poem, chapter, play, article, essay etc.) made at any one time shall not exceed the number of copies reasonably needed to ensure that each student or participant in an instructional or recreational program or group has one reproduction only for his or her personal study plus two (2) copies for each instructor or leader working with those persons.

2. Notwithstanding anything contained in these Copying Guidelines, there shall be no systematic or repeated copying of the same copyright material or part thereof (that is, from the same book or periodical issue) by a licensee for one course of study or program within the same year or academic year beyond the limits set out in section C.

E. DATABASES

1. Where any article, poem, story or other copyright item is forty-five (45) pages or less, the whole of that item may be entered into a database. In all other instances, only twenty percent (20%) of a work may be entered into a database, whether the copied portions of the work are in one sequence or taken from various parts of a publication.

2. Licensees shall send written notice to the Collective immediately following in-put and also records of all print-outs (and displays, if feasible) as required by the licence granted by the Collective. Payment to affiliates by the Collective will be based on such records and not on sampling.

CANADIAN REPROGRAPHY COLLECTIVE

SCHEDULE A (to Affiliation Agreement)

COPYING GUIDELINES (February 8th, 1989)

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In negotiating and fixing licence fees and royalties, the Collective will seek compensation based on the use made of the copies. For example, an educational institution may pay less than a commercial enterprise, and an educational institution may pay more for a reproduction made on material other than paper to facilitate preservation or overhead projection (in instances where this is permitted) or more to copy print music.

The Collective recognizes that material included in databases is particularly vulnerable to abuse and, where database rights are sought, will exercise special caution when granting licences.

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The Collective reserves the right to exclude certain types of publications from its repertoire on the basis of data supplied to it by authors and publishers or data otherwise available to it. The repertoire of the Collective will not include publications which contain a notice specifically prohibiting copying under the authorization of a blanket licence from a collective or licensing body.

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3. Commercial newsletters;
4. Originals of artistic works including photographs or prints; and
5. Print music, for use by choirs, orchestras, bands and similar ensembles (including religious, instructional, recreational or professional groups).

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2. Licences granted by the Collective shall contain a provision stating that permissions to make copies of publications or numbers of copies outside the terms of the licence (if beyond the limits of these Copying Guidelines) must be requested in writing from the respective copyright owners.
3. The Collective will assist licensees in obtaining permissions from authors and publishers for reprography beyond the limits of these Copying Guidelines.
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- (b) Twenty percent (20%) of a complete publication (single issue of a periodical, single volume of a book, single folio etc.),

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except:

1. In the case of a **newspaper article**, where that entire article may be copied;
2. In the case of an **article** in a periodical issue or in a set of conference proceedings where that entire article may be reproduced from an issue containing other works;
3. In the case of a **short story or play** where that entire item may be reproduced from a book or periodical issue containing other works, or in case of an **article** where that entire item may be reproduced from a book containing other works;
4. In the case of **poetry or print music** where that entire poem or item of print music may be reproduced from a book or periodical issue containing other works;
5. In the case of **material from encyclopaedia, annotated bibliographies or similar reference works** (containing individual essays or other entries) where the whole of any entry may be reproduced;
6. In the case of a **reproduction of an artistic work** (including drawings, paintings, prints, and works of sculpture, architecture or artistic craftsmanship) where that entire artistic work may be reproduced from a book or periodical issue containing other works;
7. In the case of any **copyright material** in respect to which rights holders have authorized the Collective to license reproduction by means of Braille or similar tactile symbols or by a sound recording **solely for persons who are unable to read print or view visual material because of a physical handicap**, where the whole of any copyright item may be reproduced; and
8. In case of an **out-of-print publication**, where a greater proportion of a work may be copied at the discretion of the Collective, provided that the Collective shall make reasonable efforts to consult with the publisher and author regarding requests to copy an entire work.

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