



Blake, Cassels & Graydon LLP
Barristers & Solicitors
Patent & Trade-mark Agents
340 Albert Street, Suite 1750
Constitution Square, Tower 3
Ottawa ON K1R 7Y6 Canada
Tel: 613-788-2200 Fax: 613-788-2247

January 8, 2014

VIA EMAIL

Nancy Brooks

Partner

Dir: 613-788-2218

nancy.brooks@blakes.com

Reference: 00071273/000007

Copyright Board of Canada
800 – 56 Sparks Street
Ottawa, ON K1A 0C9

Attention: Gilles McDougall, Secretary General

Dear Mr. McDougall:

RE: Access Copyright Post-Secondary Educations Institution Tariff (2011 – 2013)

We are writing in response to the Notice of the Board dated December 20, 2013 regarding Professor Katz's request that the following information be placed on the public record:

- the agreements between Access Copyright and other Reproduction Rights Organisations ("RROs") obtained in the context of Professor Katz's interrogatories to Access Copyright (designated by Professor Katz as AK-7);
- Exhibit AC-2H (Access Copyright's list of affiliates); and
- a non-redacted version of Professor Katz's letter of December 20, 2013 (the "Letter") and its Appendix.

In order to move matters forward, Access Copyright does not oppose having the agreements between Access Copyright and other RROs (designated by Professor Katz as AK-7) placed on the public record.

Access Copyright opposes having its list of affiliates (Exhibit AC-2H) placed on the public record. Access Copyright does not publish anywhere its list of affiliates and treats this information as commercially-sensitive business information. Access Copyright believes it is reasonable to conclude that if the list of Access Copyright affiliates is made public, it may be used in ways that are detrimental to both Access Copyright and its affiliates and that it may be made widely available online. We note that in both the K-12 and the provincial and territorial government tariff proceedings, the list of affiliates was treated as a confidential document. In its Ruling of May 18, 2012 (in the provincial and territorial government tariff proceeding), the Board granted Access Copyright's application for confidential treatment of the list of affiliates, subject to the proviso that "any mention of an individual entry made during the hearings in this matter will be put on the public record." We submit that there should be consistent treatment of Exhibit AC-2H in the present proceedings.

Access Copyright does not oppose having the Letter and the Appendix placed on the public record in unredacted form.¹ However, Access Copyright is in no way agreeing to the content of or submissions made in the Letter or Appendix (or any documentation referred to therein) and does not waive its right to make substantive submissions in this regard.

We would be pleased to answer any questions the Board may have about this matter.

Yours very truly,



Nancy Brooks

c: R. Hofley, Blakes
A. Katz
S. Maguire

¹ Access Copyright understands that the Letter, Appendix and the document referred to as AK-7 are the subject of the Board's Notice of December 20, 2013, and these may be placed on the public record (if the Board so decides). However, because the documents referred to by Professor Katz in the Letter and Appendix as "exhibits" (numbered AK-1 through AK-6 inclusive and AK-8 through AK-12 inclusive) are not the subject of the Board's Notice, they are not the subject of the within submissions, on the understanding they will not be placed on the public record. If our understanding is incorrect, we request an opportunity to make further submissions in respect of each of these documents.