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Registering copyright

Do I register my copyrights with Access Copyright?

A: Access Copyright does not register copyrights and it does not do title searches. You may register your copyrights through the Canadian Intellectual Copyright Office in Ottawa.

Administrative issues

Who do I notify of my change of address or other changes?

Notify Access Copyright's membership staff of any changes in your contact information as soon as possible, so that our records are up to date. Click on contact our staff in the left menu bar or phone 416-868-1620 (1-800-893-5777 toll-free).

Should I let Access Copyright know when I publish new titles?

Yes, you can send us an updated list of any newly published works that we don't already have on file once or twice a year. You can mail, fax or email us your list.

Can I fax or e-mail my Access Copyright affiliation agreement?

We only accept original copies of the agreement with your signature (not a photocopy), so it is not possible to accept agreements via the Internet or fax. You may download a copy of the affiliation agreement from this site, fill it out and return it to us by mail.

Can I register to become an affiliate online?

You may fill out the Creator or Publisher Affiliation Form online, but then you must print a copy of it, sign it and return it to us. When you submit your affiliation form online, it will go into holding until we receive your signed copy in the mail. Once we receive your signed copy, and your application has been approved, we will release your agreement and your affiliation goes into effect. At this time we will also send you a password that will allow you to update your records and provide you with affiliate-only online privileges.

Becoming an Access Copyright affiliate

Who can become an affiliate of Access Copyright?

Any Canadian citizen who has published works in Canada in print format is eligible to affiliate with Access Copyright. This includes creators such as writers, illustrators and photographers.

How do I become an affiliate?

Simply download the creator affiliation form (link to form can be found in the menu on the left), fill out the agreement, and send it to us with a list of your published works.

Is there a fee to become an affiliate?

There is no annual fee to affiliate. However, Access Copyright will withhold a percentage of royalties collected to cover our administrative costs. This way, only those benefiting from a distribution will be contributing to the cost of operations. The Board of Directors sets the holdback fee each year. To find

out about the current administrative holdback, contact the Affiliation Department.

Do I need to renew my affiliation every year?

Once you are an affiliate, you do not need to renew your affiliation, and it will not expire unless you submit written instructions to us to cancel your affiliation.

How many published works do I need to have to become an affiliate?

As long as you have published work in print format, you may become an affiliate.

If I'm Canadian, but am published primarily in the U.S. and U.K., is it still worth my while to affiliate?

Yes. Through bilateral agreements with reproduction rights organizations (RROs), Access Copyright affiliates are represented in other countries around the world, including the U.S. and U.K. All RROs, including Access Copyright, are members of the International Federation of Reproduction Rights Organizations (IFRRO), which represents 24 RROs and 30 associated organizations from 21 national territories. Where possible, we negotiate bilateral agreements with other RROs. These agreements ensure representation of Canadian publications in other territories. They also allow us to represent foreign publications in Canada.

I live in Quebec, but most of my books are published in English. Can I become an affiliate of Access Copyright?

You may wish to join COPIBEC, the RRO in Quebec. Through a bilateral agreement with COPIBEC, Access Copyright represents works from Quebec across Canada, while COPIBEC focuses on works from Quebec. You may become an affiliate of either organization, but you cannot join both.

Can I become both a publisher and creator affiliate?

You can become an affiliate as both a publisher and a creator only if you are not a self-publisher. If you only publish your own material, you will be treated as a creator affiliate.

If I am a member of PWAC (or any other Access Copyright member organization), does that automatically make me an Access Copyright affiliate?

No. You must fill out a creator affiliation agreement to become an affiliate.

Is the Access Copyright affiliation agreement exclusive?

A: The exclusive right referred to in the agreement is limited to collective licensing activities conducted by a collective society. In other words, you will continue to be able to grant rights for the use of your works as long as you do not affiliate with another reprographic rights organization such as COPIBEC in Quebec.

Copyright infringement**What can I do if I believe someone is infringing my copyright by photocopying my works without my permission?**

Start by clicking on Compliance on the navigation bar of this page for more information. It's possible that we have already licensed the copying you are concerned about. However, if this is not the case, a letter from us reminding the user of their responsibilities under copyright law may be all that is necessary to ensure that the user copies lawfully. If you wish to make a complaint of illegal copying, you can do so by using our compliance complaint form, found in the compliance section of this site.

Distribution of royalties**Does every affiliate receive royalties?**

Payments are linked to actual copying, as determined by methods such as sampling, reporting by licensees and other analysis. Only copyright owners whose work appears in this data receive payment for copying of copyright-protected works.

However, each year Access Copyright receives royalties that, due to insufficient information, can't be attributed to specific Canadian copyright owners. These repertoire royalties are pooled and divided among copyright owners who were affiliates of Access Copyright at the start of the fiscal year in which the royalties were collected. Most affiliates do receive payment through this pool, but the amount per affiliate varies from year to year.

If my publisher is an affiliate of Access Copyright but I'm not, how do I get my share of royalties?

Royalties for unaffiliated creators are sent directly to the publisher for distribution. It is the publisher's responsibility to forward the author's portion to them. Creators who are affiliates of Access Copyright are paid directly by us, so they typically receive their royalties more quickly than unaffiliated creators.

How do you distribute the money you collect?

The guiding principles of royalty distribution are:

- distribution should be tied to usage;
- the ratio of the cost of distribution to the amount being distributed should not exceed a reasonable sum; and
- foreign rightsholders must enjoy the same rights as domestic rightsholders.

Four methods for gathering data and distributing royalties--full-reporting, sampling, modelling and repertoire--have been developed and reflect these guiding principles to varying degrees. For more information on distribution, click on distribution of royalties in the menu at the left.

How do you know who has copied my work and how many times it is copied?

We have a sample system for K-12 schools. Every three years, specific educational districts are given copylogs in which to record the titles being copied, the number of times copied, and for what courses. The materials that appear on these copylogs are the materials we know are being copied and we will collect royalties for the reproduction use of those works. Copyshops who have licences with Access Copyright are also monitored using the copylog system. As well, transactional licensees provide detail of what they are copying.

What if my work does not show up in these logs?

Copylog sampling is not without its shortcomings. It is, after all, only a snapshot of the photocopying in a representative number of schools. Different provinces are sampled each year, and over a period of three years, all the provinces (except Quebec) will have participated in a sample. You may still receive copying royalties, even if your work does not appear in copylogs or transactional records. (See "What is repertoire payment?" below.)

How often will I get paid?

The amount you will be paid is determined by how often your work appears in our analysis of copying data, and the amount collected for that copying. At present, Access Copyright conducts a number of distributions throughout the year. Royalties are distributed in the fiscal year after the year in which they were collected. This year's distribution schedule is also available for review on this site.

Can I expect to receive a minimum or maximum payment?

Access Copyright's Board of Directors has established that royalties due to a rightsholder must reach a minimum payment of \$25 before a cheque will be prepared and sent to you. Lesser amounts will be held on account until accumulated payments due to you reach the \$25 threshold. After five years, royalties due you that have not reached \$25 are transferred to a royalty pool that is divided annually among affiliates. There is no maximum payment you can receive - your royalties depend on the amount of copying of your works we capture through our various licensing activities.

What is repertoire payment?

The repertoire payment is a pool of royalties that cannot be allocated to specific rightsholders due to insufficient information. These royalties are pooled and divided among copyright owners who were affiliates of Access Copyright at the start of the fiscal year in which the royalties were collected. Most affiliates receive payments from this pool, but the amount per affiliate varies from year to year. The repertoire payment is distributed by regular mail in late October each year.

How long do I have to be a member before I'm eligible to receive a repertoire payment?

You must be affiliated for at least one full calendar year before you will receive monies from the repertoire pool. For example, to be eligible for the October 2004 repertoire payment, you must be affiliated as of December 31, 2002.

Can I get retroactive payments for royalties collected prior to my affiliation?

No, we do not make retroactive payments. If we collected money for you prior to your affiliation, that money would have been sent to your publisher, who would have been responsible for forwarding it to you.

What fees are charged for my work?

The fees charged vary from sector to sector, and can range from a few cents to a few dollars.

Can Access Copyright collect royalties for my works that are published in other countries?

Yes. We have reciprocal agreements with similar agencies around the world. If your work is copied or reproduced in other countries, they would forward collected royalties for those works to us, or to your publisher if you are not an Access Copyright affiliate.

Digital rights**Does Access Copyright license digital rights?**

Yes, Access Copyright licenses digital uses. To allow Assess Copyright to license your work in digital format, you must sign the digital portion of the affiliation agreement. As an affiliate you can access your records through the Rights Management System where you can indicate which type of uses you want included.

Does Access Copyright license works only published on the Internet?

No. Access Copyright does not license works that have been solely published on the Internet or in other electronic forms. Under its digital licensing program, Access Copyright only licenses affiliates' works that have been published in print format and which are then reproduced electronically, where the rights holder specifications Access Copyright to do so.

If someone wants to publish my works on the Internet, do they need your permission first?

No, you may give permission for someone else to post your work on a Web site and determine your own rate for the use of your work. If the user contacts Access Copyright, we can give permission on

your behalf, provided you have signed the digital portion of your agreement with Access Copyright.

If my Rights have been infringed, what can Access Copyright do for me to deal with the situation?

We will do whatever is necessary to prevent and stop the infringement of the rights you have granted to Access Copyright. This may include possible legal proceedings that we would undertake on your behalf. You can fill out our compliance form on our Web site to let us know of an infringement situation. This will be forwarded to our legal counsel for review and you would be contacted shortly afterwards to discuss the infringement case involving the rights you have granted to us and given possible options about how to proceed with the situation.

Estates

Are estates eligible to receive royalties?

Yes. Heirs or beneficiaries of literary estates can also receive royalties. However, if the creator is not yet registered with Access Copyright, the heir or beneficiary must complete an Access Copyright affiliation form as well as a Warranty for Deceased Rightsholders (PDF 18k or printable HTML) stating his or her entitlement to the royalties.

Licensing

Which organizations have licences to copy the works in Access Copyright's repertoire?

Access Copyright's list of licensees with comprehensive licences is constantly growing. At present, all K-12 public schools and almost all universities and community colleges outside Quebec (where the Quebec RRO Copibec licenses schools) are licensed. Access Copyright also licenses levels of Canadian government, businesses, non-profit organizations, healthcare facilities and public libraries. Organizations that do not copy published works enough to warrant a comprehensive licence may purchase transactional licences for one-time copying permission.

How much are licensees permitted to copy under the licence?

The amount that licensees can copy under licence is set in accordance with the licensing guidelines in your affiliation agreement and varies according to the reporting requirements of their licence, whether a work is in-print or out-of-print, and whether or not the copies are to be sold. See the Licensing Fact Sheet for more detail.

What types of reproduction does Access Copyright license?

Access Copyright primarily licenses photocopying of published works. However, we recently amended our affiliation agreement to give publishers and creators an option to have us license some forms of digital reproduction. In particular, you may authorize Access Copyright to license "conversion" of your works into a digital form, or "importation" of your work from a computer database. Licensing of these rights will primarily be for non-commercial uses (scanning of an article for use in a university's electronic reserve for a course, for example) and will be subject to appropriate limits and restrictions.

The Public Lending Right Commission and Access Copyright

I currently receive money from the PLR. Will joining Access Copyright affect this?

No. We are separate organizations with different purposes and different sources of revenue.

How do Access Copyright and PLR compare?

PLR compensates authors for their pre-registered books that appear in the holdings of Canada's libraries.

In contrast, Access Copyright collects and distributes licensing royalties to copyright owners when copying of their published works is reported. We collect information about actual copying in a number of ways including sampling, reporting by licensees and other analysis. Distributions are made on the basis of this data. More information on this may be found in our Distribution Fact Sheet.

Permissions

From time to time, I would like to grant permission to copy from my work(s) free of charge. Is this possible?

You may grant permission at your discretion. However, please be prudent in granting free permissions. Some users may interpret your permission as a lack of support for the collective licensing system. As well, "free" permissions make it difficult to argue that collective licensing is an equitable solution for all users. So, while it is possible to grant free permissions, we request that, whenever possible, you forward all requests to Access Copyright for processing.

Why can I only set the fee for works licensed on a transactional basis and not in all the licences?

To clearly understand why user set pricing only works with transactional licences, it is helpful to look at the different types of licences. Access Copyright has two kinds of licences: comprehensive and transactional.

Comprehensive licences, also referred to as blanket licences, provide advance permission for most copying needs and are ideal for institutional users of copyright-protected works (such as government, primary, secondary and post-secondary educational institutions, non-profit organizations, associations

and businesses).

There are two types of comprehensive licences. The first type does not require the licensee to track what is actually being copied. In such cases, licence fees are generally calculated on a per capita basis (that is, according to the number of students or employees). Since the licences are negotiated frequently, the rates are set in each licence by Access Copyright based on market information relating to the extent of copying by users in Canada and abroad and surveys of photocopying behaviour. Comprehensive licenses must be approved by the Board of Directors who are responsible for the best interests of all rightsholders. For comprehensive licences, tariff suggestions from rightsholders will be taken into account when Access Copyright is negotiating licences.

The second type of licence, referred to as full reporting, requires the licensee to track and report exactly what has been copied, although no prior authorization to copy is necessary. Examples include the coursepack licence and media monitoring licence. Fees are calculated on a per-page basis. Transactional licences provide convenient permissions for one-time or infrequent copying and require the licensee to obtain permission in advance of copying. Fees are also calculated on a per-page basis. Initially, the new Rights Management System will allow you to set the tariff for transactional licences. Eventually, you will also be able to set the rate for most full-reporting licences.

Repertoire

What does repertoire mean and what works are included in Access Copyright's repertoire?

Repertoire refers to all published works that we license on behalf of creators and publishers. Our repertoire includes works that appear in books, newspapers, magazines, journals, periodicals and other publications. They may be published in Canada or outside of Canada, when represented by another reproduction rights organization with which Access Copyright has an agreement. More information can be found in our Repertoire Fact Sheet.

Do you have a list of what can be copied?

Access Copyright licensees are not required to consult a list of Access Copyright's repertoire before copying. This would be impractical, given that the repertoire includes approximately 1.8 million works. Instead, an exclusions list is provided which lists those rightsholders who have specifically excluded works from coverage by an Access Copyright licence. For purposes of licensing, all works and imprints of creators and publishers in Canada and the territories with which Access Copyright has bilateral agreements may be copied unless specified on the exclusions list. That said, a copy of our repertoire will be provided to you, upon your request. You may contact affiliates@accesscopyright.ca to make a request.

Tax

Are the royalties I receive taxable?

Yes. Like any other income you receive from the use of your copyright works, Access Copyright royalties are taxable. We will provide you with an income receipt for your tax return. If you would like more information about how to include your Access Copyright royalties on your tax return, consult Bulletin IT504R2 (insert link) for visual artists and writers on the Revenue Canada Web site.

What about GST?

According to the Excise Tax Act, Access Copyright is required to collect GST from its licensees for supplying the right to make copies. Access Copyright then remits the tax to the government. Therefore, the money you receive from Access Copyright does not include GST. If you have a GST number, you should not declare this amount on your GST return.

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