



Canadian Research Knowledge Network
Réseau canadien de documentation pour la recherche

The Canadian Research Knowledge Network (CRKN) Submission to the Standing Committee on Industry, Science and Technology for the Statutory Review of the *Copyright Act*

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Introduction

The Canadian Research Knowledge Network (CRKN) welcomes the opportunity to submit this brief to the Standing Committee on Industry, Science and Technology as part of its review of the *Copyright Act*.

CRKN is a national partnership of 75 Canadian universities, dedicated to expanding digital content for the academic research enterprise in Canada. Through the coordinated leadership of librarians, researchers, administrators, and other stakeholders in the research community, CRKN undertakes large-scale content acquisition and licensing initiatives in order to build an international knowledge infrastructure and research and teaching capacity in Canada's universities.

As a significant purchaser of scholarly content in Canada, the members of CRKN support a balanced copyright law that recognizes both the rights of copyright owners and the fair dealing rights of users. CRKN is pleased to add its voice to other higher education sector stakeholders, including Universities Canada and the Canadian Association of Research Libraries (CARL), in supporting the preservation of fair dealing, particularly as it pertains to educational uses.

CRKN works on behalf of its members to negotiate and manage over 50 licenses with various publishers for scholarly content at a value of over \$125 million annually. This content includes scholarly journals, ebooks, and databases, and ultimately provides access to critical scholarly content to over one million students and researchers in Canada and over 40,000 faculty. All CRKN members are member institutions of Universities Canada and twenty-nine of CRKN's members are also members of CARL.

In addition to its licensing activities, CRKN facilitates national and international knowledge infrastructure projects and collaborations. These projects and collaborations include a coordinated approach on behalf of members for open access initiatives, and now, through the recent merger with Canadiana, access to, and preservation of, Canadian documentary heritage.

National Content Licensing

Canadian universities invest hundreds of millions of dollars annually in content acquisition and licensing. In addition to the \$125 million that CRKN members are paying for content licenses, they are also licensing content through regional consortia and content purchases and licenses at the local library level. CRKN is committed to securing broad access to global knowledge for the benefit of its member universities and the communities they serve.

The negotiation of CRKN licenses is governed by CRKN's Model License¹ and ensures that all licensed content has rights and permissions that are as advantageous as possible for researchers and users. These licenses typically include permissions relating to reproduction rights, including e-reserves, posting in learning management systems, classroom handouts, course packs and more. This means that in addition to the application of fair dealing in educational uses, Canadian universities are paying for additional usage rights

¹ <https://www.crkn-rcdr.ca/index.php/en/model-license>

through license agreements. The Model License is available publicly on the CRKN website and provides a set of terms for librarians to use in other negotiations, and it also contributes to transparency in negotiations with publishers.

Supporting the Widespread Access of Canadian Content

CRKN partners with Canadian publishers through various licenses that support Canadian academic scholarly production. As the national licensing consortium in Canada, CRKN facilitates investment in key Canadian scholarly publications across a variety of disciplines. Through subscriptions to journals and purchases of ebooks, CRKN members provide faculty and students with valuable Canadian scholarly content. An annual investment of \$1.3 million includes a subscription to Canadian Science Publishing journals and the purchase of the ebooks of the Association of Canadian University Presses. In addition, CRKN members have made one-time investments of more than \$11 million to purchase and secure perpetual access to the Canadian Electronic Library ebook collection, and \$1.5 million for access to digital, historical *Globe and Mail* content. Through a partnership with the Érudit Consortium, CRKN members have invested more than \$6.7 million to support *Coalition Publi.ca*. Members also invest nearly \$1.3 million annually in the digitization, access, and preservation of Canadian heritage materials, and have made one-time investments totaling \$1.8 million to support this unique historical content.

Overall, CRKN university members are annually committing \$2.9 million to Canadian content through CRKN licenses in addition to their regional consortia and direct purchases, and over CRKN's 19-year history have made \$15 million worth of one-time investments in purchasing Canadian scholarly content.

The Scholarly Publishing Landscape

Research is a global pursuit and Canadian-created content is published both in Canadian and international journals and books. A competitive and innovative research enterprise in Canada means that Canadian researchers are publishing with international publishers and building on the global research network within these international publications for their own state-of-the-art research programs. Canadian academic libraries have a mandate to support the research activities of their community through the collection of scholarly content. This results in purchasing both Canadian content and content from around the world. Budgetary challenges arise as a result of the current scholarly publishing landscape where five international publishers account for more than 50% of all papers published² and have substantial market control. Due to the reputation and prestige of these international journals, Canadian researchers are accustomed to having access to this content that is often costly and available only through package deals. For this reason, CRKN negotiates on behalf of its members to achieve broad access to this critical research content. In addition, Canadian titles are often included in these package deals and not directly through a Canadian publisher or scientific society. This results in substantially more Canadian content being purchased than is included in CRKN's \$2.9 million annual commitment, however, due to the nature of scholarly publishing and international research an exact estimation of Canadian content at the article and journal level is not available.

² <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0127502>

Canadian Scholarly Content Users Are Canadian Scholarly Content Creators

In the current scholarly publishing model, faculty as creators typically provide research outputs to journals for no financial compensation, and then journal publishers sell this research output back to universities through library subscriptions such as those licensed through CRKN. In the current scholarly publishing model, especially in journal publishing, the authors typically assign copyright to publishers as part of the publishing agreement.

Access to scholarly research is the pillar of modern innovation and development. Ensuring the widespread use, sharing, and access to new knowledge shared through research output is paramount to a healthy Canadian research infrastructure and necessary to solidify Canada's place as a global leader in science, technology, and innovation. A balanced *Copyright Act* is essential to advancing the research contributions of Canadian universities and to fully realizing the benefit of investment in science, innovation, and technology. **Along with preserving fair dealing rights, CRKN supports CARL's statement regarding the addition of Text and Data Mining without Rightsholder Permission³ and advocates for Text and Data mining rights in its licenses in order to continue to enable new and innovative ways to leverage the potential of data and text mining within research and development.**

Collaborative and Innovative Approaches to Advances in Scholarly Communication

Accessible and widely shared scholarly content is a driver of economic innovation and research and development in Canada, CRKN members support national and international partnerships and collaborations toward open access.

Considering the challenging economics of purchasing scholarly content, there have been recent movements throughout the world to expand the availability of scholarly content as open access. Although there are costs associated with open access publishing, and many publishers are looking to libraries to pay for open access content through article processing charges or other innovative funding models, open access to content has substantial benefits to the users. With open access content, all users have access to the content, regardless of university, industry, research institute or even geographical location. This expands the potential use and re-use of this critical research content.

CRKN partners with Canadian publishers to advance new models of open access scholarly publishing. Through CRKN's long-term relationship with the Érudit Consortium, which began in 2008, students and faculty have access to Canadian French scholarly content. This has evolved into a collaborative partnership including both Érudit and the Public Knowledge Project, and in 2018 the *Coalition Publi.ca* initiative was launched as a model of sustainable Canadian scholarly production. CRKN members have committed more than \$6.7 million to support this uniquely Canadian initiative over the next five years.

While CRKN members are enthusiastic about new models and opportunities for the dissemination of scholarly content, the budgetary realities at their institutions are such that additional money to support new and innovative

³ <https://www.ourcommons.ca/Content/Committee/421/INDU/Brief/BR10006789/br-external/CanadianAssociationOfResearchLibraries-e.pdf>

partnerships is not readily available. As a part of its negotiation strategies in support of member libraries in their budget management, CRKN mitigates the impact of the annual increases that large commercial publishers seek for journal content packages. However, the cost of scholarly content within the current system continues to rise; finding additional budget to support new open access initiatives can be challenging.

CRKN supports the Tri-Agencies open access policy⁴ and encourages opportunities for national funding to support open access initiatives in Canada. Expanding the current policies to more readily encourage Canadian researchers to publish as open access, and providing the financial support and infrastructure for an open and accessible Canadian research infrastructure, will allow for this essential research output to be available to all to the benefit of Canadians.

Heritage Content

In addition to supporting the latest global research output, CRKN members ensure that researchers at their institutions have access to historical and foundational research and content, which includes past journal issues and unique archival collections. Part of the mandate of academic libraries in Canada is to ensure that the essential content required for the academic enterprise is protected now and in the future. This includes substantial investments in systems and platforms that make historical content accessible.

The access and preservation of Canadian heritage content is central to the work of CRKN through its recent merger with Canadiana. Through the services of Canadiana, CRKN members are dedicated to making much of Canada's recorded cultural heritage accessible online. Members currently invest nearly \$1.3 million annually in the digitization, access, and preservation of Canadian heritage materials, and have made one-time investments totaling \$1.8 million to support this unique historical content.

Traditional Knowledge and Indigenous Ways of Knowing

CRKN echoes the recommendations of the Canadian Federation of Library Associations (CFLA) that the “Copyright Act respect, affirm and recognize Indigenous people’s ownership of their traditional and living respective Indigenous knowledge.⁵” CRKN also echoes the statements of its colleagues at CARL by recommending that “the recognition of Indigenous and traditional knowledge within the intellectual property regime in Canada must be a priority” and that appropriate means to recognize and protect traditional knowledge are established.⁶

Conclusion

Through its licensing program, CRKN members are collectively spending over \$125 million annually on scholarly content. This includes substantial investments in the Canadian academic publishing industry, which amounts to

⁴ http://www.science.gc.ca/eic/site/063.nsf/eng/h_F6765465.html?OpenDocument

⁵ http://cfla-fcab.ca/wp-content/uploads/2018/05/CFLA-FCAB_Indigenous_knowledge_statement.pdf

⁶ <https://www.ourcommons.ca/Content/Committee/421/INDU/Brief/BR10006789/br-external/CanadianAssociationOfResearchLibraries-e.pdf>

\$2.9 million to Canadian content licenses in addition to \$15 million worth of one-time investment in purchasing Canadian content. These investments demonstrate a commitment to Canadian scholarly publishing and to fostering a robust and healthy research infrastructure in Canada. CRKN members support scholars as creators and authors, respect the rights of copyright owners, and at the same time aim to ensure that students and researchers, as users, have access to essential international scholarly content that ensures Canada's place as a leader in research and development.

The current scholarly communication ecosystem in Canada means that Canadian researchers are publishing in Canadian and international journals and ebooks. This results in Canadian research libraries investing in collections that represent the research needs and outputs of their institutions. The research enterprise is founded on the widespread sharing and re-use of content, within the limits of a balanced copyright framework, to ensure future innovation and development.

About CRKN

The Canadian Research Knowledge Network is a partnership of Canadian universities, dedicated to expanding digital content for the academic research and teaching enterprise in Canada.

Through the coordinated leadership of librarians, researchers, administrators and other stakeholders in the research community, CRKN undertakes large-scale content acquisition and licensing initiatives in order to build knowledge infrastructure and research and teaching capacity in Canada's universities. For more information, please visit www.crkn.ca.