

PRESIDENT'S MESSAGE

July 19, 2022

Greetings CALL/ACBD members,

Summertime!

I truly hope that you are all doing well, enjoying some summertime relaxation, and rejuvenating. I also hope that you are reconnecting with family, friends, colleagues, and loved ones in ways that you likely have not been able to do these past two years. Nothing like sunny weather and good company to help re-center and ground ourselves. In addition, this is also a great time to think about your goals and aspirations for the fall. Perhaps you have a research project you would like to get started or a research article to write. In this regard, CALL/ACBD can assist. Consider applying for a Research Grant to support your research goals. You can find more information [here](#).

CPC 2023

Although Board members are finding time for a little relaxation of their own, important work continues in trying to secure a venue for the 2023 Annual Conference. The Board and National Office are exploring options and we hope to decide on a venue and make an announcement by late summer or early fall. In the meantime, the Board is seeking volunteers for the 2023 Conference Planning Committee. Regardless of where the conference may be held, you do not need to be from the host city to volunteer. There are many important and meaningful ways in which you can contribute. If you are interested, please email me at tsiakos@allard.ubc.ca.

Volunteering

Speaking of volunteering, I encourage all members to think about volunteering for a committee, a Special Interest Group (SIG) or some new initiative. Volunteering is a great way to gain experience and develop skills that you may not otherwise be able to do in your current position. It is also a great way to connect with colleagues and build your professional network. Volunteers also play an integral role in contributing to the success of our organization.

New Chairs / Co-Chairs

A friendly reminder to all Committees and SIGs to advise National Office of any change-over in Chairs / Co-Chairs so that records can be updated. This is particularly important for Committees

where the President must formalize the appointment of new Chairs / Co-Chairs. Please update accordingly by sending a message to office@callacbd.ca

Advocacy

Finally, congratulations to current Past-President, Kim Nayyer, and Robert Janes, QC, for their efforts in representing CALL/ACBD as Intervener in the Supreme Court of Canada appeal in *Authors and Music Publishers of Canada v Entertainment Software Association*. Read more about this case in the Copyright Committee update.

Stay safe and well,

George Tsiakos

President, CALL/ACBD

COPYRIGHT COMMITTEE

On July 15, 2022, the Supreme Court of Canada released its decision in *Society of Composers, Authors and Music Publishers of Canada v Entertainment Software Association*, 2022 SCC 30. In good news for libraries, the Court supported technological neutrality and held that a separate royalty for making a work available to the public is not owed in addition to another royalty when the work is downloaded or streamed: “Similar to offline distribution, downloading or streaming works will continue to engage only one copyright interest and require paying one royalty – a reproduction royalty for downloads or a performance royalty for streams” (at 112).

In addition to the copyright aspects of this case, also noteworthy is the Court’s adding a sixth category for correctness review to the five categories recognized in *Vavilov (Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65), this sixth category being “when courts and administrative bodies have concurrent first instance jurisdiction over a legal issue in a statute” (at 28).

While two of the justices disagreed that correctness (as opposed to reasonableness) was the appropriate standard to apply in this case, those two justices did agree that when applying the correctness standard the majority opinion (joined by the remaining seven justices) was correct in rejecting a separate tariff for making a work available.

The full decision of the Court is available [here](#).

CALL/ACBD together with Library Futures Institute acted as an intervener in this case with Kim Nayyer and Robert Janes, QC representing CALL/ACBD and Library Futures Institute. The factum is available [here](#) and a recording of the hearing webcast is available [here](#). (Kim Nayyer starts speaking at about 2:21:20.)

Kim Nayyer is also featured in an article on the case in *The Lawyer's Daily*, which is available [here](#).



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