



February 17, 2021

Kenneth R. Clark
AIRD BERLIS

VIA EMAIL TO: kclark@airdberlis.com

Dear Kenneth R. Clark,

RE: Response to Allegations of Infringement of Associated Press's Copyrighted Works – Reference Number 704556926026

On behalf of the Canadian Association of Research Ethics Boards / L'Association canadienne des comités d'éthique de la recherche ("CAREB-ACCER"), I write to inform you of our acknowledgement of receipt of your letter dated February 3, 2021 which: (1) details allegations of CAREB-ACCER's infringement of Associated Press's Copyrighted Works; (2) summarizes your position on Associated Press's Copyright Claim; and (3) outlines a Settlement Proposal.

CAREB-ACCER Response & Position on Allegations of Infringement & Settlement Offer

CAREB-ACCER

CAREB-ACCER is a grassroots national membership organization intended to represent the interests of all Canadian Research Ethics Boards (REBs) and to reflect REB perspectives and concerns. CAREB-ACCER provides numerous educational opportunities for its members and the broader Canadian research ethics community; including regional and national conferences, webinars, newsletters and its virtual REB (VREB). CAREB-ACCER is a voice in policy discussion and development with stakeholders at local, provincial, and national levels. We issue position statements, have annual meetings, and produce educational materials for the REB community concerning these matters.

Alleged Infringing Use of Image & Clarification of Permitted Use

The images captured in your letter to CAREB-ACCER dated February 3, 2021 ("**The Images**") were contained in CAREB-ACCER conference presentation material archived on our website. CAREB-ACCER conferences are education events and are held for educational purposes.

The Copyright Act (R.S.C., 1985, c. C-42), Section 29 states that "Fair dealing for the purpose of research, private study, education, parody or satire does not infringe copyright."

Given CAREB-ACCER's use of The Images, was and remains for education purposes, and the exception granted under Section 29 of *Copyright Act (R.S.C., 1985, c. C-42)*, CAREB-ACCER's posting of past conference materials containing The



Images on its website archives is permissible under Section 29 of the *Copyright Act (R.S.C., 1985, c. C-42)*, Fair Dealing, as CAREB-ACCER's initial and continued use of such materials are for education purposes.

Sincerely,

Delilah Ofosu-Barko
President/Présidente, CAREB-ACCER
president@care-accer.org