

19 January 2011

Clerk of the Special Committee on Bill C-32
House of Commons
Parliament Buildings
Ottawa, Ontario
K1A 0A6

Dear Sir/Madam:

Re: Bill C-32 The Copyright Modernization Act

I have been a freelance writer of magazine articles and books for over 30 years. Some of my work is used in school classes and I receive compensation for this use through contracts negotiated by Access Copyright, Canada's reprographic licensing agency. I welcome the digital age with its prospects for even wider electronic distribution of my work and the work of other Canadian writers. But I also believe in the basic principle that writers must be paid for their work. Unfortunately, portions of Bill C-32 threaten a significant proportion of the revenue that I and my colleagues earn from the reproduction of our work.

I appreciate the effort your government has made to try to balance consumer and creator interests, and appreciate your recognition of the importance of Canada's creative industries that in 2007 employed over 600,000 people and contributed \$46-billion to the Canadian economy. Likewise, I share your government's objective in seeking to provide a legislative framework to equip Canada to face the challenges of the digital economy. However, despite so much effort to get the balance right, I feel C-32 misses the mark in key areas.

I believe C-32 will actually weaken Canada's ability to face the challenges of the digital economy by seriously eroding the protections and incentives content creators depend for survival. C-32 fails to recognize that creators depend on multiple streams of revenue, and the point of sale to the consumer is only one of them. The bill ignores the importance of revenues derived by creators from secondary uses of their works. These multiple, secondary uses of content generate income through collectives, such as Access Copyright, and their licensing regimes.

There are many new exemptions in Bill C-32 that will affect writers—proposed new uses for which writers will not be paid when their work is used. The most troubling for writers is the extension of "fair dealing" to education. As the bill is written, anyone who claims to have an educational purpose (from a university professor to a golf instructor) would be entitled to freely copy substantial portions of copyright protected work.

Under the current Copyright Act, Ministries of Education and educational institutions pay for "collective licenses" so that teachers and students can legally copy materials (rather than purchasing additional original books or magazines at much greater cost). This is a good balance: educators save considerable expense and creators like me are compensated because their works are used. If C-32 becomes law I will lose most of my

income from these collective licenses. Publishers will also lose this income and the job losses that result will seriously threaten an industry that already operates on thin margins.

Those who support this exemption justify it as a savings for education. But licenses represent less than 1% of the cost of education in this country. Educational institutions pay suppliers for the cost of desks and computers and they pay salaries to administrators, teachers, and maintenance staff. How can we support full value for those expenses but not support full value for the content that is being taught in the classrooms? Why would Canada's writers - the people who create the works being studied in our schools - be asked to work for free?

Although the so-called "YouTube exception" for user-generated content exonerates the user who might wish to post a family video using a pop song as backdrop, which is fair, it also exonerates the commercial distributors who profit from facilitating this activity without compensation for the use of copyright-protected works, which is not fair. This new exception cannot be found anywhere else in the world.

As well, the new bill creates hardship for creators by legalizing format shifting and private copying without building on existing royalty systems that ensure that compensation for use flows to creators.

Copyright is very important to me. Protection of my intellectual property allows me to continue to write and publish in this country and be a part of what could be a burgeoning sector of our economy in a post-industrial era. Bill C-32 must be amended so I can continue to make a contribution to the cultural and economic fabric of this country.

Please ensure that the members of the Special Committee are aware of my concerns and will work to remove the education exemption from Bill C-32. Collective licensing ensures that creators in Canada's knowledge economy can continue their work and thrive in the digital age.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Meredith". The signature is written in a cursive, slightly slanted style.

Don H. Meredith