

**From:** Linda

**Sent:** February 28, 2012 11:23 AM

**To:** Fry, Hedy - M.P.

**Cc:** Paradis, Christian - Député; Moore, James - M.P.; Moore, James - M.P.; Thibeault, Glenn - M.P.; Angus, Charlie - M.P.; Armstrong, Scott - M.P.; Benskin, Tyrone - M.P.; Braid, Peter - M.P.; Calandra, Paul - M.P.; Cash, Andrew - M.P.; Del Mastro, Dean - M.P.; Lake, Mike - M.P.; McColeman, Phil - M.P.; Moore, Rob - M.P.; Nantel, Pierre - Député; Regan, Geoff - M.P.; ~Legislative Committee Bill C-11/Comité législatif loi C-11

**Subject:** Bill C-11: an appeal from a children's author

Dear Hedy Fry:

I am an author of 23 children's books, living in your riding. My website and address are shown below.

As a creator of intellectual property, my income is entirely dependent on the Copyright Act. As a writer, I am -- in business terms -- a self-supporting entrepreneur, and the Copyright Act allows me to earn a (modest) living from the books I write for children. The Copyright Act also supports my Canadian publisher (Kids Can Press, Toronto) and enables its editors, books designers, art directors, production staff and marketing/publicity/sales/rights personnel to make *their* livings. Rights to my books, many of them set in Vancouver and B.C., have been sold by Kids Can around the world to countries including France, Denmark, Australia, New Zealand, Britain, Latvia, Poland, Slovenia, Korea, Taiwan and China. My books quite literally deliver "Canada" — along with its values, dreams and ideals -- to children, parents and teachers around the globe. Over the two decades of my career, I have witnessed a wonderful rise in the profile of Canadian children's books; our reputation has grown increasingly stronger on the international stage and at international book fairs, along with international respect for, and knowledge of, our country.

The Copyright Act is *integral* to this.

The proposed Bill C-11, an act to amend the Copyright Act, threatens my livelihood and that of every writer, illustrator and publisher in this country. It proposes to cut back on the rights that underpin that livelihood. It contains more than 30 new exceptions affecting rights-holders of intellectual property — exceptions which effectively remove or reduce my rights to control my creative work and be fairly compensated for it.

Of all the exceptions, the most troubling for a children's author is the extension of "fair dealing" (uncompensated use) to "education." To Canadian children's publishers (and authors), the Canadian educational market is a huge and essential piece of their economic base. Schools currently buy my novels, picture books and non-fiction works for use in their classrooms and libraries. The more my work is offered for "free" to these markets, the less of a market there will *be* for my work — and the less I will be able to write it. Ultimately, my publisher and I will be unable to produce the fresh, exciting, original CANADIAN books that offer a Canadian perspective to Canadian children -- and, with luck, to children around the world. While "cheap" or "free" materials may look at first glance like a great deal to schools, in the long run, they are exactly the ones who will be harmed if such materials can no longer be economically produced. Note please that teachers and school librarians are the first to complain about the LACK of strong, original, appealing children's books that reflect Canadian reality. If copyright is weakened in Canada, making Canadian writing and publishing more and more unsustainable, these complaints can only get louder. And who will be listening?

I am not asking for anything new or "more." (Other countries offer a great deal more to creative workers.) All I ask is that you support amendments to Bill C-11 that will allow me to continue to make the modest

living I have made for the past 20 years in return for my substantial contribution to Canadian culture. If you look at my website (below), you will see that contribution.

Specifically, I ask you to support the addition of clauses to Bill C-11 that make “harm to the market” the primary consideration in determining whether a use will be deemed “fair dealing.”

Please defend my ability, and the ability of other Canadian authors, to continue to make a really-quite-remarkable contribution to Canadian culture.

Thank you.

Sincerely,  
Linda Bailey

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[www.lindabaileybooks.com](http://www.lindabaileybooks.com)

Linda Bailey

*"Fairy tales are more than true -- not because they tell us that dragons exist, but because they tell us that dragons can be beaten."* (G.K. Chesterton)