

From: Michael Hale

Sent: March 12, 2012 1:57 PM

To: Chong, Michael - 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: Michael Hale, author - intellectual property rights and Bill C-11

Dear Michael,

I am a creator (writer) living in your riding. (I said "Hi" to you last Sunday at church, as a matter of fact). I just received an Ontario Arts Council grant to bring to completion a project I have been working on for eight years. Without this modest funding and the Canada Council grant I received in 2006 to pursue this project (a novel, by the way), there would be little incentive (other than the hope of someday finding a publisher) to get it done, given C-11's new rules regarding "fair dealing" to "education." For my previous publications, all of which are out-of-print, I receive modest royalty cheques (around \$350.00 a year from Access Copyright, and about \$300.00 a year from the Public Lending Right). Meager though they may be, these remunerations lend meaning to what I do — a reason to keep writing.

This recently completed book, like the last one, once my agent finds a home for it, will probably earn another six figure advance from a U.S. publisher. I can assure you that almost all of it will be churned back into our local economy.

To put it all in perspective... plumbers aren't asked to add toilets to schools for nothing; electricians and fire marshals are not obligated to donate their time and expertise to reduce the costs of educating our kids. So why is this largess only required of creators?

These next points (which I wholeheartedly endorse) are provided by Access Copyright:

My livelihood depends on the Copyright Act. As with other legislation related to intellectual property, the Copyright Act enables creators, working as entrepreneurs, to manage their work and earn an income. It also gives publishers (many of them small and medium-sized enterprises) confidence to invest in Canadian content. At this time of economic uncertainty, and as we all make the transition to digital business models, the Copyright Act is more important than ever to Canada's book industry.

I support modernizing the Copyright Act, but Bill C-11, an Act to Amend the Copyright Act, proposes to cut back on rights that are the underpinning of creators' survival. There are more than 30 new exceptions affecting rightsholders. Many of these new exceptions take away or reduce the ability I currently have to control my work and to be compensated for it.

Among the most troubling of these exceptions is the extension of "fair dealing" (which is uncompensated use) to "education." If much more of the work of creators can be used for free in educational settings, the educational market is at risk of being legislated away. For Canadian creators and publishers, this will be devastating. At a time when the Government has declared the goal of having more Canadian history taught in our classrooms, it is surely counterproductive to harm the market for the creators and publishers of that history.

I am not asking for anything new or anything more than I have now. I am asking that you support amendments to Bill C-11 so that it will not severely curtail my longstanding property rights and so that I can continue to make my cultural and economic contributions.

In consideration of my deep concern, I would request a response from you to the following questions:

- *Have you calculated the negative impact on Canadian writing, the publishing business, and the access of Canadians to Canadian content that would result from Bill C-11 as currently written?*
- *If there is no intention to harm the market for our work, will you support the addition of clauses that make harm to the market the primary consideration in determining whether a use will be deemed "fair dealing"?*

I look forward to your reply and hope for your support of creators' ability to continue to contribute to Canadian culture and to the Canadian economy.

Regards,

Michael Hale