

From: Ariel Katz

Sent: March 12, 2012 3:46 PM

To: 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: Proposed Copyright Grab in Bill C-11

Dear Ministers and Members of Parliament,

My name is Ariel Katz and I am a law professor at the University of Toronto and the Director of the Centre for Innovation Law and Policy. My general areas of research and teaching involve economic analysis of competition law and intellectual property law, with allied interests in electronic commerce, the regulation of international trade and particularly the intersection of all these fields. One of my main areas of expertise is the collective administration of copyrights.

I am writing to bring your attention to a few provisions in the Bill, especially the proposed subsections 30.02(6), (7) and (8), which are buried within a highly obscure and technical part of the Bill. Indeed, it took me quite a while to read and understand them. Yet, under the guise of an “exception” supposedly for the benefit of educational institutions, s. 30.02 contemplates a radical “copyright grab” of the majority of Canadian and foreign authors from their owners to Access Copyright (and Copiebec in Quebec). I have a written a more detailed analysis of the matter, which you can read on my blog: <http://arielkatz.ca/archives/1347>.

While I fully support the explicit recognition of “education” in the fair dealing provision, I strongly believe that beyond those limits copyright owners should be able to determine whether or not to permit the reproduction of their works, and under what conditions. But this right—copyright—is for the individual owner to exercise, not for any organization that the owner never chose to belong to.

I hope that as you consider the Bill you will decide to honour the rights of the majority of authors who, like me, chose not to become members of Access Copyright. I hope that you will recognize that allowing self-proclaimed collectives to override the copyrights of others, monopolize markets and collect a de facto “Education Tax” is inefficient, immoral, and likely unconstitutional.

Best regards,

Ariel Katz

P.S. Please view works on SSRN at <http://ssrn.com/author=114637>. You can also see my selected writings site and sign up for notifications of my new work: http://works.bepress.com/ariel_katz/.