

From: RUSSELL SMITH

Sent: March 7, 2012 4:37 PM

To: McGuinty, David - 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

Dear **David McGuinty**:

I am a poet living in your riding, and a former educator.

In my incarnation as a high school teacher I was aware of how frequently improper liberties are taken with copyright material in the preparation of class materials. Teachers tend to be totally without conscience when it comes to grabbing new ideas for science labs, retrieving literary texts for student study where only one copy of it is in the library, and plagiarizing internet sources without giving credit. This kind of lesson-planning creativity saves money, but it also penalizes the authors. Some satisfactory accommodation must be possible.

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 the 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 literature taught in our classrooms, it is surely counterproductive to harm the market for the creators and publishers of that literature.

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.

As a Liberal Party member in Ottawa South, I hope to be assured of your support and the Party's for the addition of clauses that make harm to the market the primary consideration in determining whether a use will be deemed "fair dealing."

Respectfully,
E. Russell Smith