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May 28, 2018

Mr. Dan Ruminy, M.P.
Chair of the Standing Committee on Industry, Science, and Technology
House of Commons
Ottawa, ON
K1A 0A6

Dear Mr. Ruminy:

Re: **Phase One of the Statutory Review of the Copyright Act**

The Association des radiodiffuseurs communautaires du Québec ("ARCQ"), l'Alliance des radios communautaires du Canada ("ARCC"), and the National Campus and Community Radio Association/Association nationale des radios étudiantes et communautaires ("NCRA/ANREC") are organizations committed to supporting non-profit, community-owned and locally-reflective radio. We work to ensure stability and support for individual campus and community ("c/c") stations and the long-term growth and effectiveness of our sector. Together, we represent about 90% of the c/c sector in Canada.

Our comments are intended to inform the committee about the ways that stations in our sector interact with copyright, and also to emphasize the continuing importance of s. 68.1(1)(b) of the *Copyright Act*, which provides c/c stations with certainty and important protection from tariff increases that could impact their financial viability.

About the c/c radio sector

C/c radio stations reflect the diversity of the communities they serve at all levels. They are locally-owned, operated, managed, and controlled, and some or all programming is produced by local community volunteers. Being tied to their communities so directly means that c/c stations produce programming that is, as stated in the CRTC's 2010 Campus and Community Radio Policy, "rich in local information and reflection." C/c stations present a wide variety of community perspectives, especially underrepresented voices and content. Both the Canadian music industry and the Canadian public derive great benefit from the support that c/c broadcasters provide to Canadian artists.

In the [Letter from the Ministers](#), dated Dec 14, 2017, we note that the Standing Committee is encouraged to "pay special attention to the needs and interests of Indigenous people" and "to consider Canada's linguistic duality and the ways in which copyright can support the vitality of our two official languages."

C/c stations in Canada provide their communities with access to local programming in more than 65 languages, including a number of Indigenous languages. Our stations also provide an array of locally-produced programming that reflects the linguistic duality of Canada and meets the needs of both French and English linguistic minority communities.

The c/c sector and copyright

C/c stations use copyrighted material in a number of ways.

They broadcast recorded music and spoken word programming, including news programming containing recordings of sounds and voices, radio plays, readings from articles and books, satire and commentary, and reviews of new music, movies, television programs, and theatre performances. They also invite artists into their studios to give live musical, literary, and dramatic performances, which are often recorded for later broadcast. They often pre-record programs and save them to hard drives or CDs so they can broadcast and repeat them in future.

C/c stations provide a variety of online services on their websites. For example, most stations provide a broadcast simulcast. Many also offer webstreams, downloads, and/or podcasts of archived programming for on-demand listening. A few stations also offer additional web streams or downloads of content that differs from their terrestrial broadcast content.

Many stations have digitized their music libraries in order to increase programmers' ease of access and deal with space constraints at their stations. Some stations have partnered with local libraries or archives to digitize and save old broadcast recordings that were formerly recorded on reel-to-reel tape.

Some c/c stations also host live music performances that are not broadcast on-air for local residents to attend in person, and some also reproduce (with artist permission) music compilation CDs or digital downloads that promote their local music scene.

Many of these uses of copyrighted material attract copyright tariffs or licensing agreements with copyright collectives, while others entail permission being sought directly from copyright holders, or fall under the fair dealing provisions of the *Copyright Act*.

C/c stations also own the copyright of sound recordings they make in-house, and of their communication signals.

The importance of subsection 68.1(1)(b) to the c/c sector

Section 68.1(1)(b) provides the following, under the heading “Special and transitional royalty rates”:

68.1 (1) Notwithstanding the tariffs approved by the Board under subsection 68(3) for the performance in public or the communication to the public by telecommunication of performer’s performances of musical works, or of sound recordings embodying such performer’s performances,

(b) community systems shall pay royalties of \$100 in respect of each year;

The effect of this provision is to limit the fee to \$100 per year that non-commercial radio stations are required to pay to the copyright collective Re:Sound for the rights associated with using copyrighted material for their AM/FM broadcasts. Keeping that tariff low is very important to stations in our sector because they are not-for-profit and usually under severe financial constraints. Some stations already have tiny budgets (e.g. \$5,000 per year) and no staff; any additional tariff obligations (no matter how small) will make them more vulnerable to closure due to insolvency, and many stations already struggle to pay their expenses.

There is also the matter of the increasing number and cost of applicable tariffs, and the Re:Sound tariff is only one of at least five tariffs that c/c stations are asked to pay annually. As Canadians now expect to be able to access content produced by our stations through many different platforms, the number of tariffs that c/c stations pay annually and the rates have increased. This increases the costs of operating a non-commercial station although most stations have no sources of stable operational funding, which places many of them in a precarious financial position.

Participation in Copyright Board proceedings and effective negotiations with copyright collectives also require a high degree of legal expertise, and due to the financial realities of our sector we have limited capacity to participate in complex proceedings. It is helpful to us to reduce the number of tariffs that require annual intervention.

We understand that copyright tariffs are intended to compensate copyright holders for the use of their work. Since c/c stations do not derive any profit from such use, and their goal is to increase the exposure of Canadian artists and further the careers of the artists whose work they broadcast, we believe there is value in to the copyright holders in keeping the tariffs low for our sector.

We therefore appreciate the protection that the *Act* provides, by limiting the cost of this particular tariff and providing ongoing certainty, and ensuring that c/c stations can continue to provide this important service. We ask that subsection 68.1(1)(b) of the *Copyright Act* be retained, in order to ensure that Canadians continue to reap the benefits of a strong c/c broadcasting sector.

Conclusion

In conclusion, we thank you for the opportunity to participate in the Statutory Review of the Copyright Act. We would be pleased to answer any questions you may have about our sector or about how copyright intersects with it.

Sincerely

A handwritten signature in black ink, appearing to be 'H. G. G.', written in a cursive style.

Freya Zaltz,

On behalf of the

Association des radiodiffuseurs communautaires du Québec

l'Alliance des radios communautaires du Canada

National Campus and Community Radio Association/Association nationale des radios étudiantes et communautaires

C/c:

The Honourable Mélanie Joly

The Honourable Navdeep Bains

The Honourable Hedy Fry

More about our associations:

Founded in 1991, the Alliance des radio communautaires du Canada currently supports and promotes 27 francophone and Acadian community stations outside of Quebec.

The Association des radiodiffuseurs communautaires du Québec was created in 1979 and it currently contributes to the progress and promotion of 35 French-language community stations within Quebec.

The National Campus and Community Radio Association/l'Association nationale des radios étudiantes et communautaires was founded in 1981 and currently represents 109 mostly English-language c/c stations across Canada.

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