

First of all, I would like to thank the Committee for inviting submissions on the Copyright Act. I am making this submission as an individual.

WHO I AM, AND WHY I AM MAKING THIS SUBMISSION

My name is Mark Akrigg, and in 2007 I founded Project Gutenberg Canada, a very popular website which distributes free ebooks of works in the Canadian public domain:

<http://gutenberg.ca/index.html>

I am making this submission because of my concern that Canada's generous copyright term of the author's life plus 50 years may be extended to 70 years. This would be a very bad idea: in fact, it would be, quite simply, an act of cultural vandalism.

The fact is that copyrights generally have no financial value after twenty years. People want to see new movies, read new books, and hear new music. And who can blame them? We want to participate fully in the culture of our age.

This process of obsolescence is faster now than formerly. Any film made more than five years ago is now an "old movie". Bookstores generally stock current titles only. And public libraries actually are not much different. In Toronto, where I live, the branch libraries get rid of older titles as a matter of policy. They are thrown out or end up at the downtown Reference Library, where they cannot be borrowed, but only consulted onsite.

CANADA'S PUBLIC DOMAIN IS VITAL TO OUR CANADA'S HERITAGE

In practical terms, Canadians have only very limited access to their cultural heritage.

It has always been true that when works enter the public domain they become more accessible. Not only do royalties not have to be paid, but, equally important, the difficult and often impossible task of discovering who exactly owns the copyright does not have to be undertaken.

THE TRANSFORMATIVE POWER OF THE INTERNET

Formerly it was not easy to republish a book: printing, warehousing, and distribution were difficult and expensive to arrange.

The internet changed everything. Creation and distribution of ebooks, unlike their printed counterparts, costs essentially nothing. This is how Project Gutenberg Canada is able to offer a rich catalogue of ebooks to the Canadian public, at no charge.

RESCUING A MASTERPIECE: "ALL ELSE IS FOLLY", BY PEREGRINE ACLAND

All Else is Folly is one of the most famous Canadian novels about the First World War, describing the experiences of a young soldier, Alexander Falcon, who finds himself transported from a ranch in southern Alberta to the battlefields of France. It was published in 1929, and received a rapturous reception: "the first really authentic work of imaginative writing dealing with the War to come out of one of the great British Dominions" (Ford Madox Ford). But then as now, books come and go: it went permanently out of print shortly after publication, and only reappeared in 2014, when it entered the public domain. It is a pleasure and a privilege to offer it, free of charge, to the Canadian public. Members of the Committee might wish to have a look at this fine title: here are the links to the HTML, Text, and EPUB versions:

<http://gutenberg.ca/ebooks/aclandp-allelseisfolly/aclandp-allelseisfolly-00-h.html>

<http://gutenberg.ca/ebooks/aclandp-allelseisfolly/aclandp-allelseisfolly-00-t.txt>

<http://gutenberg.ca/ebooks/aclandp-allelseisfolly/aclandp-allelseisfolly-00-e.epub>

I offer this as a single example of the usual situation: a book that is well and truly unavailable, but which can be made available once more -- because copyright is not eternal.

If Life+70 were in place today, the book would presumably still be completely unavailable until 2033 -- by which point too much time might have passed, and the book would never reappear.

This is how excessive copyrights, quite literally, destroy heritage and are, quite literally, cultural vandalism.

THE PUBLIC DOMAIN AND UNIVERSAL ACCESSIBILITY

You don't have to be near a bookstore or library to download a public domain ebook, you don't have to pay anything, and you don't have to register.

In an era of huge income disparities, free ebooks make a difference. It's easy to make the case that universal access to heritage is a basic human right: the public domain supports this right.

In a country like Canada, geography matters. I recently had an email from a reader who lives in a remote and sparsely populated area of Northern Canada, and cannot leave the house. For that person Project Gutenberg Canada's collection is invaluable: the titles are free of charge, instantly available, simple, compact, and designed to work on any computer or smartphone.

Our ebooks are freely available for reuse, modification, and redistribution. Consequently, they are available through a wide network of Canada's public libraries.

And, I have to point out, our ebooks are produced with no government financial aid whatsoever. We don't need financial support, but we do need a supportive legal environment, particularly in the area of copyright durations.

CANADIANS STRONGLY OPPOSE COPYRIGHT EXTENSIONS

The public is constantly bombarded with misleading corporate propaganda on the subject of copyright. But Canadians don't buy this nonsense. For example, in the summer of 2009 the Harper Government made the admirable decision to hold a Copyright Consultation with the public. According to figures published by Professor Michael Geist in his website's blog entry of 9 April 2010 (<http://www.michaelgeist.ca/content/view/4946/125/>), there were an astounding 5,520 submissions in favour of shorter copyright terms or against extending copyright terms, and 5 submissions that favoured extending copyright terms, or were opposed to shortening them: in other words, a ratio of more than 1000 to 1 opposing copyright extensions.

One concern that I have had while following the Committee's work is the huge number of corporate submissions. But MPs are elected by individual Canadians, not corporations, and Parliament represents our interests, not those of corporations. Consequently, Parliament should pay the closest attention and highest respect to individual submissions: each of them was submitted as an individual act, not on

company time. Canadians should take precedence over corporations, lobbyists, and, in particular, foreign governments.

THE CUSMA (USMCA) COPYRIGHT PROVISIONS: OUTRAGEOUS AND UNACCEPTABLE

In view of recent developments, I will have to speak plainly, and apologize to the Committee if my language appears too blunt. But this is not a time to remain silent: Canada's sovereignty is at stake.

Copyright law is more important than ever before, and should be approached with great care, ensuring that the focus is always on the rights of Canadian citizens, nowhere else. The Committee's study of copyright is appropriate: you are elected by Canadians, and are acting in our interests.

What is not appropriate is for an authoritarian foreign autocrat to rewrite our country's laws, and cripple our public domain, affecting hundreds of millions of Canadians, those of today and those in generations to come.

We have seen the foreign autocrat at his rallies, yelling monstrous untruths about Canada and about NAFTA, and offering outrageous public insults to our Prime Minister. We have seen him imposing illegal tariffs, and bullying our diplomats. We have seen the caged children, and are appalled at what has happened in his country, and what seems to be on the way.

A trade war is indeed a kind of war, and the unacceptable CUSMA can best be viewed as articles of surrender. Except it's a surrender that achieved little but humiliation: the illegal tariffs continue, and the car plants close.

A sovereign nation defends its citizens, and we, the citizens of Canada, have not been defended: that is, our government has failed in its most fundamental task.

It is not the case that the government's judgment has up to this point been bad: the CETA agreement and the revised TPP were entirely acceptable. But when faced with threats and bullying, Canadians saw complete capitulation.

I am ashamed of my government, and, for the first time in my life, embarrassed to be Canadian.

THE COMMITTEE SHOULD DEFEND ITS MANDATE

Parliamentary systems have the defect that the Prime Minister has excessive powers. The founders of the US recognized this, and insisted on a division of powers. In the United Kingdom, the right of backbenchers to disagree with their leadership is respected and built into the system. Our own Prime Minister recognizes the need to introduce more flexibility, as is shown by his admirable and so far very successful project of freeing the Senate from strict party discipline.

What I am asking of the Committee is not particularly inflammatory. I am suggesting that in your report you point out that your mandate was established before CUSMA and that you have therefore not taken any account of it.

This is not just the courageous action to take, but also the most reasonable one, since CUSMA has been greeted with scepticism, and in the US is likely to be ignored in the wake of the conflagration which seems to be engulfing the foreign autocrat's administration.

And NAFTA can continue, with future modifications to be negotiated, rather than imposed, between nations that are truly equal and treat each other with respect. Canada and Mexico are sovereign countries, not colonies subject to the rule of others.

Washington, Jefferson, Franklin, and Lincoln would nod in approval: we, rather than the autocrat, would be following the ideals of the Founders.

Thank you for your time and consideration. I deeply appreciate it.

Sincerely yours,

(Dr.) Mark Akrigg

Toronto, Ontario

Founder, Project Gutenberg Canada

<http://gutenberg.ca/index.html>

P.S. My submission is mostly concerned with copyright durations, since that is the area that most affects me, and where I feel that I can offer the most useful advice to the Committee. However, I would like to place on record that if for CETA the European Union found Canada's copyright and patent systems acceptable as they stand, the United States certainly can do the same, and their lobbyists' "intellectual property" huffings and puffings can and should be ignored. I'm thinking of such areas as (1) preventing copyright taxes on Internet use and devices, and (2) defending Canada's existing policies on safe harbour rules, fair dealing, and notice-and-notice.

It is particularly important that Canada not adopt any website blocking system such as that proposed by the corporate lobby group "Fair Play Canada". In the eleven years of our existence, there have been no documented instances of copyright infringement by Project Gutenberg Canada, even involuntary ones. We intend to maintain this proud record. However, we don't have money for lawyers or the financial resources to fight frivolous takedowns of our site. The Committee should ensure that, as now, a website shutdown can be mandated only by a court order issued after a proper and public procedure.

And we would certainly welcome the abolition of statutory damages for copyright infringement not involving commercial gain.

Finally, access to the public domain would be helped if there were a provision for authors whose names are known, but not the life dates, and a simple and reasonable way of handling works (including newspaper and magazine issues) with five or more authors: perhaps a copyright term of 60 or 75 years from publication.

But the most important thing is not to extend existing copyright durations.