



Bill C-32: What's been happening?

On November 5, 2010, Bill C-32 was given second reading and was referred to a legislative committee for study. There are 12 MPs on the committee: six of them, including the chair, are from the Conservative Party, three represent the Liberal Party, two were appointed by the *Bloc québécois* and one is from the New Democratic Party. The committee meets twice a week to hear witnesses, some of whom have supported the Bill's provisions while others have taken a critical stance. More than 200 individuals and organizations have asked to appear before the committee. The committee's proceedings were adjourned during the holiday season but will resume on February 1, 2011 with additional witnesses, including the *Association nationale des éditeurs de livres* (ANEL), *Union des écrivaines et écrivains québécois* (UNEQ) and Copibec. To view the list of the committee's members, read the transcriptions, or listen to or watch the live or archived proceedings, you can go to the website of the [Legislative Committee on Bill C-32](#).

Major supporters

Quebec Minister of Culture

On November 8, during a ceremony marking the contribution of Quebec writers to the success of the *Grande Bibliothèque*, Christine St-Pierre, Quebec's Minister of Culture, Communications and the Status of Women, confirmed her commitment to support the creators' cause on the Bill C-32 front.

Here is our translation of an excerpt from her remarks:

I also want to tell you that as minister responsible for cultural development, I will remain at your side to ensure that you can live from your art in an era when new technologies are completely changing the playing field. I know that many of you are concerned about the federal government's Bill C-32 to modernize the *Copyright Act*. I am committed to promoting access to works by users but I share your conviction that such access should not be detrimental to our creators.

In concrete terms, we think that certain provisions must be cancelled or at least amended. Those provisions relate to expanding the concept of fair dealing for education purposes, not updating the private copying regime to take into account new digital audio media, and the role of Internet service providers. We are making

these demands because each of those provisions fails to give creators sufficient guarantees that the use of their works will be appropriately compensated. We believe that any creative work deserves fair compensation.

Quebec National Assembly

On November 23, the Quebec National Assembly unanimously adopted the following motion proposed by Yves-François Blanchet, MNA for Drummond:

THAT the National Assembly recognize the crucial role of content creators and the importance of intellectual property in the economic model of Québec arts and culture;

THAT it concur in the concerns of the artistic milieu, particularly of music and literary publishing, and ask the Federal Government to modify as often as necessary current Bill C-32 on copyright, to ensure Québec creators the full recognition of their rights, adequate protection against illegal copying of their work, the application of the private copying principle, and income in accordance with the value of their intellectual property.

Quebec Bar

In a [letter](#) sent to Ministers Moore and Clement on October 14, the president of the Quebec Bar indicated that Bill C-32 would lead to more litigation between authors and users because of the legal uncertainty resulting from the unsatisfactory wording used in many of the clauses. Here is our translation of excerpts from the letter:

The addition of the word “education” to section 29 as one of the allowed purposes for fair dealing with respect to a work gives that provision an extremely broad, imprecise scope, especially as it relates to the many new specific exceptions benefiting educational institutions. In light of all the proposed exceptions for the education sector, it is not clear what would still be covered by fair dealing. The Supreme Court’s ruling in the CCH case in 2004 already established a framework for fair dealing, and the addition of the word “education” to section 29 would likely give that term unlimited scope. Numerous lawsuits can be expected because of how the Bill has been drafted.

The letter also covers collective management extensively:

Collective management means management on behalf of a community of authors. It is not a tax, but the author’s salary. Collective management is the only option that guarantees the respect of the author’s legitimate interests when the author is faced with a multitude of users. Collective management is also the most effective way to facilitate the public distribution of works by allowing users to access them. The Bar is very favourable to that non-judicial, contractual approach aimed at compensating authors and promoting public access to culture and works. That

modern, socially responsible approach is aligned directly with the values of accessible justice and balanced resolution of disagreements between authors and users. It is a functional approach that constitutes the dominant model world-wide.

At the international level

In our previous newsletter, we reported that the International Federation of Reproduction Rights Organisations (IFRRO) had sent a [letter](#) to Ministers Moore and Clement stating that Bill C-32 does not respect the international treaties that Canada has signed. Other international associations have also made their positions known. The International Publishers Association (IPA) echoed those concerns. Its [letter](#) sent to the ministers responsible for the *Copyright Act* highlighted the ambiguity of certain sections of the Act and emphasized the dangers for the Canadian and international publishing industry if major changes are not made to the Bill. There is also a [letter](#) from the International Association of Scientific, Technical and Medical Publishers (STM), a [letter](#) from the International Confederation of Societies of Authors and Composers (CISAC) and a [resolution](#) by the International Council of Creators of Graphic, Plastic and Photographic Arts.

Meanwhile, in Quebec

The postcard campaign targeting MPs and ministers is still underway. A number of associations such as UNEQ, ANEL, *Société professionnelle des auteurs et des compositeurs du Québec* (SPACQ), *Association des journalistes indépendants du Québec* (AJIQ), *Société des auteurs et compositeurs dramatiques* (SACD) and *Société de développement des périodiques culturels québécois* (SODEP) have distributed the postcards to their members.

During the *Salon du livre de Montréal* (Montreal book fair), ANEL, SODEP and various publishers joined together to distribute buttons, pamphlets and postcards warning about the impact of Bill C-32 on culture and the publishing sector. Ads were placed in the fair's special inserts in *La Presse* and *Le Devoir*. To date, over 50,000 postcards have been distributed. Copibec is continuing to include the postcards with the royalty cheques sent to authors, visual artists and publishers and we hope that the mailing campaign will be sustained. A number of MPs have confirmed to us that they have received an impressive number of postcards, motivating some of them to organize information sessions about Bill C-32 in their ridings.

Since the French-language website www.cultureequitable.org was launched by Copibec last November, about 20 different [partners](#) have joined us to make *Culture équitable* a complete information source on Bill C-32. The site contains a report on the [Autobus du show-business](#) that brought about 100 creators to Parliament Hill in Ottawa on November 30 to meet with senators, MPs and ministers. For the occasion, Biz from the band Loco Locass even performed a [rap](#) number for Minister James Moore. Through the *Culture*

équitable site, you can send a [letter](#) to your MP and to Ministers Moore and Clement and you can join the thousands of people who have already [signed the petition](#).

This month, why not give your New Year's wishes to your MP, who will no doubt be pleased to welcome you in your local riding? Be sure to talk about copyright and remind your MP that preserving culture and creators' incomes should be at the very top of the list of his or her resolutions for 2011. It would be a good way to kick off the year, maybe even with a rap beat!

Payment to visual artists

In early December, Copibec paid out the reserve funds that had been set aside for visual artists over a two year period. The payment, which totalled \$745,688, covered works copied in Quebec publications from 2006 to 2009. Artists were eligible if any of their works had been reproduced in a book (including exhibition catalogues), magazine or newspaper published in Quebec between January 1, 2006 and December 31, 2009.

Lump sum payment

This winter, we will be making our sixth lump sum (repertoire) payment.

The lump sum payment relating to books will be made by the end of March. If you are a book publisher or an author who has retained your reproduction rights (rights not assigned in a publishing contract, rights reassigned, or self-published works), it is essential that you [register and update](#) your titles (reassignment of rights, sale of collections) by **January 30, 2011**. Only books registered by that date will be eligible.

Please note that only publishers whose reproduction rights are managed by Copibec will be eligible to receive the lump sum payment. If you have not yet given Copibec authority to manage your rights, contact us right away!

Reminder to all authors

When authors register with Copibec, it is important that they provide the list of their published works. However, that list is not used to officially add titles to the Copibec repertoire! Titles may only be added to the repertoire by Quebec publishers who have given Copibec authority to manage their rights. The only exception is for authors who are self-published or whose rights have been reassigned to them. If that is your case and you would like to register as a rightsholder, please contact Isabelle Billeau at i.billeau@copibec.qc.ca or 514-288-1664 ext. 235.

To check that your publications are included in our repertoire, please consult the [Repertoire](#) in the Authors section of our website. If you notice that any of your

publications are not listed in the repertoire, contact your publisher immediately to have them added.

The other types of lump sum payments (freelance authors, visual artists, magazines and newspapers) will be made this spring.

Personnel changes at Copibec

Effective December 1, Patricia Whitford was appointed Surveys and Reporting Coordinator. She is now responsible for coordinating the processing of data received from thousands of Copibec licensees. Émily Patry, our Receptionist, will take over research and copy log entry duties from Patricia.

Roseline Hébert, Licensing and User Services Officer, will soon be off on maternity leave. Simon Éthier, who has already been assisting her, will replace her during that time.

We wish them much success in their new positions.

We would like to take this opportunity to wish you a very happy new year. We hope that during 2011 our elected officials will recognize the importance of copyright for our society!

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