

BACKGROUND

RECOMMENDATIONS FOR REFORM OF THE COPYRIGHT ACT



CANADIAN MUSIC PUBLISHERS ASSOCIATION
ASSOCIATION CANADIENNE DES ÉDITEURS DE MUSIQUE

MUSIC PUBLISHING IN CANADA

Publishers represent and invest in **THOUSANDS OF CANADIAN SONGS AND SONGWRITERS**

who are heard daily on the radio and streaming services, and in video games and film/TV productions around the world.

By combining this country's **TALENT, ENTREPRENEURIAL EXPERTISE AND GLOBAL REACH**, we strive to advance the music publishing industry and our songwriting partners by providing a **COMPETITIVE AND INNOVATIVE EDGE** both at home and abroad.

Today nearly **TWO-THIRDS** of our revenues are from **FOREIGN SOURCES**.

THE CANADIAN CREATIVE INDUSTRIES REPRESENT A KEY INNOVATIVE ECONOMIC SECTOR. OUR GOALS ARE CLOSELY ALIGNED WITH THE GOVERNMENT'S CULTURAL AND ECONOMIC STRATEGIES.

A MODERN COPYRIGHT REGIME

A **MODERN** copyright regime will maximize the creation and discovery of new Canadian songs and will support the careers of Canadian songwriters and film and television composers for years to come.

In a rapidly changing digital age, it is vital that the laws and regulations be designed and updated to adequately promote the public interest in the encouragement and dissemination of works of art and intellect. Of no less importance, the Act must also protect the rights of creators and ensure they receive just rewards for their copyrighted output at a time of expanding use of musical works by digital services.

A forward-looking, digitally-attuned copyright regime will foster **INNOVATION, INVESTMENT AND GROWTH** in the Canadian music industry.

Recognizing the economic potential of cultural excellence, Canada's music publishers are pursuing innovative strategies to **MAKE SURE MORE AND MORE CANADIAN SONGS AND SONGWRITERS ARE HEARD ACROSS THE WORLD EACH YEAR.**

LIFE PLUS 70

Extending the term of copyright in works to the life of the author plus 70 years is consistent with international standards.



Canada's current "life-plus-50-years" copyright protection is **OUT OF STEP** with those of its major trading partners. **AT LEAST 75 COUNTRIES** worldwide have embraced an international standard of the **LIFE OF THE AUTHOR PLUS 70 YEARS**.

One or two songs in a catalogue can make a huge difference to the viability of a music publisher and the Canadian songwriters they are able to invest in. Day to day, these songs may not generate much money, however, holding on to this copyright over **AN EXTRA 20 YEARS** allows music publishers to invest more in emerging songwriters and build their business to better compete globally.



EXPANDING COPYRIGHT PROTECTION MEANS:

- ▶ bringing Canada's laws **UP TO DATE**
- ▶ **HARMONIZED TRADE RELATIONS**
- ▶ **IMPROVED** international rights administration and commercial arrangements with Canada's **GLOBAL PARTNERS**
- ▶ harmonized global licensing (rarely are works used **ONLY** in Canada)
- ▶ **RESOURCES** are available for Canadian music publishers **TO INVEST**
- ▶ **MORE INTO THEIR SONGWRITERS** further **OPPORTUNITIES FOR THE EXPORT** of Canadian works

EXCEPTIONS THAT REDUCE ROYALTIES

Exceptions in the law that have been exploited by licensees to drastically reduce royalty payments to rightsholders **NEED TO BE ADDRESSED**.

Amend the exceptions introduced in 2012 for backup copies (section 29.24), technological processes (section 30.71), ephemeral copies (section 30.9(6)), and hosting services (subsection 31.1(4)) to **RESTORE BALANCE AND ADDRESS UNINTENDED CONSEQUENCES**. These exceptions have contributed to a situation in which large-scale, profit-driven organizations have been able to derive significant additional value from the creations of rightsholders without transferring additional value to the creators of the work and the companies that invest in them.

Amend the section 31.1 on network services to **ADDRESS THE VALUE GAP** by treating Internet intermediaries as more than "dumb pipes" and make them liable for infringing activities in certain circumstances.

Make the **PRIVATE COPYING REGIME TECHNOLOGICALLY NEUTRAL** to cover audio recording devices such as digital audio recorders, tablets and smartphones.

COPYRIGHT BOARD REFORM

Through a combination of legislative and regulatory changes, the federal government could improve the efficiency of the Copyright Board of Canada's procedures and the timeliness and predictability of its decisions.

By taking immediate steps to modify and modernize the Board's processes and operations, the government can **HELP TO RESTORE CERTAINTY AND PREDICTABILITY TO THE MARKET** for copyright-protected works and thereby **FOSTER INNOVATION, INVESTMENT AND GROWTH IN THE CANADIAN MUSIC INDUSTRY**.

WHAT IS A MUSIC PUBLISHER? WATCH OUR VIDEO: <http://musicpublisher.ca/music-publishing-animated-video/>
EXPORT READY, EXPORT CRITICAL: MUSIC PUBLISHING IN CANADA – READ THE REPORT: <http://bit.ly/expstidy18>