

November 25, 2016

Dear Minister Joly,

Re: Access Copyright Submission to Canadian Content in a Digital World Consultation

Thank you for taking on the important task of reviewing the federal government's cultural policy framework to ensure that it will continue to anticipate the needs of Canadian citizens, creators and cultural entrepreneurs.

Access Copyright is a copyright collective that represents over 600 Canadian publishers and more than 12,000 authors and visual artists. We facilitate the reuse and sharing of content by licensing the copying of published works to schools, universities, colleges, governments and businesses. The proceeds gathered when content is copied, remixed and shared are passed along to the copyright-holders, thereby ensuring the continued creation of new and innovative works.

As you know, the Canadian writing and publishing industry contributes \$9.7 billion to the Canadian economy and over 120,000 jobs. Canada and the world enjoy a wealth of great Canadian stories and storytellers thanks to the creativity, innovation and hard work of the industry. The cultivation and promotion of so many diverse, intelligent voices helps shape how we perceive ourselves as Canadians and how Canadians are perceived around the world.

The importance of Canadian content was validated by the results of the pre-consultation questionnaire – over 85% of the public respondents indicated that it is important to have access to Canadian content in a digital world. Exposure to our great Canadian stories must begin at a young age; a 2015 study by EKOS¹ confirmed that 79% of Canadians believe it is important for our students to learn with Canadian resources.

The consultation paper aptly recognized that Canadian content creators and producers are “cultural entrepreneurs”. Members of the Canadian writing and publishing industry are innovative and active contributors to the changing content landscape; they are continuously responding to the evolving needs and desires of the market and have fully embraced digital technology which is driving change and innovation across the sector.

Dundurn Press, for example, began modestly as a niche publisher in 1972 but today publishes over 100 new titles every year and made itself a leader in the digital publishing space by responding quickly to emerging digital opportunities. Dundurn digitized its backlist of more than 1700 titles while moving to capitalize on that investment through the early adoption of digital metadata and content classification standards (making its titles more visible on more platforms) and a move to XML-first production workflows for new titles (so that content could more easily be repackaged for multiple end user formats from one source file). Innovative investments like these have enabled Dundurn to sell Canadian content with the kind of global reach previously only available to much larger multinationals.

¹ EKOS Research Associates Inc., “Public Opinion on the Value of Books in the Education Book Sector”, 2015, p. 11
<http://publishers.ca/images/downloads/Book%20Value%20Educ%20Sector%20Final%2031%20Mar%202015.pdf>

As an organization, Access Copyright is in the process of transforming how we serve the needs of our customers through service innovation and an emphasis on the common ground between those who create and publish and those who teach and learn. As content and education increasingly intermingle with digital platforms, we are actively engaged in participating in new collaborations between content producers and educational stakeholders.

A properly calibrated cultural policy toolkit is essential to ensuring that great content continues to be produced and consumed by Canadians and that the cultural industries thrive. In particular, the *Copyright Act* plays a critical role in establishing a functioning market that incentivizes the creation of new works, encourages investment and risk taking, and provides Canadians with access to the content they desire and value.

Unfortunately, recent changes to the *Copyright Act* and the interpretations of permitted uses adopted by certain user groups have undermined the Canadian reading, writing and publishing ecosystem. At the end of 2012, the education sector decided to stop paying creators for their continued practice of copying hundreds of millions of pages from published works. This has resulted in reduced incentives to create, decreasing incomes for creators, reduced investment in educational publishing and, ultimately, a decrease in the production of content for Canadian readers. It has also created a barrier between the creative and educational sectors, eliminating important opportunities for discourse.

This does not have to be a zero sum game. We have a responsibility to serve the considerable common interest between content creation and education. With a review of the *Copyright Act* scheduled to begin in 2017, we urge the government to take action to clarify fair dealing and help restore a healthy and sustainable reading, writing and publishing ecosystem that benefits all Canadians.

Sincerely,

A handwritten signature in black ink that reads "Roanie Levy". The signature is written in a cursive, flowing style.

Roanie Levy
Executive Director