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To: copyrightconsultation / consultationdroitdauteur (PCH) <copyright-consultation-droitdauteur@canada.ca>

Subject: Response to Consultation on how to implement Canada's CUSMA commitment to extend the general term of copyright protection

With regards to changes to the length of term of copyright protection, I have no opinion. I do however have a strong opinion on how this change and previous changes are applied.

If the purpose of copyright protection and the application of its term is to "increase opportunities for Canadian rights holders to monetize copyright-protected content, thereby encouraging investment in the creation, acquisition and commercialization of such works" then extending the length of copyright protection should not be applied retroactively to existing works because the copyright terms at the time of a work's creation was a sufficient incentive. Increasing the length of copyright protection for pre-existing works does not incentivize the creation of the works and only harms the public's interests.

That being said, I think this act should apply an extended term of life + 70 (for example) only to works created when these changes become law. Any existing works originally created here or abroad should enjoy a term of copyright protection limited to the length of time that was prescribed in law at the time of the work's creation.

Therefore, for example, any works scheduled to enter the public domain this year under the current life + 50 regime would enter the public domain uninterrupted, and only new works created after life + 70 becomes law would be protected for the extended period of life + 70.

Thank you,
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