

March 12, 2021

This submission is being submitted jointly by Canada's songwriters, composers, and music publishers as well as the organizations and collective management organizations that support them:

Association des professionnels de l'édition musicale (APEM)
Canadian Musical Reproduction Rights Agency (CMRRA)
Music Publishers Canada (MPC)
Songwriters Association of Canada (SAC)
Screen Composers Guild of Canada (SCGC)
Society of Composers, Authors and Music Publishers of Canada (SOCAN)
Société Professionnelle des Auteurs et des Compositeurs du Québec (SPACQ)

Modernizing the Copyright Act to ensure Canadian rights holders have the same protections as their international competitors is a much-needed move to help Canadian creators, and the companies that invest in them, to continue exporting their creations around the world. A globally competitive copyright regime will foster Canadian innovation, investment, and growth in a key economic sector for our great country.

It is important that term extension be ratified quickly to ensure that Canadian songwriters, composers and the small and large businesses that invest in music publishing are properly compensated for their work. The term extension provisions in CUSMA should be enacted as soon as possible, without unnecessary delay and with no conditions or accompanying measures – including those related to orphan works.

Adding another 20 years to the life of a copyright means a robust creative sector, more Canadian cultural exports, and the growth of many innovative businesses that have embraced the digital market. It is long past time for Canada to catch up to its international trading partners in this respect.

Canadian creators are at a disadvantage with a shorter copyright term. Canada's shorter copyright term disproportionately impacts Canadian creators and music publishers seeking to export their works as a result of the Berne Convention. The impact of Canada's term being shorter than that of its major trading partners is that works by Canadian creators may only be protected by copyright for the life of the author plus 50 years in countries that have ratified the Berne Convention. To illustrate, the domestic works of authors from those other countries with longer term protections, as well as works by authors from other trading partners with longer terms of copyright, are protected by copyright for longer periods than Canadian works available in those same countries. Canada's laws should not place limits on the ability of Canadian creators to exploit their works around the world.

The Canadian music industry is an important economic driver both domestically and internationally, and it relies upon the strength of Canada's copyright protections for musical works to support the creation of new musical works by ensuring a just reward for creators and rights holders. Canada's laws are out of line with those of its major trading partners as well as the underlying rationale for the structure of our own copyright regime. This is an unreasonable cost to existing Canadian talent in royalties from abroad, as well as to emerging creators who rely on support from rights holders through reinvestment.

The expedient extension of term in Canada's Copyright Act presents an amazing, tangible opportunity to expand Canada's music publishing industry, invest more in emerging songwriters and composers and make our Canadian companies even more competitive globally.

Sincerely,

