



**Saskatchewan
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Saskatchewan Arts Alliance response to call for comments in public consultation on how to implement copyright term extension.

The membership of the Saskatchewan Arts Alliance thanks the Canadian Government for this opportunity to comment on the options for copyright term extension.

The Saskatchewan Arts Alliance, a coalition of some 70 arts and creative industry organizations, seeks to strengthen, support and advance the arts and creative industries in Saskatchewan through proactive leadership, advocacy, public education, and research and policy development.

In order to examine the copyright term extension issue, leaders from a cross-section of arts and cultural industry associations in the province were consulted, including film and television, writing and publishing, visual arts, and music.

How a general term of copyright protection of life of the author plus 70 years should be implemented in Canada.

At this time, the extension itself doesn't present any issue one way or the other.

For visual arts, writers, and publishers in print media, the issue is moot if the fair use issue is not resolved, as the income of so many has been gutted. Interactions with users confirm frequent assumptions of the right to use works by users, regardless of the position or permission of the copyright holder.

In the case of the visual arts, the creation of the Artist's Resale Right/Droit de Suite, which would bring Canada in line with the EU in terms of rights-holder royalties, would be the key to making any extension impactful for copyright holders.

Music copyright holders indicate they are hopeful that the results of the review of the Telecommunications Act, the Radiocommunication Act, and the Broadcasting Act will result in more fulsome remuneration than the pennies many creators now receive from performance and recording royalties.

Accompanying measures which should be adopted to address potential implications of term extension and what form such measures should take.

1. The issue of Orphans and tracking out of commercial circulation intellectual property would best be handled by Copyright Collectives like Access (already established under the federal Copyright legislation and recognized, and SOCAN (also well established).

All stakeholders recognize Access Copyright Collective, for example, as an agency to collect licence fees and enforce creator and publisher rights. The collectives already have the database of contact information for creators and producers. In the annual update that already takes place, it would not be difficult to include a request for contact information for literary executors, for instance. The collectives already make it easier to obtain licence for use. They already have international affiliations with collectives world wide, and agreements for distribution of licence fees.

2. The monitoring of copyright in Canada should not be handled by a Copyright Registration system, which would require the set up and duplication of information gathering systems already in place through the existing collectives. Copyright Registration systems tend to gather one-time information, would potentially put more work on the backs of creators and producers, and, if a fee were contemplated, would impose an unacceptable hardship on artists, who may produce many works a year. Such a fee would be a tax on those who can least afford it. For example, a visual artist in Baker Lake may produce a dozen works in a season. To register each work would be an additional cost, a lot of extra paperwork, and if the only purpose is to ensure user access to the image of the work in fifty years, it's not going to be viewed as an ongoing or immediate priority. Registration and updates through Copyright collectives, and in the case of visual arts and crafts, an Artist's Resale Right, would be an immediate and ongoing benefit to the creators, to not only handle negotiation and payment of licences, but also enforcement and advocacy. The individual artist does not have the resources to take on an education system, for instance.
3. As a result of technological advancements, and certainly pushed forward by the pandemic, podcast and live streaming – the performative aspects of permissions – will be front and centre as an increasingly important way to access all art forms. As so much education went online, the education budgets and the library budgets were not cut. Artists are now called upon to provide their materials as video casts, but the monetization of this stream is uncertain. Why aren't creators paid? And if they are, then hosts need to very clearly acknowledge funders as a part of these performances. Public performances need to acknowledge both publisher/producer and the ability of the writer to benefit from the event. With respect to the terms of copyright, this is yet another example of the need for an actual, recognized and monetized right before the term of copyright has any significance. Libraries and Schools are jumping on live streaming, but payments, licensing is not coming forth. How long do these performances get posted? Who tracks that? There is some work to do before this part of copyright is significant as a revenue stream to the artists.
4. Intellectual property interests could be managed by funding conditions, corporate agreements, union agreements, and royalty arrangements through distribution companies, as is the case with film, but this community also awaits results of the review of the Broadcast Modernization Act and the passing of the legislation to provide Canadian IP with the power to address the new world that all artists are increasingly facing. The Copyright Act must mesh with these changes as well, and an extended copyright term is not a key component.

The Saskatchewan Arts Alliance looks forward to additional opportunities for input in the Copyright review process.