

March 29, 2021

**The Saskatchewan Writers' Guild is writing in support of the Canadian Copyright Institute's call to implement an extended general term of copyright protection in Canada.**

Founded in 1969, the Saskatchewan Writers' Guild (SWG) is a not-for-profit provincial cultural organization that represents writers in all disciplines and at all levels of achievement and fosters excellence in Saskatchewan writing while promoting public awareness. The SWG acts as an advocate to improve the status of Saskatchewan writers, encourages the development of writers of all ages and levels through educational opportunities and strives to improve public access to Saskatchewan writers and their work.

The Saskatchewan Writers' Guild supports the implementation of the 20-year extension required by the Canada – United States – Mexico *Agreement* without accompanying measures. Copyright protection is important to our members and we look to the government to ensure that all members of our community are supported in their right to copyright.

Accompanying measures complicate and delay even further this required amendment to extend the copyright term based on the life of an author. These consequent delays have an impact on rightsholders, harming them unnecessarily by the amendments to the ACT, and foremost, negatively affecting the copyright owners that expire during the two- and half-year grace period.

The direct implementation of the required extension of the term of copyright respects both the moral and economic interests of those bringing literary and artistic works into the world.

We are not only surprised and disappointed, but feel disheartened and abandoned by the Consultation paper as it does not rule out linking enforcement of copyright during the extended period to registration prior to the infringement (recommended by the Standing Committee on Industry, Science and Technology), as there would in effect be no copyright in a work after expiry of the current 50 years unless and until “restored” by a subsequent registration. This would clearly breach *Berne* (which also specifically prohibits “formalities”, such as registration, as a requirement of copyright). However, neither a registration requirement, nor implementation of any of the accompanying measures in any of the

Options presented to “mitigate” what some predict will be the result of longer copyright protection, necessitates delaying the legislation needed to implement the extension required by *CUSMA*.

Delay in implementation of the extended term until the end of December 2022 means that Canadian works will continue to be in the public domain during the last 20 years of copyright protection in some countries outside of Canada, and that Canadian rightsholders of works by authors who have or will have died between July 1, 2020 (when *CUSMA* came into effect) and December 31, 2022 will not get the 20-year extension at all. (Expired copyrights will not benefit

from the extension or be revived.) This damage to authors' rights need not continue, since none of the proposed accompanying measures require a delay to implementation of the required extension of the copyright term. There is no reason whatsoever nor justification for not implementing the extension by an immediate amendment to the Copyright Act.

The Canadian Copyright Institute has responded with various options for moving forward. We welcome and support your consideration of the CCI's various options and your interest in protecting our creators, publishers, and distributors.

We call on the Government to proceed immediately and expeditiously with copyright term implementation. Fairness to rightsholders demands this.

Sincerely,



Tracy Hamon  
Executive Director, SWG