



## **A Barenaked guide to music copyright reform**

**Steven Page, National Post**

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The Canadian music scene has been riding a remarkable wave in recent months, with packed clubs, breakout artists, and international acclaim. While that success has garnered considerable attention, last week a group of well-known Canadian musicians took centre stage for another reason.

Concerned with the prospect of record-label lawsuits against MP3 file sharers, and the continuing march toward greater restrictions on the use of music, the artists -- including Avril Lavigne, Sarah McLachlan, Chantal Kreviazuk, Sum 41, Broken Social Scene, Stars, Raine Maida of Our Lady Peace, Dave Bidini of Rheostatics, Billy Talent, John K. Sampson of Weakerthans, Sloan, Andrew Cash, Bob Wiseman, a co-founder of Blue Rodeo, and my own band, the Barenaked Ladies -- launched the Canadian Music Creators Coalition.

The Coalition brings together a diverse array of musical backgrounds and interests. We create everything from popular top-40 tunes to critically acclaimed selections to grassroots folk songs. We make rock, pop, blues, jazz, R&B, hip hop, folk, country and even classical music. We play various roles in the music production process. We are not just singers and songwriters (although most of us write or perform our own music to some extent). Some of us are also record producers and music promoters, for ourselves or other artists.

Collectively, we have won dozens of Juno and Grammy awards, and have sold tens of millions of albums worldwide. Most, although not all, of us are associated with major record labels, collecting societies and industry associations. We know that record companies and music publishers are not our enemies. They are often run by people who love music and are passionate about the promotion of Canadian culture.

Much of their lobbying, however, is not about protecting artists or promoting Canadian culture. It is about propping up business models in the recording industry that are quickly becoming obsolete and unsustainable. It is about preserving foreign-based power structures and further entrenching the labels' role as industry gatekeepers. Their lobbying efforts are focused on passing laws that restrict artists' ability to take control of their own

music, reach their fans in more direct ways and earn a decent living from music without sacrificing their autonomy.

We, as Canadian music creators, have identified three simple principles that should guide copyright reform and cultural policy.

- First, we believe that suing our fans is destructive and hypocritical. We do not want to sue music fans, and we do not want to distort the law to coerce fans into conforming to a rigid digital market artificially constructed by the major labels.

- Second, we believe that the use of digital locks, frequently referred to as technological protection measures, are risky and counterproductive. We do not support using digital locks to increase the labels' control over the distribution, use and enjoyment of music, nor do we support laws that prohibit circumvention of such technological measures, including Canadian accession to the World Intellectual Property Organization's Internet Treaties. These treaties are designed to give control to major labels and take choices away from artists and consumers. Laws should protect artists and consumers, not restrictive technologies.

- Third, we strongly believe that cultural policy should support actual Canadian artists. We call on the Canadian government to firmly commit to programs that support Canadian music talent. The government should make a long-term commitment to grow support mechanisms such as the Canada Music Fund and FACTOR, invest in music training and education, create limited tax shelters for copyright royalties, protect artists from inequalities in bargaining power and make collecting societies more transparent.

The immediate reaction to the new coalition has been incredibly positive. Dozens of additional Canadian artists, including Randy Bachman, Sam Roberts, Feist and Blue Rodeo's Greg Keelor, have all jumped on board. Music fans across Canada and around the world have expressed their support as we repair the bonds between artists and their fans.

The "products of the mind" for which the record labels claim to seek protection are the products of our minds. The legislative proposals that would facilitate lawsuits against our fans or increase the labels' control over the enjoyment of music are not made in our names.

It is the government's responsibility to protect Canadian artists from exploitation. This requires a firm commitment from Industry Minister Maxime Bernier and Canadian Heritage Minister Bev Oda to programs that support Canadian music talent and a fresh approach to copyright law reform. The continued growth of Canada's vibrant music scene requires policies that prioritize musicians, not outdated business and the corporate bottom line.