



May 1, 2006

The Honourable Maxime Bernier P.C., M.P.
Minister of Industry
5th floor, West Tower
C.D. Howe Building
235 Queen St.
Ottawa, Ontario K1A 0H5

The Honourable Bev Oda P.C., M.P.
Minister of Canadian Heritage
25 Eddy Street
Gatineau, Quebec
K1A 0M5

Dear Ministers:

Re: Canadian Copyright Reform and Cultural Policy

We are writing to you on behalf of the Canadian Music Creators Coalition, a coalition of Canadian artists who are concerned about the process and substance of copyright law and cultural policy. Coalition members have won critical and commercial success worldwide. We have sold millions of records worldwide, performed concerts for hundreds of thousands, and received multiple Juno and Grammy awards. We are the people who create music in Canada.

On Wednesday, April 26, 2006, we announced the formation of the CMCC with the release of a paper stating our policy positions, "A New Voice", a copy of which we enclose for your review. In that document, we communicate our growing concern with the direction of recent proposals to revise Canada's copyright laws. The multinational record labels are vocal in their desire for changes to copyright laws that would facilitate lawsuits against our fans and increase their control over the enjoyment of music. To our alarm, the labels' advance these demands not merely on their own behalf, but *in our names* as necessary for the well-being of individual Canadian musicians in the digital age. Let us be clear: the labels speak for their own interests. We come forward to do the same.

We have put forward three principles that we suggest should guide Canadian policy-makers in their deliberations over Canadian copyright laws:

1. Suing Our Fans is Destructive and Hypocritical

We do not want to sue our fans. The labels have been suing our fans against our will, and laws enabling these suits cannot be justified in our names. We oppose any copyright reforms that would make it easier for record companies to do this. The government should repeal provisions of the Copyright Act that allow labels to unfairly punish fans who share music for non-commercial purposes with statutory damages of \$500 to \$20,000 per song.

2. Digital Locks are Risky and Counterproductive

Artists do not support using digital locks to increase the labels' control over the distribution, use and enjoyment of music or laws that prohibit circumvention of such technological measures. The government should not blindly implement decade-old treaties designed to give control to major labels and take choices away from artists and consumers. Laws should protect artists and consumers, not restrictive technologies. Consumers should be able to transfer the music they buy to other formats under a right of fair use, without having to pay twice.

3. Cultural Policy Should Support Actual Canadian Artists

The vast majority of new Canadian music is not promoted by major labels, which focus mostly on foreign artists. The government should use other policy tools to support actual Canadian artists and a thriving musical and cultural scene. The government should make a long-term commitment to grow support mechanisms like 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.

We offer a new voice in the hope that we can move copyright policy debates in a constructive direction. Looking ahead, we intend to involve ourselves in any consultations or committee reviews on copyright. At present, we would welcome the opportunity to discuss our views with you and your department officials. We look forward to meeting with you, and to participating openly and constructively in Canadian copyright law reform and cultural policymaking.

Yours truly,

Steven Page
Andrew Cash
Jason Collett
for
Canadian Music Creators Coalition

Encl.

cc: Patricia Neri, Director General, Copyright Policy
Department of Canadian Heritage

Susan Bincoletto, Director General, Marketplace Framework Policy Branch
Industry Canada