

Parliamentary Committee C-32
House of Commons
Ottawa, Ont.

January 30, 2011

Re: Creator Concerns about Bill C-32 Copyright Modernization Act

Dear Committee Members,

I am a writer who earns most of my living through words. I also am an educator. I am very concerned about proposed changes to Canadian copyright legislation. If passed, these changes will seriously erode the rights of creators to be compensated fairly for our poems, stories, plays, photographs, compositions, songs and visual art. Canadian creators rely on a range of income sources for our economic survival, with most of us living on modest and low incomes. These proposals would make it even more difficult for us to earn a living.

Professional creators like myself support updating copyright legislation to reflect new cultural expressions in our digital world, and to encourage greater access to creators' works. However, Bill C-32, the Copyright Modernization Act, contains many broad new exemptions – including for education and private purposes – which will be devastating to artists. They will make it much harder for artists to receive legitimate compensation for the use of our work, in classrooms and elsewhere. The current proposal will lead to vast increases in uncompensated copying and shut Canadian artists out of the digital economy.

This is a poorly conceived revision to Canada's Copyright Act which will mean a \$40 million direct loss in income to artists. The Creators Copyright Coalition and Writers' Rights Coalitions, representing more than 100,000 Canadian creators, are calling for simple amendments to this legislation that will clarify and protect the rights of creators.

I am an award-winning published and produced playwright and screenwriter. I am also am the artistic director of a Yukon theatre company, Gwaandak Theatre, dedicated to developing and producing new works from northern, Aboriginal and diverse voices, including plays for students. I'm the Yukon regional representative and a proud member of the Playwrights Guild of Canada, as well as Writers Guild of Canada and other arts groups. I have taught creative writing at college and elementary school, and with "Ynklude," an amazing group of Whitehorse women with and without intellectual disabilities.

I live in a beautiful northern territory which has nurtured the arts and now has an vibrant artistic community, with one of the highest per capita concentrations of arts and cultural workers in the country. I have benefitted from arts grants to

develop my writing and I am grateful. I also have volunteered in my community, carpooled, taken other jobs to make ends meet. I continue to write because it is my career, it is continually challenging, because I love it and cannot imagine ever giving it up.

I also have daughters in the public and post-secondary school systems. With my own children, in coaching young athletes, with my writing students and colleagues in the theatre, I try to teach and practice respect. Not tolerance. Respect. And value for the work of artists. I don't want my daughters stealing people's words. I don't want their teachers and schools doing it. I don't want citizens of our society doing it.

Each November, like many other writers across Canada, I receive a welcomed cheque from Access Copyright. It's not a lot but this cheque helps me pay my mortgage and groceries, buy Christmas presents for my family, support a couple of extra days of writing time. It means I am being compensated for secondary use of my writing, including my published plays and play excerpts. It feels good.

I recently told a school librarian friend about creator copyright concerns, and about the importance of my annual copyright cheque. He had heard arguments supporting the educational exemptions, and seemed pleasantly surprised that Access Copyright was putting money directly into artists' pockets.

The cost of paying creators for our work is less than one percent of total education budgets across Canada. That still adds up to \$40 million which financially strapped school systems want to save. This is not the place to cut. It's not fair. It's not right. We need to find new ways to ensure public access and compensate creators fairly. This is vital particularly in the evolving digital economy, if we want creators to continue to create and survive.

Yours,

Patti Flather