

The Honourable James Moore
Minister of Canadian Heritage
and Official Languages
House of Commons
Ottawa, Ontario, K1A 0A6
and
The Honourable Tony Clement
Minister of Industry
C.D. Howe Building
235 Queen Street
Ottawa, Ontario K1A 0H5

Dear Sirs:
RE: BILL C-32 - COPYRIGHT MODERNIZATION ACT

As a creator and entrepreneur, I am deeply concerned with the government's proposed bill C-32, the Copyright Modernization Act.

I understand that part of the exercise was to allow creative content to be more easily accessible to users in the digital world; a lofty goal. However, if there's to be use of a product or service, there should be a corresponding payment for that. Unfortunately, that is what is missing from the bill. It gives access without remuneration. There needs to be a balance.

The bill needs to be amended to ensure that uses of creations are compensated. For example, bill C32 should include the following amendment:

In interpreting limitations or exceptions to copyright under Part III of the Act, the court shall ensure that such limitations or exceptions are confined to certain special cases, do not conflict with the normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author including the author's right to equitable remuneration.

This type of provision is included in the Berne Convention and other international treaties to which Canada is a Party. Since Canada has already agreed to these treaties, there is no reason why it should not be included in our copyright legislation.

The digital world is a massive market where many of the transactions

involve creative property. If you prevent Canadian creators from participating in the development of their creations because they can't be paid for their use, then Canadians will be shut out from this new market.

Wayne Michael Fordham,