



Association of Canadian Publishers: Statement on copyright reform

Thank you for the opportunity to participate in this discussion. It is a crucial element in establishing a copyright regime that brings Canada into the twenty-first century, and I congratulate both ministers on undertaking this process.

The Association of Canadian Publishers, whom I represent, speaks for Canadian-owned book publishers across the country. We have members in every province, producing books in every genre, from poetry to cookbooks, fiction, scholarly and reference works, children's books, biography, travel, how-to, and everything in between. Most of our members are small companies, independently owned, conducting business at the intersection of culture and enterprise.

Copyright law is what makes our industry possible. The sale of copies, and of the rights to others to sell copies, are our sole sources of revenue. We don't sell advertising, we don't sell merchandise associated with our products, we don't present performances.

Like all those around the table, our industry is now in transition, but the change has come more slowly to us. Most people, at this moment, wish to engage with books in the same ways they always have. The digital revolution has yet to turn our industry inside-out as it has done to others, but the process has begun, especially in educational markets, and it will accelerate as new options for e-books of all kinds become more widely available.

Now, like everyone around the table, we are considering the scope of copyright law without a fully established definition of "copy" or, for that matter, of "book". Unesco's long-standing definition of a book has become obsolete in a digital age, and a new one will evolve in ways not yet clear. We are also considering the meaning of jurisdiction, as Google lays claim to all works available for sale in the US, which means, in practical terms, all books published in Canada. So we are, like everyone else in the room, at a crossroads.

We believe that new copyright law should be based on principles of protecting works of expression, regardless of format. The current scope of fair dealing principles serves this goal well, and new legislation should preserve that scope. Broadening it will damage the infrastructure that produces works of expression, and that is a very high price for a country whose cultural expression competes with the behemoth next door.

Narrowing that scope, or limiting the access of users through restrictive anti-circumvention measures, will be damaging in other ways, by reducing respect for copyright and inviting abuse, and by forcing small companies into expensive remedies. We believe that penalties for circumvention must be tied to actual infringement.

It is crucial that users not be required to sort out, in any given context, what they are and are not entitled to do. The more format-specific the law, the more quickly it will obsolesce, and the more likely it will be ignored. It may be advisable to distinguish between physical formats and virtual, but more specific definitions and qualifiers are likely to be self-defeating.

We believe that the kind of balance many have spoken about in this process is achievable, and we appreciate this opportunity to participate in creating it.