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Canadian publishers call for urgent reform of the *Copyright Act*

2012 copyright legislation has resulted in a loss of over \$190M in licensing revenues paid to creators and publishers

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To mark World Book and Copyright Day (April 23), the Association of Canadian Publishers (ACP) is calling on the Government of Canada to act quickly to fulfill its commitments to amend the *Copyright Act* and to ensure a sustainable educational publishing industry. Amendments are urgently needed to restore a functioning marketplace for the sales and licensing of educational materials, and to create the conditions that will encourage investment in future Canadian learning resources.

The Canadian writing and publishing sector has lost more than \$190M in licensing revenue following the implementation of the *Copyright Modernization Act* a decade ago, and losses continue to mount. The introduction of fair dealing for education in 2012 opened the door to systemic, widespread, unpaid copying by Canada's K-12 and post-secondary education sectors (outside of Quebec); content that was previously paid for has been used for free, and royalties have not been paid to authors, illustrators, translators, other creators and publishers.

ACP welcomes the Government of Canada's commitment to ensuring a sustainable educational publishing industry, including fair remuneration for rightsholders, as outlined in Budget 2022. Addressing this commitment will be critical to the government's upcoming copyright reform process.

"Canadian publishers have always been partners in education, producing books that speak specifically to the Canadian curriculum and experience," says Ruth Linka, President, ACP. "Changes to the *Copyright Act* have reduced educational sales

revenues, in turn forcing our sector to reduce our investment in new educational material or focus on other markets, like the United States. Students are losing out on critical Canadian perspectives and storytelling as a result.”

“COVID-19 has further exposed longstanding weaknesses in the *Copyright Act*, and the legal framework that should underpin our industry does not encourage publishers to invest in the digital content and infrastructure today’s education system demands,” adds Kate Edwards, Executive Director, ACP. “Legislative solutions to repair the market are available; it’s up to the Government of Canada to act.”

Copyright reform is essential to the publishing sector’s recovery from the COVID-19 pandemic. ACP will join colleagues from across the arts and culture sector in May at the National Summit on Arts, Culture and Heritage to explore this and other topics. Specifically, ACP joins other writing and publishing organizations in recommending that the government amend the *Copyright Act* to ensure:

- **Fair compensation for educational copying:** Fair dealing for education should only apply to educational institutions when a work is not commercially available under licence by the owner or a collective.
- **Protection of copyright-protected work:** Tariffs approved by the Copyright Board must be enforceable against infringers of copyright protected works subject to a tariff.
- **Creators and publishers can defend their rights:** Adequate statutory damages must be available to all copyright collectives.

Together, these legislative changes will help repair the market for Canadian materials in the classroom, ensure publishers and creators are compensated fairly, and support future innovation in the industry.

ACP is the national voice of English-language Canadian-owned book publishers. ACP contributes to the development and maintenance of vibrant, competitive book publishing companies in order to support and strengthen the contribution that Canadian books make to Canada’s cultural, economic, and educational landscape.

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