



The Right Honourable Justin Trudeau, P.C., M.P.,
Prime Minister of Canada
Langevin Block, Ottawa, Ontario
K1A 0A2

December 3, 2021

Dear Prime Minister,

On behalf of the National Council of The Writers' Union of Canada (TWUC) and its members, I write today to urge you in the strongest possible terms to pass new copyright legislation immediately in order to repair the market for writers in Canada. For a decade Canada's writers have waited and worked with successive governments in good faith. Our testimony, feedback, and evidence has proven without any question that unregulated educational copying of published work has caused a market failure for authors in this country.

TWUC followed the federal election very closely, and noted strong support from all parties for amendment of the *Copyright Act* that will address the extreme market damage caused by unlicensed educational copying. Both our sector and your party predicted this damage in advance of passage of 2012's *Copyright Modernization Act*, and the damage ensued immediately afterwards. Both your party and the publishing community were correct in our criticism of that legislation. So, it is baffling and deeply disturbing to Canada's writers that legislative repair is taking so long while our work continues to be appropriated, and our rightful incomes collapse.

Your own 2021 election platform promised to "protect Canadian artists, creators, and copyright holders by making changes to the *Copyright Act*." A Parliamentary majority is now committed to these changes and, frankly, the writing and publishing sector can wait no longer. We are out of patience. This past summer's Supreme Court of Canada (SCC) decision in *York University v. Canadian Copyright Licensing Agency (Access Copyright)* has left writers absolutely no legal recourse through either collective court action, or at the Copyright Board of Canada. Thus, we are exposed to massive, and what is worse, intentional infringement. We have no workable avenue to collect on the approximately \$200 million we have proven is owed to us.

At the same time, the SCC confirmed that the fault for this desperate and unjust situation lies with the *Copyright Act*. All of these elements were discussed in detail during your government's Copyright Reform consultations in 2017-18. The necessary repairs to the *Copyright Act* are spelled out in detail in the CHPC Committee's 2019 *Shifting Paradigms* report.

Recommendations 18 through 21 in that report would repair the market, and would find easy passage in Parliament. This is a clear legislative win for your government, and would bring Canada's copyright framework closer to those of our Commonwealth and European partners, who are deeply concerned by this country's outlier status on copyright protection.

Having engaged for so long on this issue, we're aware there is ideological resistance to serious copyright repair and to the strengthening of artists' rights from a vocal minority in the House, and from a certain segment of the civil service. Canada's writers refuse to have our rights blocked and limited by academic theory advanced by those who do not work in our market and have only an ideological stake in the outcome. Our livelihoods have been severely damaged, and without this repair the prospects for our future earnings are bleak.

It is time for decisive action by government to make sure Canadian writers and publishers can continue our valuable work. We urge you to ensure that serious measures to bring educational copying back under collective licence are included in mandate letters for both the Department of Canadian Heritage and the Ministry of Innovation, Science and Industry.

Thank you for your attention to this cultural emergency.

Sincerely,



Rhea Tregebov, Chair

cc: The Honourable Pablo Rodriguez, P.C., M.P., Minister of Canadian Heritage

The Honourable François-Philippe Champagne, P.C., M.P., Minister of Innovation,
Science and Industry