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November 12, 2004

«Title» «FirstName» «LastName»
«JobTitle»
House of Commons
Parliament Buildings
Ottawa, Ontario K1A 0A6
Fax # 613-«Fax_»

Dear «Title_1» «LastName»:

We are writing to express our concern that the Standing Committee on Canadian Heritage has resubmitted its recommendation to amend the Canadian Copyright Act of 1998, without contemplating its dire consequences and profound implications on literacy, learning, education and research in Canada.

As the Chair of Toronto Public Library Board, the busiest public library in North America, I urge you to consider the following, if the Committee's recommendations are accepted:

- The Report would grant collective societies monopoly control over the access to and use of copyright works for the lifetime of the author plus fifty years.
- The Report ignores the concept of user rights (to access copyrighted content) and the criteria for fair dealing, both of which have been endorsed in recent Supreme Court decisions. In fact, the Supreme Court has recognized the balance upon which the copyright law in Canada is based with three landmark decisions in the past two years, all articulating that copyright law should protect access as well as economic rights. In all three cases the Supreme Court emphasizes the need to balance the rights of users with those of rights holders.
- The Report further disadvantages Canadian students, educators, librarians, archivists and researchers in comparison to their colleagues in the U.S., the U.K., and Australia by restricting access in Canada, to material that would otherwise be available elsewhere.

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We are now, and have been since our first correspondence with Members of Parliament in May 2004, concerned that the Committee is moving forward without providing time and consideration to those groups directly affected by their Report, such as the Toronto Public Library's 1.5 million users.

Additionally,

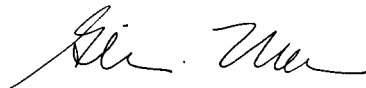
- The Report undermines the Government's "commitment to lifelong learning, innovation and access to culture, and the need to preserve balance in the Act" (Supporting Culture and Innovation: Report on the Provisions and Operation of the Copyright Act, p. 36)
- It ignores Industry Canada's own report "Assessing the Economic Impact of Copyright Reform in the Area of Technology-Enhanced Learning," authored by Ronald Hirshhorn.
- The Committee's recommendations ignore the fact that the Internet is not primarily a commercial marketplace, but rather the "commons" or public park of the new electronic-based global village.

Amendments are greatly needed to maintain a carefully crafted balance between the rights of content providers and those who use their material. Unless public policy goals are kept in mind, the Bill will have a long-term and very serious negative impact on literacy, learning, education, and research in Canada.

Before the Government introduces a Bill amending the Copyright Act, may we respectfully urge you to raise the issue of copyright within your caucus and deliver a strong message that public access to information is vital for the citizens of Canada.

I am available at your convenience to meet or discuss this issue. I look forward to your reply.

Respectfully,



Gillian Mason, Chair
Toronto Public Library Board
416-393-7215

Attachment: Globe & Mail, November 11, 2004 article on "Ottawa's copyright plans wrongheaded, experts say" – *attachment is unavailable electronically*