

8(a).

May 17, 2004

Toronto Area MP
House of Commons
Parliament Buildings
Ottawa, Ontario
K1A 0A6

Dear _____:

I am writing as Chair of the Toronto Public Library Board to convey the Board's concerns over recent developments in the Government's consideration of digital copyright reform. The public library provides citizens access to culture in all its manifestations, as well as information of all kinds. Libraries are directly impacted by changes in copyright law, which disrupt the balance between the interests of content providers, creators and Canadian citizens, and the libraries and educational institutions which serve them. Contemplated changes to the Copyright Act have the potential to unreasonably limit public access to copyrighted content and to shrink the public domain through extending copyright protection.

While the Library was pleased with the recent Supreme Court ruling on copyright which acknowledges user rights in accessing and using copyrighted content, recent statements by the Minister of Canadian Heritage and Heritage staff suggest that the Government is considering proceeding quickly with a narrowly focused legislative package which fails to address key user issues. The Toronto Public Library Board is especially concerned that the invitation to appear before the Standing Committee on Canadian Heritage, issued on short notice to the Council of Administrators of Large Urban Public Libraries, limited discussion to one of three topics; none of which are central to public library concerns. The impression created is that the Government is attempting to fast track legislation of significance to many Canadians by limiting debate.

The "Status Report on Copyright Reform", which was submitted to the Standing Committee on Canadian Heritage in March by the Minister of Canadian Heritage and the Minister of Industry Canada, is a reasonably inclusive review of the changes to The Act under consideration by the Ministries. A number of issues are identified with options for legislative change with generally two alternative courses of action proposed for each issue; one pro-user, one pro-content provider. The report indicated that the Ministers intended to seek Cabinet approval of proposed amendments to The Act "later this year" with legislation to follow. While an election call may stall the current "fast-track" process, the concern remains that a new Government will reinstate a similar process post-election.

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The Internet and distribution of digital content have brought the copyright debate into the homes and workplaces of a majority of Canadians. No longer, as in the past, is the debate limited to issues such as signs on institutional photocopiers or record-keeping requirements for inter-library loan copying, hardly galvanizing for the average Canadian. The digital copyright amendments, currently under review, have the potential to restrict an individual's ability to exercise their legal right to access and use copyrighted content and to criminalize behaviour, which is both commonplace and encouraged by technology. It will be problematic for the Government to greatly increase content provider rights in the context of the recent unanimous Supreme Court ruling in support of user rights with respect to copyrighted content.

I urge that, as a Member of Parliament, you intervene in order to ensure that revisions to The Copyright Act ensure a reasonable balance between the interests of content providers and individual Canadians.

I will be pleased to meet with you to discuss the Library's concerns should you wish.

Yours sincerely,

Gillian Mason
Chair

Copies to: The Honourable H  l  ne Chalifour Scherrer, Minister of Canadian Heritage
 The Honourable Lucienne Robillard, Minister of Industry

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