

Looking for copyright protection

The collective is "a mechanism the artist can recoup on that makes it easier to protect the legal rights of creators," says Paulette Kelley, executive director of the Periodical Writers' Association of Canada.

"But at the same time, we don't want people to be unable to enjoy created work."

According to the federal government, "the new law will balance the needs of creators to control and be paid for the use of their work with the needs of users to have the easiest and widest possible access to copyrighted material. It will increase the rights of creators, expand the protection of subject matter and provide fewer exceptions for users, thereby contributing to economic renewal and cultural vitality."

But the institutions and people affected by the law don't see it in quite the same light. In particular, schools and libraries across the country will be directly affected by the more stringent photocopying regulations and the economic demands made by collective associations.

Bill C-60 will cost provincial libraries millions of dollars, says Peter Rogers, a representative of the Ontario Library Association Copyright Committee.

"It's ridiculous. If educational libraries had to pay a collective for every photocopy they made, we would be talking about millions of dollars taken out of the educational budget. There would be a horrendous bill for this. And of course, the taxpayers will be the ones to pay."

"But it's not really a question of money, or of paying authors for the repeated use of their works. It is a question of legislation for easy access," says Rogers.

But Flora MacDonald, the federal minister of Communications, says Bill C-60 is quite reasonable.

"Not only are the libraries at present not paying any creative royalties to the author or writer, they are actually using his or her work to subsidize their own activities. They are charging the public (for photocopies) as if the creator were charging them, but they are keeping it," she says.

The Canadian Association of Research Libraries (CARL) is opposing the bill because it lacks exemptions for libraries.

"Paying copyright dues on photocopied material, they claim, will do very little for Canadian writers"

"Libraries are most concerned that the legitimate interests of research library users be balanced against the equally legitimate right of the creators," according to David McCallum, CARL's executive director.

CARL maintains that the single copy reproduction of library articles for inter-library loan is an important way for libraries to share their resources with single users, a service that Bill C-60 would prohibit.

"CARL would prefer Canada frame legislation like that of the United States, the United Kingdom, and Australia, and recognize the single copy practice as legitimate and fair to both the creators and users of information," says McCallum.

Librarians and educators are concerned that having to locate the owner of a copyright will restrict researchers who want to use someone's work.

"You want to use somebody's article or book or videotape segment, just to copy it to make a presentation or write a report, and you have to find the copyright owner. How are you going to do that?" asks Peter Rogers.



Collectives are suggested as solutions to the problems as they are blanket licensing arrangements like the one between the Quebec Writer's Union (UNEC) and the provincial government.

"But how can we guarantee that all of these people are going to be in one collective?"

Pierre Berton has publicly refused to join a collective. Will researchers have to track down five or six different collectives to find their writer? And where do they go if they want to tape a segment of a CBC news show or the Journal or something?" says Rogers.

Royalty fees charged by writer's collectives would be determined by a random sampling process of libraries, determining which works are being most photocopied. Collectives would distribute royalty payments to their members on a proportional basis, as a sort of "rough justice."

"Libraries must pay the collectives for the photocopies the students and researchers are making," says Mike Renshawe. "You

know the situation here. McGill's bankrupt."

"Canada is what is known as a net-importer of cultural property, which means we import a lot more than we produce. A lot of this money going to collectives would leave the country to foreign authors," he says.

"Almost all photocopying is personal stuff and a lot of it is American. That means all that 'Canadian culture' money is going to the States," he says.

Renshawe is equally concerned.

"By raising the cost of photocopying and multiplying the already existing administrative costs, in the long run libraries will be buying less books, and it will be harder to get at knowledge. No university can support this type of administration," he says.

"This is a business deal. That's why so little attention is being paid to the educational community. Canada is maintaining equitable relations with her trading partners," Rogers says.

