

permission to use copyright material; and use of material outside a collective's repertoire. The outstanding issue that remained was that of taping off-air of radio and television programs.

The Minister stated that consultations have also been taking place between creators and users of copyright materials to discuss possible exceptions for library uses of copyright materials. Consensus has reportedly been reached on the following issues: library liability for photocopies made on self-service machines and by librarians on behalf of patrons; copying of damaged library material; copying of special works; copying of out-of-print works; copying of sheet music and the application of fair dealing to commercial research.

The single copy exception remains the only major outstanding exception and discussions on this matter are continuing, according to the Minister.

With respect to an ephemeral recording exception, the Minister indicated that there is agreement between creators and broadcasters on the need for such an exception but that the conditions for this have yet to be worked out. Another meeting on the matter between interested parties is scheduled for 2nd June 1988.

When she appeared before the Committee, the Minister also indicated that officials of her department would be willing to consider an alternative form of the exhibition right clause for stage two of copyright reform that was agreeable to both artists and exhibitors. The Minister gave a commitment that consultations between artists and curators and managers of museums would be undertaken with the purpose of arriving at some agreed upon exhibition right for stage two of copyright reform.

The Minister further stated before the Committee that stage two of copyright reform would likely be introduced in September or October of the current year.

Conclusion

The evidence presented by the Minister of Communications to the Committee indicated that progress has been made toward resolving outstanding issues between users and creators of copyright material. This includes agreement on most of the exceptions from copyright to be provided to users in stage two of copyright reform. The lack of information regarding such exceptions was cited by the majority of the Committee in its recommendation in its previous report regarding the postponement of the establishment of collectives.

In light of the Minister's evidence regarding agreement on copyright exceptions, and in view of the short time horizon before stage two is introduced, the Committee no longer feels that this postponement is necessary and therefore recommends that the Senate not insist on amendment 2 of its report on Bill C-60.

Further, given the commitment by the Minister to allow consultations between officials and artists and curators and museum managers to arrive at an agreed upon exhibition right for stage two of copyright reform, the Committee recommends that the Senate not insist on amendment 1 of its report on Bill C-60 which called for the deletion of clause 2 respecting exhibition rights.

Respectfully submitted,

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Chairman
