[Date], 2020

[Name of MP], M.P.

House of Commons
Parliament Buildings
OTTAWA, ON K1A 0A6

Dear Sir/Madam,

I am writing to you as your constituent, and as an [a professional] author whose work contributes to both Canadian culture and the value of Canadian education. Since the 2012 *Copyright Act* amendments, [my earned income and] the income of tens of thousands of other Canadian creative professionals has been drastically damaged because schools, colleges and universities refuse to pay for use of copyright-protected Canadian literary works.

That already dramatically decreased income was further reduced as a result of the Federal Court of Appeal decision in *York University v. Access Copyright*, released April 2020. In that decision, the higher court affirmed the lower court’s ruling that the university’s fair dealing guidelines were, in law, unfair. That signals creator rights must be respected. The higher court also held that Copyright Board tariffs are not mandatory. If such tariffs are not mandatory, then there is no practical reason for users such as educational institutions to invoke the statutory process for setting tariffs. The result is that users will continue to infringe copyright-protected work without compensating creators. The situation is untenable, both for the creative community, and for the Canadian public. The public suffers in this situation because it clearly values Canadian content for Canadian students – as the current pandemic has amply shown us.

The Supreme Court of Canada has ruled that the rights of copyright users and copyright creators should be balanced. However, the scales of justice are currently considerably tilted in favour of users. Parliament could rectify that imbalance by legislating that Copyright Board tariffs are mandatory.

Moreover, it has been [over] a year since the Standing Committee on Canadian Heritage submitted the [*Shifting Paradigms*](https://www.ourcommons.ca/Content/Committee/421/CHPC/Reports/RP10481650/chpcrp19/chpcrp19-e.pdf) report to Parliament. This report contains key recommendations for fixing the educational copying crisis in Canada and repairing the cultural economy. **I ask you to add your voice as an MP urging Parliament to adopt the *Shifting Paradigms* recommendations. Specifically:**

* ***Recommendation 18:*** *That the Government of Canada amend the Act to clarify that fair dealing should not apply to educational institutions when the work is commercially available;*
* ***Recommendation 19:*** *That the Government of Canada promote a return to licensing through collective societies; and*
* ***Recommendation 21:*** *That the Government of Canada harmonize remedies for collective societies under the Copyright Act.*

**[My own experience has been…]**

Users, including the educational sector, continue to engage in large-scale unauthorized copying. Parliament must intervene in this crisis to set proper regulatory limits and controls. Creativity is the hallmark of culture and innovation; Canadian creators must be compensated, or they will be unable to continue creating Canadian content. Parliament will have a prime opportunity to address the fractured tariff system when it updates the Copyright Act to implement the CUSMA provision extending the term of copyright protection from 50 to 70 years.

I urge you to speak with your colleagues, the Honourable Steven Guilbeault, Minister of Canadian Heritage, and the Honourable Navdeep Bains, Minister of Innovation, Science and Industry. Please ask them to support the Heritage Committee’s recommendations before Parliament, and to repair the Copyright Act wording regarding tariffs so that it is clear that they are mandatory.

Sincerely,

[Name]

cc: The Honourable Steven Guilbeault, Minister of Canadian Heritage

cc: The Honourable Navdeep Bains, Minister of Innovation, Science and Industry