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**For Immediate Release**

**October 8, 2008**

## **Broad Divisions Between Political Parties on Copyright Issues Impacting Canadian Musicians**

(Toronto) – The Canadian Private Copying Collective (CPCC) today released the results of a survey sent to all five major federal political parties, asking each party for its views on issues related to Canada’s private copying regime. These results will be of interest to all copyright owners, including the approximately 97, 000 rights holders who have received private copying levies, in order to inform their decision-making as to how they vote in the October 14<sup>th</sup> federal general election.

The CPCC received responses from four of the five political parties, with only the Conservative Party failing to participate. The responses submitted by each party can be found below.

“The Canadian Private Copying Collective believes that rights holders deserve fair compensation for the work they create, and that the best way to achieve this is through the preservation and extension of the private copying levy,” said CPCC Chair Annie Morin. “I am pleased to note that the New Democratic Party, the Bloc Québécois and the Liberal Party have all expressed support for fair compensation to rights holders. The commitment of the NDP and the Bloc to extending the private copying levy to digital audio recorders will be especially welcomed by rights holders.”

“The Green Party position, which calls for the private copying levy to be eliminated, would do irreparable damage to the rights holders we represent. Although the Conservative Party failed to respond to our survey, they have been clear, in their most recent policy statement, that they favour the elimination of the private copying levy. Moreover, in the recent legislative changes proposed by the Conservative government to the Copyright Act, fair compensation for rights holders in the new digital environment was not addressed. In the absence of a response by the Conservatives to our survey, there is no reason to believe their position has changed during this election campaign,” concluded Annie Morin.

The CPCC is the non-profit agency charged with collecting and distributing private copying royalties. Established in 1999, the CPCC is a collective of collectives that represent songwriters, composers, music publishers, recording artists, musicians and record companies.

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## CPCC Federal Election Survey

### **1. Would your party maintain the private copying provisions in Part VIII of the Copyright Act, which make it legal to copy music, while providing for a levy to compensate music creators?**

*Bloc Québécois* - The Bloc Québécois believes that the collection of royalties remains the best way to guarantee an income for copyright holders and is therefore in favour of private copying being legal while imposing levies on media

*Conservative Party* - No response received.

*Green Party* - The Green Party would uphold the private copying exemptions and remove the levy currently imposed upon blank recording medium. The current levy system introduces ambiguity in the rights of consumers and has created a legal quagmire where peer-to-peer sharing of intellectual property may be legally grounded in some cases. Removing this ambiguity by dropping the provisional exemptions would be in the interest of both consumers and artists.

*Liberal Party* - The Liberal Party recognizes the need for improved copyright legislation that addresses 21st century challenges. We also believe that these changes cannot be decided in isolation. That is why the Liberal Party supports holding open and transparent consultations before proposing or adopting any changes to the copyright legislation.

*New Democratic Party* - Jack Layton and the New Democrats were quick to condemn the Conservative's changes to Canada's copyright laws. New Democrats are pushing for proper legislation that will ensure artists and creators are compensated for their work while allowing consumers reasonable rights of access. Over the past two years we have urged the Conservative government to consult with stakeholders and develop relevant legislation that would protect artists, innovators and consumers in the 21st century. However, this government has completely ignored all calls to bring forward reasonable copyright legislation and regrettably this bill is worse than originally feared. There is no evidence of any attempt to strike a reasonable balance to protect both either artists or consumers. Instead, C-61 represents a full capitulation to the U.S. corporate lobby and does not strike a balance between the needs of artists and consumers.

### **2. Would your party extend Part VIII to MP3 players, making it legal to copy recorded music onto such players?**

*Bloc Québécois* - The arrival of devices such as the iPod and other MP3 players should not limit the collection of royalties, which is why the Bloc Québécois believes that the law must be modernized to take into account new digital media.

*Conservative Party* - No response received.

*Green Party* - Format shifting from audio CDs, tapes, and vinyl records to MP3 players should be recognized as a right of the consumer within the private copying exemptions. These exemptions would allow the Canadian public to interact with cultural material in a format and medium most convenient to them. Private copying exemptions would not permit redistribution and would therefore not undermine a copyright holders ability to market and sell the recording in a new format. Remarketing material in new formats can still attract customers who own copies of recordings in older formats through promises of convenience by not having to manually format shift the material, and in quality as the audio is remastered to best utilize the new technology.

*Liberal Party* - Modifications to copyright legislation is very complex and can have repercussions in other areas of copyright issues. The Liberal Party prefers holding extensive consultations before drafting amendments related to music copying and copyright in general.

*New Democratic Party* - New Democrats support an extension of the private copying levy to digital devices. However, the levy should reflect a balance between remuneration for artists and reasonable rates for consumers.

**3. Would your party also extend the levy under Part VIII to MP3 players, so that copyright owners receive compensation for copies made on MP3 players? If not, how would your party provide for fair compensation to rights holders for this use of their work?**

*Bloc Québécois* - Yes, the Bloc Québécois believes there should be levies on all digital media, as is the case for CD-ROMs and audio cassettes, for example. The Bloc Québécois believes, however, that it would be appropriate for the House of Commons Heritage Committee to hold consultations on the type of levies and their scope. The Bloc Québécois pledges to submit this question for study by the committee.

*Conservative Party* - No response received.

*Green Party* - Extending the current private copying levy to include MP3 players would not be an objective of the Green Party. The increasing convergence of music players, cellphones, personal digital assistants (PDAs), video players, cameras and internet appliances has been enthusiastically embraced by consumers, and has also obscured the distinction between the various uses of recording medium. The fundamental medium of storage in these devices - hard drives and flash memory devices - are not designed solely, or even specifically, to hold audio recordings but are used for general-purpose data storage. Imposing a levy specific to audio recordings upon such a versatile medium in a multi-function device could not be done in an equitable manner. Consumers and industry would both be better served by a single clear exemption on private copying and the legal framework to pursue those who are infringing copyright.

*Liberal Party* - The Liberal Party believes that any changes proposed to the copyright legislation should take into account fair compensation to rights holder. These are very important questions that cannot be addressed without first holding extensive consultations which the Conservatives have failed to do.

*New Democratic Party* - New Democrats support an extension of the private copying levy to digital devices. However, the levy should reflect a balance between remuneration for artists and reasonable rates for consumers.