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CPCC SUPPORTS NDP EFFORTS TO EXTEND FAIR COMPENSATION TO MUSIC RIGHTS HOLDERS

Toronto – The Canadian Private Copying Collective (CPCC) is applauding Charlie Angus, NDP Parliamentary Critic of Canadian Heritage, for his introduction of a Private Member’s Bill to expand the private copying levy to digital audio devices, such as the iPod.

This bill recognizes the need for copyright law to keep pace with changes in technology. The private copying levy needs to reflect how Canadians are making copies today, not 10 years ago. When the *Copyright Act* was last amended in 1997, legislators were living in a world of cassettes and CD-Rs. It made sense for the private copying exemption to apply to the media which was being used to make private copies. Today media cannot be separated from the device and the *Copyright Act* needs to reflect this reality.

“I know that Canadians support the rights of artists and that most politicians wish to reflect this support in legislation but the legislative process is a slow one and artists are currently suffering as a result,” states Annie Morin, Chair of the CPCC Board of Directors. “The CPCC is encouraged by this proactive solution to ensure music creators continue to be fairly paid for this use of their work.”

The private copying levy was first collected in 2000 and since then \$180 million has been distributed to rights holders. The CPCC has been actively trying to obtain a levy on digital audio recorders (DARs) since 2003, when the popularity of iPods and other MP3 players began to surge. In 2004, the Copyright Board of Canada approved a levy on DARs, but the ruling was eventually overturned by the Federal Court of Appeal which ruled that the wording of the *Copyright Act* did not allow for a levy on devices, despite the fact that such a levy was desirable.

The amendment proposed by Mr. Angus does not change the original intention of Part VIII of the *Copyright Act* which was to provide compensation to rights holders for private copies of music made by Canadians. The amendment is designed to rectify a semantic problem, which was unforeseeable in 1997. It simply allows for the levy to be applied to digital audio devices.

This amendment does not address how much the levy should be on digital audio devices. The rates of the levies are set by the Copyright Board of Canada, after an open hearing. In 2004, when the CPCC collected a levy on digital audio recorders, such as the iPod, the levy was based on the capacity of the DAR ranging from \$2 to \$25.

The number of private copies made each year remains high, yet the revenue from the private copying levy is declining. A levy on digital audio devices will restore the balance the original legislation intended to create.

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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