

# SHAKING THINGS UP

JEANANNE KIRWIN, Q.C.

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**Writers are not here to conform. We are here to challenge. We're not here to be comfortable—we're here, really, to shake things up. That's our job.**

—JEANETTE WINTERSON, ENGLISH WRITER

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In my first column (*WestWord*, January–March 2018), I explained why copyright reform is important. To become passionate about, advocate for and challenge the status quo is impossible if we are unaware issues exist. And in the realm of copyright law, there are issues. Creators are the first owners of copyright in their works. With robust copyright protection, they will be compensated fairly for their works. Without it, the converse is true, adversely affecting their creative output.

The following is an update of the Canadian copyright reform project and international initiatives affecting writers.

## CANADA

### Mandatory copyright law review is underway

The bad news: The 2012 introduction of a new fair dealing exception for educational purposes. That exception, unique to Canada, allows others to use work without permission and compensation, if the purpose is related to education. The good news: The mandatory federal government review of the *Copyright Act* launched in December 2017, providing an opportunity to persuade the government to remove the educational purposes exception. MPs from across Canada sit on the Parliamentary Standing Committee: [canada.ca/en/innovation-science-economic-development/news/2017/12/parliament\\_to\\_undertakereviewofthecopyrightact.html](http://canada.ca/en/innovation-science-economic-development/news/2017/12/parliament_to_undertakereviewofthecopyrightact.html).

The link to the letter from Ministers Navdeep Bains (Innovation, Science and Economic Development) and Mélanie Joly (Canadian Heritage) to the review committee

is [ourcommons.ca/content/Committee/421/INDU/WebDoc/WD9341854/421\\_INDU\\_reldoc\\_PDF/INDU\\_DeptIndustryDeptCanadianHeritage\\_CopyrightAct-e.pdf](http://ourcommons.ca/content/Committee/421/INDU/WebDoc/WD9341854/421_INDU_reldoc_PDF/INDU_DeptIndustryDeptCanadianHeritage_CopyrightAct-e.pdf)

The letter tasks the committee with ensuring creators are “properly compensated” and asks it to consider a “change of course.” These encouraging (and metaphorical) words are worth quoting in your correspondence supporting the review. Consider writing to the two Albertan MPs on the committee: Jim Eglinski (Yellowhead), email: [Jim.Eglinski@parl.gc.ca](mailto:Jim.Eglinski@parl.gc.ca) and Matt Jeneroux (Edmonton Riverbend), email: [Matt.Jeneroux@parl.gc.ca](mailto:Matt.Jeneroux@parl.gc.ca). Also, please add your voice to the I Value Canadian Stories movement at [ivaluecanadianstories.ca](http://ivaluecanadianstories.ca).

Other bad news: All Ontario school boards and most provincial Ministries of Education (including Alberta) sued Access Copyright in February for the return of “overpaid fees,” past license payments they claim should now be returned to them. The good news: The timing of this development, pitting educators against creators, serves as an excellent illustration showing MPs that the educational purposes exception must be repealed or revised.

### Petition launched to abolish the Goods and Services Tax on books

When the GST was enacted in 1991, the Mulroney government said it would consider waiving tax on book sales. Fast forward 27 years and the issue is back. A Québec MP initiated a petition calling upon the federal government to exempt books from GST, re-establish the preferential postal rate for books and establish a personal tax credit applicable to books bought



from accredited booksellers. Consider adding your name to the petition before it closes April 20, 2018: [petitions.ourcommons.ca/en/Petition/Details?Petition=e-1368](http://petitions.ourcommons.ca/en/Petition/Details?Petition=e-1368). Implementing just one of these three steps will strengthen the literary community.

## INTERNATIONAL

### Fair publishing contracts ensure fair compensation

The International Authors Forum aims to ensure authors receive fair compensation through a fair publishing contract movement. It has developed a resource entitled “Ten Principles for Fair Contracts”: [internationalauthors.org/wp-content/uploads/2017/10/IAFs-Ten-Principles-for-Fair-Contracts-for-Authors-August-2016.pdf](http://internationalauthors.org/wp-content/uploads/2017/10/IAFs-Ten-Principles-for-Fair-Contracts-for-Authors-August-2016.pdf). However, to pit publishers against writers at this critical point in Canadian copyright history does not make good sense.

### Amazon makes foray into the grey market of bookselling

Grey market goods are authentic, not knock-offs, but originate from unauthorized sources. Amazon is selling grey market books, thereby depriving publishers and authors of income. For more information, read the *New York Times* article: [nytimes.com/2017/10/12/opinion/book-publishing-amazon-sales.html](http://nytimes.com/2017/10/12/opinion/book-publishing-amazon-sales.html).

Let us heed Winterson’s exhortation “to shake things up”—for ourselves! ■

*Jeananne Kirwin, Q.C., a lawyer in Edmonton, practices in the areas of intellectual property and corporate/commercial law with an emphasis on trademark and copyright registration and enforcement ([kirwinllp.com](http://kirwinllp.com)).*