

## CANADIAN COPYRIGHT INSTITUTE

*Established to promote a better understanding of copyright and to encourage its use in the public interest*

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SUITE 107 192 SPADINA AVENUE, TORONTO, ON M5T 2C2	TELEPHONE	416-975-1756
	FAX	416-975-1839
	E-MAIL	<a href="mailto:Info@theCCI.ca">Info@theCCI.ca</a>

### **Intervention by the CCI to the Standing Committee on Copyright and Related Rights (SCCR 38) of the World Intellectual Property Organization (WIPO)**

**5 April 2019**

Thank you for the opportunity to make this written intervention.

The creators, producers, publishers and distributors who participate in the work of the Canadian Copyright Institute support the establishment of an artists' resale royalty right both in national law and by international treaty. We therefore thank and congratulate the members and the Secretariat of SCCR for their attention to this issue, and for their progress so far. We particularly thank and congratulate the members who have already established this important right in their national law.

We therefore support the proposal from Congo and Senegal to include the Resale Right (doit de suite) in the Agenda of Future Work of the SCCR.

I note that SCCR's agenda and action plans approach copyright through exceptions and limitations, a lens that sometimes creates the unfortunate illusion that exceptions and limitations are the only tools for resolving friction and creating opportunity in areas of activity related to copyright. The proposed inclusion of the Resale Right in the SCCR's standing agenda provides a welcome contrast to that approach.

I will mention two recent instruments created through law in Canada that do not relate to exceptions and limitations.

The first relates to ebooks published by independent publishers in my home province of Alberta. Thanks to a budget allocation at the provincial level, all of these published works are provided to all public libraries in Alberta on terms negotiated with the publishers. Those terms allow multiple simultaneous users throughout the province to access these works on line, through their public libraries.

The second relates to the Government of Canada's recent commitment in its 2019 budget to invest substantial new funding "to assist Canada's independent book publishing industry in increasing their production of accessible books for persons with print disabilities."

Along with measures that encourage properly constituted collective licensing, these are examples of what I would call positive measures to improve access to published works. They stand in contrast to exceptions and limitations, which—although they are justified in some special circumstances—by their nature involve extinguishing in some measure the rights of copyright holders.

I again applaud the progress towards the Resale Right (doit de suite) as another very positive step. I recommend the positive measures I have mentioned as exemplars of best practice in improving access to published works, while at the same time respecting the moral and material interests of those who bring them to the world.

Last, I sincerely thank the President and Vice-Presidents, and the Secretariat, for their exceptional work in preparing for and conducting our meetings this week.

Glenn Rollins  
Canadian Copyright Institute

