

Private copying: Save the levy!

As a music rights holder, you are aware of Canada's private copying levy and the benefits it provides. Passed into law by Parliament in 1997, it's a vital component of Canada's copyright legislation that ensures performers, songwriters, music publishers and makers of sound recordings, receive some compensation for copies of their work that are made by individuals for personal use. The levy has been a success, distributing over \$170 million to creators for the use of their work. Now the private copying levy is under threat and its future is not guaranteed. We need your help to Save The Levy.

The Canadian Private Copyright Collective (CPCC) was established to collect and distribute the private copying levy. For the past ten years the CPCC has gone before the Copyright Board of Canada to establish the rate of the levy. Today, the CPCC collects \$0.29 on CD-Rs and \$0.24 on blank audio cassettes over 40 minutes. The amount of the levy is based to a great extent on what people actually do with the blank media they purchase - and here's where our problems begin.

In today's marketplace, cassettes are more or less finished as a music copying medium, and CD-Rs are heading that way. Consumers have moved on, and an increasing amount of private copying is being done today on Digital Audio Recorders (DARs), such as iPods and other MP3 players.

It's hard to believe that the most popular way to copy music for personal use does not qualify for the private copying levy, with millions of Canadians using these popular devices to make private copies every day. Not a single penny of compensation is going to those who create the music!

The CPCC has tried to establish a levy on DARs for some time, and in fact on two occasions, the Copyright Board of Canada has agreed that the levy should apply to DARs, but those decisions were overturned by the Federal Court of Appeal due to semantics. The only way to change this situation is for Members of Parliament to amend the *Copyright Act* to establish that the levy should apply to DARs.

The Government of Canada has announced that new copyright legislation will be introduced early in 2010. Since copyright legislation is dealt with so infrequently, it is imperative that the issue of the private copying levy and DARs be addressed as part of this Bill. The CPCC has been working hard to keep this issue alive and front-and-centre. But we need YOUR help!

Take the time to visit our website www.savethelevy.ca and click on the "Take Action" button at the top of the page. There is a link that will take you directly to the "Contact Your MP" section. After you fill out the information online, a letter will be automatically generated for you addressed to your individual MP, with copies to both the Ministers of Industry and Canadian Heritage (the departments responsible for Canada's *Copyright Act*).

While you can send our form letter, let's face it - politicians pay more attention to letters that have a personal story, so please take the time to personalize your response. Your letter need not be any longer than one page and it will automatically be addressed for you.

Here are some points your letter should include. Please use your own words:

- the private copying levy is important to you as a music rights holder;
- the levy is a fair compromise: it legalizes private copies and provides compensation to rights holders for the use of their work;
- a brief story on how the levy has made a difference for you would be very valuable.

On behalf of music rights holders across the country, thank you for your time and attention. Nothing is guaranteed in this world, but if we don't stand up to fight for the private copying levy, it will be lost. We can't afford to let that happen. Together, we can Save The Levy!

Best regards,

Annie Morin, Chair CPCC