

CPCC Report on Private Copying Developments in Canada, April 2017 to Present

Prepared for the BIEM Private Copying Forum WebMeeting, 20 March 2018

There have been no changes to the Canadian legislative framework for private copying in the last year. The private copying levy continues to apply only to copies of audio works and is payable by manufacturers or importers of blank audio recording media upon first sale or disposition in Canada. Since 2011, the private copying levy has applied only to blank CD-R, CD-RW, CD-R Audio and CD-RW Audio.

On December 1, 2017, the Copyright Board published the Private Copying Tariffs for 2018 and 2019, maintaining the levy on CD-R media at the existing rate of 29 cents (Canadian) per unit.

As a result of the limitation to CD-R media, revenue from the levy has been declining rapidly. To extend the levy to include devices, changes are required to the *Copyright Act*. The *Act* was scheduled for review last year, and that process was launched in mid-December. We will lobby for the necessary changes to the *Act* and are hopeful that favourable changes will be made, as the current Liberal government is more supportive of copyright and culture than the previous government was.

However, legislative change can be a lengthy process, and in this case will be interrupted by a federal election in October 2019. In the meantime annual levies from CD-R media continue to decline – just over CDN\$2 million were collected in 2017. The Liberal party itself introduced the concept of a \$35 million annual compensation fund in 2010. CPCC is therefore advocating for the implementation of a compensation fund as an interim measure, until a more permanent solution can be found through legislative change to the *Copyright Act*.