



INDEPENDENT MUSIC PUBLISHERS FORUM

To: Department of Innovation, Science and Economic Development Department of Canadian Heritage
Copyright Board of Canada (Via EMAIL: cbconsultations@canada.ca)
From: Board of Directors of the International Independent Music Publishers Forum
Ref: Canada Copyright Board Public Consultations
Date: October 02, 2017

Dear Madam/Sir,

With this letter IMPF wishes to fully support and echo the submission of the Canadian Music Policy Coalition (CMPC)'s to the Copyright Board Consultation dated September 29, 2017.

We would like to emphasise the following three points:

I. "Create new deadlines or shorten existing deadlines in respect of Board proceedings."

As many copyright tribunals around the world have fixed deadlines for decisions, and some tribunals that are not subject to a prescribed timeframe are used only as a last resort; **IMPF recommends that deadlines be imposed on Copyright Board decisions, requiring, for example, that tariffs be certified no more than 12 months after the end of a hearing; and an expedited approval process must be imposed for settled and unopposed tariffs, requiring that they be approved six months following their joint or unopposed submission to the Board.** Such a requirement would have a positive impact on creative industries as reducing the time for decisions will reduce uncertainty by providing music creators, particularly the small independent SME, with income stability so that they can properly run their businesses.

II. "Codify and clarify specific Board procedures through regulations"

It is important that Canada looks to examples of other working domestic tribunals and that best practices on copyright from other jurisdictions be considered in developing a system that is appropriate for Canada, noting, in particular, that in many countries where IMPF has members, the copyright tribunal is seen as a last resort as the aim is to have creators and music users settle as much as they can amongst themselves. **IMPF recommends that due consideration is given to the possibility of implementing the best practices of other tribunals in different jurisdictions, thereby placing Canadian creators on equal footing with their international counterparts.**

III. Specify decision-making criteria for the Board to consider when rendering decisions

The only guiding criterion of general application for the Copyright Board in setting tariffs requires that royalties be "fair and equitable". Canada is unique in its lack of guidance for its copyright tribunal. In the US, UK, Australia and New Zealand, the tribunals have mandated criteria to consider in setting tariff rates. **IMPF recommends therefore well-defined and detailed guidance for the Copyright Board in setting tariff rates, as the introduction of such guidance would ensure that procedures are fair and the grounds for decisions are transparent.**

We hope you take our comments into account reflecting as they do those of the CMPC and we thank you for your time. The nature of the borderless digital music industry means that what happens in Canada today affects us all,

Yours sincerely

Pierre Mossiat, Chair of the Board of Directors

Ger Hatton, Adviser to the Board of Directors

IMPF serves as a network and meeting place for independent music publishers. Its main objectives are to share experiences and best practices in music publishing; exchange information on the legal framework and music publishing environment; coordinate actions and support projects relevant to songwriting and music publishing; represent the interests of the independent music publishing community; and stimulate a favourable environment for artistic, cultural, linguistic and commercial diversity for composers and music publishers.