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Chair

Mr. Dan Ruimy

Standing Committee on Industry, Science and Technology

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• (1530)

[English]

The Chair (Mr. Dan Ruimy (Pitt Meadows—Maple Ridge, Lib.)): I call the meeting to order.

Welcome to the industry committee as we continue our continuation of our five-year legislative review of copyright.

Today, we have with us from the Canadian National Institute for the Blind, Mr. Simpson, head, public affairs; and Mr. Greco, national manager, advocacy.

We also have from the Council of Canadians with Disabilities, John Rae, chair, social policy committee. Welcome.

From Toronto, where they're having some big elections today, we have from the Screen Composers Guild of Canada, Paul Novotny, screen composer; and Ari Posner, screen composer.

We're going to get started with the Canadian National Institute for the Blind. You have about seven minutes.

Mr. Thomas Simpson (Head, Public Affairs, Canadian National Institute for the Blind): Thank you, Mr. Chair.

My name is Thomas Simpson. I'm the head of public affairs for CNIB. Joining with me today is my colleague Lui Greco, who is national manager of advocacy.

We've ensured that we have a brief in Braille that should be sent to each member of the committee. I'm sure some of you are wondering why disability organizations are present today to be discussing Canada's Copyright Act. I hope the next few minutes of our presentation can better help you understand how Canada's Copyright Act can be altered to remove barriers for persons with print disabilities.

To start, I'd like to provide an overview of CNIB. We were formed in 1918 by war-blinded veterans coming back from World War I, as well as a result of the Halifax explosion. CNIB has been providing post-vision loss rehabilitation as well as emotional and social services to Canadians who are blind or partially sighted. We deliver innovative programs and powerful advocacy that empowers people impacted by blindness to live their dreams and to tear down barriers to inclusion.

Mr. Lui Greco (National Manager, Advocacy, Canadian National Institute for the Blind): When we talk about a print disability and the barrier that access to alternate format materials creates, you're experiencing it right now. It's very unlikely that you're

able to read Braille, just as it is for people who are blind or partially sighted to be able to read print.

Unfortunately, the option of going to a bookstore and purchasing a book in an alternate format doesn't exist.

For Canadians with print disabilities, sight loss included, we rely on alternate format materials. This includes Braille, which is exactly what you have in front of you. Print Braille is, as it says, print and Braille. This is something that would be used by parents with blind kids or blind kids with sighted parents to be able for them to read together. We'll get you to listen to a sample of what digitized accessible speech sounds like.

[Audio presentation]

As you can tell, that's not exactly the most friendly sounding voice, but it's what many of us rely on because it's really all we have to choose from.

In Canada, we estimate that there are about three million people living with some kind of disability that creates a print disability. The material in accessible formats is rare. We're here talking to you today to try to bring that change around.

Worldwide, estimates of people living with some kind of disability are consistent with overall health estimates for sight loss.

The percentage of material that's available in alternate formats, as just explained to you, is somewhere between 5% to 7%—we're not really sure. What does this really mean?

A few years ago, I decided to take a course in project management. I registered through the university continuing education program, did reasonably well in the course. I got a B+. I paid my fees to the project management institute, studied, and when it came time to write the exam, I couldn't find a study exam that was accessible. I wrote to the author. The author said, "Go away". I wrote to the project management institute, and they said, "Go away". The end result was that I was denied an opportunity to gain a professional designation that would have furthered my career.

Mr. Thomas Simpson: According to the Association of Canadian Publishers, more than 10,000 books are published in Canada each year. However, under Canada's current copyright requirements, publishers are not required by law or regulation to make these books accessible. Even with incentive programs through Canadian Heritage, Canadian publishers are under no obligation to produce accessible works, despite receiving public dollars.

The CNIB believes all books should be accessible. Whether it's just to ensure that accessibility applications can be used simultaneously with e-books or that Canadians with sight loss can buy Braille or electronic Braille copies in-store, all books published in Canada must be accessible.

We recommend that publishers be legislated to make accessible copies of their books. To do so, we recommend creating an additional subsection within section 3 of the Copyright Act, subsection 3(2), which would read, "For the purpose of this Act, a copyright cannot be granted to a literary work unless the production of such a work is done in an alternate format for persons with a print disability." You can follow along in your Braille copy, if you'd like to know the specifics.

We believe that this sensible amendment to the Copyright Act would ensure that all books will be born accessible in Canada. Given the abundance of means by which accessible books can be produced, why does the lack of accessible books continue to be an issue?

• (1535)

Mr. Lui Greco: Access to literature is important for a multitude of reasons for people with disabilities. It enables full participation in the economic and cultural fabric of our society. Inability to access published content makes it hard to succeed in education and work, as I illustrated earlier.

Future generations will need to compete in a faster paced world; thus, the need to have accessible books available at the same time—when the books are born—is going to be increasingly more competitive as the information age escalates.

Thank you for the opportunity to speak with you. We'd be glad to try to answer any questions.

The Chair: Thank you very much.

We're going to move to the Council of Canadians with Disabilities.

Mr. Rae, you have up to seven minutes.

Mr. John Rae (Chair, Social Policy Committee, Council of Canadians with Disabilities): Thank you, Mr. Chairman.

Members of the committee, as you indicated my name is John Rae. I am a member of CCD's national council and chair of its social policy committee.

I'm here to talk to you about the dual issues of accessibility and usability. I assure you these two concepts are connected, but they are not synonymous.

In my time I'm hoping to cover five points.

Point number one is accessibility. As the previous speakers have indicated, many published works today are not accessible to folks like me or folks like them. That needs to change. Even when I receive reports from the Government of Canada that are sent to me electronically, I wonder whether when I open the attachment, my screen reader will say empty document, the bane of my existence. That tells me that I have received a PDF document that is not readable by my screen reader. Yes, this still happens in the year 2018, and it must stop.

I have done some work with your publishing people earlier this year. I'm hoping this problem is behind me, but I'm a skeptical guy. There is, of course, a simple way to solve the problem, and that is to stop publishing documents solely in the PDF format. It is, after all, the most problematic of formats. Or, if you continue to insist on using it, publish simultaneously a version in text or HTML. They are more likely to be accessible.

The act should bind Parliament insofar as the publication of documents. All of your documents must be published in an accessible format.

Point number two is usability. I'm sure you've all heard the notion from some of your constituents that it often seems that government documents are written for lawyers and only for lawyers. I've seen some of you are lawyers and that's all right. I started up that road and didn't get there. I'm an advocate. I also need, as do other ordinary Canadians, access to the material you folks publish.

I'm talking about the need to write reports in plainer and more understandable language, and maybe even shorter in length. That would help too. As you know when a new document is released, the media is interested in responses the day it's released, perhaps the day after. If you're really lucky and it's really controversial, maybe two days later. People like us need to be able to participate in that discourse just like all other Canadians. That's the issue of usability. Documents need to be produced more in plain language.

Point number three is Braille. For blind people, Braille is our route to literacy. It is essential. Strange though it may sound, in the year 2018, while it is easier than ever before in human history to publish material in Braille, it seems like less and less of it is being produced. We can talk about why that's the case, but we'll save that for the time being.

There needs to be greater promotion of Braille. In the past, the Council of Canadians with Disabilities has recommended that the federal government establish a national program for disability supports. One of those areas could be the provision of refreshable Braille displays to those blind persons who need them and want them, to make access to Braille easier and to encourage more and more people to use Braille, because it really is our mode to literacy.

When the accessible Canada act was introduced, I immediately asked for it in Braille, because as you know every comma, every semicolon, can make a difference. I said that I might need it when I go to meetings to talk about it. Well, I had to justify as to why I wanted it. It wasn't just that I wanted it. I had to say why I needed it. I'm pleased that I did get it, and it has come in handy.

• (1540)

Point number four is publishers. I want to support the point Mr. Simpson made earlier. CCD believes in the addition of a disability lens, especially to Bill C-81, but I think it could be added to the Copyright Act as well, whereby no federal funds would be given to any program, policy, contract or grant that would contribute to perpetuating barriers or creating new ones. That would include grants or contributions to publishers.

Point number five, my final point, is the whole involvement of the publishing sector. Earlier this year, the office for disability issues called together a wide range of representatives: publishers, consumers, producers. I believe many of the right players were brought to the table. The goal was to produce a five-year plan for the production and the expansion of the availability of material in alternate formats.

We last met in May. So far, no plan whatsoever has been seen. The first year of those five is ticking away awfully fast. Still, no plan has been issued. Perhaps you folks can help us get that release. That would be helpful. Publishers need to be more involved. If that would involve maybe some initial assistance from Heritage Canada to help them get started or to rev up their work in producing accessible documents, then so be it. I would support that. Publishers need to do a better job, not only of producing documents, but making them available to public libraries and making them available for direct sale to consumers.

Thank you for the opportunity to come and talk to you about those dual questions about accessibility and usability. I would be happy to respond to questions.

The Chair: Thank you very much.

We're going to move to Toronto, the Screen Composers Guild of Canada.

Mr. Novotny, you have seven minutes.

Mr. Paul Novotny (Screen Composer, Screen Composers Guild of Canada): Thank you very much. We're very happy to be here today.

Ari and I represent the Screen Composers Guild of Canada. Screen composers create original music for film, television, documentary and other screen media that is exported around the world. You may not know our names, but you may very well know our work.

• (1545)

Mr. Ari Posner (Screen Composer, Screen Composers Guild of Canada): Most of the work I've done has been for television. I'm going to talk about just two shows that will be pertinent to this discussion. One was a show that I scored with a colleague of mine here in Toronto called *Flashpoint*, which was a procedural police drama that was a landmark show for Canada because it opened the floodgates to the U.S. in some ways. It was sold to CBS and it aired down there very successfully. That's an example of a show from the 20th century that aired terrestrially. Currently I work on a show that has a different model. It's called *Anne with an E*, which is a modern-day telling of Lucy Maud Montgomery's *Anne of Green Gables*. *Anne with an E* airs on CBC here in Canada, but in the rest of the world it's airing on the streaming giant Netflix in 190 different countries.

Mr. Paul Novotny: I had the good fortune to work with George Stroumboulopoulos creating the music for CBC's *The Hour*. Also, I've written the music for *CBC News Now*, which is on Newsworld. Also, I did the music for CBC's *The National*.

The reason we're here today is because we want to tell you a little bit more about our dilemma and exactly how we locate ourselves in our creative ecosystem.

Screen composers are the first owners of their copyright. Like screen writers, screen composers are recognized as key creative people. Our music copyrights consist of two types of rights: a performance right and a reproduction right. These rights live alongside a separate bundle of motion picture copyrights. When our music is married to picture, it is distributed for domestic and international broadcast, generating copyright remuneration, which is derived from a broadcaster's advertising sales. Our remuneration is governed by copyright policy, not by us. SOCAN collects on behalf of us from around the world.

The money for public performance and reproduction rights is calculated on a per cent of quarterly advertising sales. Twentieth century copyright policy for screen composers is based on broadcast advertising sales. I want to ask Ari how that is working for him in the 21st century.

Mr. Ari Posner: I'm here to tell you that it's not working well so far, and *Anne with an E* is a good example of it. This is a show that Netflix reported to the producers of the show. I might add that Netflix doesn't report a lot of data, but this is something that they reported to the producers, that the show was the fourth most binge-watched series on the network in 2017.

That's a pretty staggering statistic. It means that millions and millions of people are watching that show all over the world. They're watching it quickly. *Anne with an E* is about to start its third season next year, and I can tell you that, when I look at the remuneration I've seen compared to a show like *Flashpoint*, which was aired terrestrially, it's not an exaggeration to say that I've seen a 95% drop in downstream revenue.

Mr. Paul Novotny: My story is that I recently wrote music for a film called *Mishka*, made by Canadian filmmaker Cleo Tellier. It has achieved 22.5 million YouTube views since April 22, 2018. The film is generating approximately \$3,000 a month in YouTube advertising revenue. There is no connection, though, in the 21st century, of that advertising revenue to a public performance or a reproduction copyright.

At this point, Ari and I are both sitting here wondering what has happened to our public performance and reproduction royalties. The simple truth is that they've become insignificant, because the money has moved to subscription. We think that copyright policy must be augmented in order to gather adequate money from subscriptions to sustain our sector in the 21st century.

What has happened is a value gap has been created. We want the members of the committee and all Canadian citizens to understand exactly what this value gap looks like. I'm going to tell you right now.

In 2018, Netflix reported \$290 million in net income for the first quarter, more profit in three months than the streaming giant had for the entire year of 2016. If the company meets its second quarter forecast of \$358 million in profit, it will earn more in the first half of 2018 than in all of 2017 when it reported an annual profit of \$585.9 million.

During the same time period, Ari Posner has experienced a 95% decline in public performance and reproduction copyright remuneration from the fourth most self-served, binge-watched Netflix TV series in 191 countries.

Ari, it seems like you and your family are subsidizing Netflix. What's going on in your household?

• (1550)

Mr. Ari Posner: Let's just be clear, it's not just about me. I'm an example of someone who's in the middle of my career. I'll be 48 years old this year, and I have three young kids. I have a mortgage. I live a pretty basic middle-class lifestyle, and I've only been able to do that because of the value of my intellectual property on shows that I've worked on in the past.

Here I am, at this stage of the game, doing the same work on shows like *Anne with an E* that are more popular than anything I've ever worked on in the past, and yet the remuneration is not there. That is the value gap.

The only organization that can really help someone like me, my colleagues and my peers is an organization like SOCAN that advocates for us and goes after the performance and reproduction royalties from our work.

As it stands right now, the streaming giants, the big tech companies—the Amazons, the Hulus, the Netflixes—have no transparency, and they don't seem to need to have any transparency. I'm not sure why.

Mr. Paul Novotny: We're going to finish up very quickly here. We have three things that we would like to request.

The Screen Guild wants to participate further in the process of crafting a fair-trade, techno-moral copyright policy for the 21st century so as to respect every constituent in the value chain of screen media, including the consumer.

We want Canada to adopt a philosophical vision that aligns with other countries and economic unions that embrace copyright protection for creators. An example could be found in EU articles 11 and 13, which espouse similar ideas to Music Canada and CMPC recommendations. With that, what we want to do is encourage you to endorse those recommendations.

Ari is going to finish up with a few principles that we believe are key to techno-moral copyright policy in the 21st century.

The Chair: We should just quickly wrap it up, because we are a little over time.

Thank you. Go ahead.

Mr. Ari Posner: I'm going to read you a quote that I would like to finish with. I read this to the heritage committee as well. This was something said by J.F.K.: “The life of the arts, far from being an interruption, a distraction, in the life of a nation, is very close to the

centre of a nation's purpose—and is a test of the quality of a nation's civilization.”

I'd like everyone in the room to consider that if the government cannot intervene and help strengthen copyright laws to protect creators' rights, we are going to have a country that is going to be a far less rich place, because people are going to be discouraged from pursuing careers in that field.

Thank you very much for listening. I'm sorry I went a little over time. I'll be happy to take questions.

The Chair: Thank you very much for all of your presentations.

Normally, I just introduce the members as they go through questions, but seeing as we have some who are visually impaired, I will also introduce you by your party, so the witnesses will know where the questions are coming from.

We're going to start with Mr. Jowhari from the Liberal Party.

You have seven minutes.

• (1555)

Mr. Majid Jowhari (Richmond Hill, Lib.): Thank you, Mr. Chair, and thank you to all the witnesses.

I will let you know that I will be sharing my time with MP Longfield.

I'm going to start with the Screen Composers Guild of Canada. Mr. Novotny or Mr. Posner—either of you could answer this question. This goes back to the testimony you provided in front of the House of Commons Standing Committee on Canadian Heritage, on September 25.

You brought up SOCAN, and you stated that SOCAN was unable to “get behind those closed doors of Netflix” and that Netflix would not be able to “give them the data they need in order for them to properly tabulate the views and turn them into a proper remuneration model”. You made similar comments about YouTube. You touched on both Netflix and YouTube in this testimony.

Can you tell us exactly what type of data needs to be collected from these two organizations to be able to fairly compensate? The numbers you are talking about—what they are going to hit by the middle of this year, compared to where they were last year—are astronomical. What data do you need to be able to make sure you get your fair share?

Mr. Paul Novotny: Both Ari and I are composers. That is a question that would be best answered by somebody from SOCAN. I just honestly don't know.

Mr. Majid Jowhari: Ari, you're of the same point of view?

Mr. Ari Posner: You're talking about some very technical stuff there. It's really not our place to be speaking on their behalf. They are our advocates.

Mr. Majid Jowhari: In your industry, who is doing the licensing and remuneration negotiations with organizations such as Netflix and YouTube?

Mr. Ari Posner: It is SOCAN. It's only the performance rights organizations, like SOCAN and their counterparts around the world, that make these negotiations. However, they do not have the transparency from territory to territory. Netflix does not have to talk about what deal they made in this country versus that country. What SOCAN reports to us is they need to have more data in terms of the actual numbers of views and streams, to be able to tabulate popularity. That's what we've been told.

This is what we are getting from SOCAN. It's not as clear and simple as in the terrestrial model, where "here's our advertising revenue, here's the percentage that is dictated by the government by the tariff", and there you go.

Mr. Majid Jowhari: I have about 30 seconds. I want to come back you again. What data do you think should be collected to make sure you get remunerated properly?

Mr. Ari Posner: As Paul said, I do think that's something we should consult with our performance rights organization about, to be able to give you an accurate picture of that.

Mr. Majid Jowhari: Okay, thank you.

I'll pass it on to Mr. Longfield.

Mr. Lloyd Longfield (Guelph, Lib.): Thanks.

I'd like to start off with some questions for Mr. Greco from the CNIB. I volunteered for several years at the CNIB in Winnipeg back in the 1970s, I'm afraid to say. Technology was a lot different then. We were working with books that were on cassette tapes or on reel-to-reel tapes.

I'm wondering in terms of this legislation...we've opened up the Marrakesh Treaty. We've given the green light for materials to be available in different formats, but it sounds like that isn't being enacted by the people providing the formats for your use.

Mr. Lui Greco: Let me use an analogy to answer that.

Marrakesh has turned on the tap, but the water's not running.

Mr. Lloyd Longfield: There's no pump.

Mr. Lui Greco: It is incredibly easy today to produce Braille. The technology is very different from the four-track cassette tapes. I remember those tapes.

I had a calculus book in university that was 36 four-track, slow-speed cassette tapes. Today, the technology would make that more than redundant. It would be considered dinosaur age.

Let's be honest, if Marrakesh is successful then the quantity of alternate format materials that are available to Canadians—because Marrakesh requires sharing across borders—will be improved. This applies not only to English and French materials. Because we are a multicultural society and immigration is rapidly changing our landscape, we'll be able to get books in other languages that are produced offshore.

• (1600)

Mr. Lloyd Longfield: So it isn't a legislative problem I'm hearing.

Mr. Lui Greco: Correct.

Mr. Lloyd Longfield: I'm thinking also of your example of career planning. Looking on your website, I see that the Project Aspiro has

an employment resource on it that's developed in partnership with the World Blind Union and funded by the Ontario Trillium Foundation. Again, the tools might be there to develop skills or to share skills but there seems to be a blockage there even in terms of just getting tested.

Mr. Lui Greco: Yes.

Mr. Lloyd Longfield: It's a little frustrating when we're trying to work on legislation and thinking that we're going to do something. It sounds like we need to put some teeth into the legislation in terms of funding.

Mr. Lui Greco: I think, as Mr. Simpson said at the end of our talking points, if publishers expect the protection that copyright affords them in whatever form that comes in, then the expectation should be that they produce their books in alternate format at birth. We're well beyond the days of needing every single accessible-format book to be read in a studio by a human being. There is free software available that will produce books in a better quality than you heard on this. It's getting better, it's getting faster and it's free, so it can't get much cheaper.

Mr. Lloyd Longfield: Thank you very much.

I wish I had more time.

The Chair: We're going to move to Mr. Albas from the Conservative Party.

You have seven minutes.

Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC): Thank you, Mr. Chair.

I'd like to thank all of our witnesses for making the time to share your expertise with us today.

In particular, I'd like to start with the CNIB on the Braille.

First of all, is this French? Is it English?

Second, about how many pages would this be either

[*Translation*]

in French or in English,

[*English*]

if this was submitted? I just want to get a sense of the briefing note you supplied today.

Mr. Thomas Simpson: That's double-sided. That is four single-sided pages.

Mr. Dan Albas: Okay, so it's quite extensive.

Mr. Thomas Simpson: Yes.

Mr. Dan Albas: Thank you. That's a very effective way of communicating that.

Getting to the actual Copyright Act, they use the term "perceptual disability." Does either the CNIB or the Council of Canadians with Disabilities believe that definition is broad enough to cover all of the people who may require exceptions under the act?

Mr. Thomas Simpson: There's also a definition of "print disabilities" within the copyright legislation that is probably just as good as or better than "perceptual disabilities." That was why our recommendation was to continue to use the term "print disabilities."

Mr. Dan Albas: Okay.

Mr. John Rae: I've always thought that "perceptual disability" in this context is a rather strange term. I think "print disability" is better. Harkening back to the Marrakesh Treaty, it may help the cross-border sharing of what is produced, but still the issue is getting publishers to produce more to start with. That's where the act needs to do a better job in encouraging publishers to produce materials accessibly from the get-go.

Mr. Dan Albas: I believe you mentioned the accessibility act that has recently been tabled. Which term do you think should be used in it? As far as I have read, the term "perceptual disability" does not exist in that legislation.

Mr. John Rae: That's true. I believe it does not. There's a fairly broad definition of disability in Bill C-81. A lot of us are suggesting that the bill could be strengthened considerably with amendments and we hope that the HUMA committee will see fit to do so.

• (1605)

Mr. Dan Albas: Mr. Rae, in regard to that piece of legislation, it's helpful for people, regardless of where they come from, to have similar language applied along different pieces of legislation. Would you be supportive of seeing a definition in the Copyright Act that's similar to the one in the accessibility act?

Mr. John Rae: I agree with your notion that consistency of definition would be helpful.

Mr. Dan Albas: Would the CNIB wish to respond?

Mr. Lui Greco: "Perceptual disability" would exclude people with physical disabilities who are unable to physically handle a book, with ALS, for instance, and other neurological diseases that would be a barrier. I don't think we've had a chance to really decide whether "perceptual disability" or "print disability" would be the language of choice, but what we would strongly advocate for, and my colleague will correct me if I am wrong on this, is that the language must be inclusive.

It must be inclusive of anyone with a disability that, for whatever reason, due to a disability that is physical, perceptual or cognitive, which is the same thing, bars them from being able to visit the bookstore and buy a book.

Mr. Dan Albas: Thank you for that. I certainly appreciate the expertise you're bringing to this issue.

I've also heard from disability advocates. In my area, for example, in Kelowna, we have Michelle Hewitt, who is championing local accessibility issues. She said to me that she and many of the people she works with are often unaware of many of the exemptions in the Copyright Act for people with disabilities, that they even existed.

Is that something that either group has found consistently as well, that even though there are carved exemptions in the Copyright Act, people don't necessarily know about them?

Mr. Thomas Simpson: To be honest, I would assume that a lot of Canadians probably don't know the intricacies of the Copyright Act, so the limitations are probably somewhat problematic. We as an

organization haven't looked into those. As we've discussed, our primary focus is in sharing. If a copyright is to be given to a producer, it should ensure that the literary work is done in accessible format.

Mr. Lui Greco: Academic institutions, libraries and production houses such as the one that CNIB operates—and Simon Fraser University used to and probably still does have a production facility—those players are well aware.... We are well aware of the intricacies, what we're allowed to do and what we're not allowed to do, and where the line exists.

For consumers, when I take my hat off at the end of the day and I want to access material, my only concern is what's available. Where do I get it, and what barriers or hurdles do I have to overcome in order to access it?

Mr. John Rae: I would assume that producers are aware. I've seen publishers that are aware. As Lui just said, at the end of the day, our community wants access to more material to read. That's what we're after. Therefore, our work in CCD has really been more in trying to get publishers more involved in producing more accessible materials.

Mr. Dan Albas: Then you would say that there's a fair number who know about the exemptions, but the knowledge of the general public and those who are working with disabilities is inconsistent with that. Is that correct?

Should government be playing a role in that, other than establishing the Copyright Act and those exemptions?

Mr. John Rae: It certainly can't hurt to expand Canadians' knowledge of what the act says and what it provides for. I think a lot of people who produce it, whether it be producers of alternate formats, or whether we're talking about colleges and universities—I suspect those people are reasonably well aware, but it can never hurt.

Mr. Dan Albas: I go back to Mr. Greco's case about his inability to take an exam. Does government have a role?

Mr. Lui Greco: Of course. But in the current context, you can shout it from the rooftops. In my case, with the Project Management Institute where I paid a fee to write an exam, they chose not to comply under a false pretext that it would be too onerous on them and simply shut the door on their moral obligation to accommodate me. I don't see how government or any organization providing education would help.

I needed a stick, some kind of mandate or obligation to say to them, this is how you can provide the resources to me as a paid member in a format that I can be successful. You must do it, and here is the piece of legislation that says you must do it.

Quite honestly, in an ideal world, I shouldn't be having those conversations. I should be able to identify myself as a blind person, and as a producer I require the materials in an alternate format—be it Braille, electronic text, DAISY, whatever—and the publisher, or in my case the PMI organization, as a producer should simply deliver it. I've paid my fees, I've met their credentials, I've jumped through the necessary hoops, and then I encounter a wall. It's not just. It's not fair.

•(1610)

Mr. Dan Albas: Thank you.

Mr. John Rae: I think an area that would help here would be more resources to the human rights commissions across Canada so they can do a better job of informing Canadians of the duty to accommodate, of legal obligations that in my mind already exist in human rights law.

That's why so many of us go to commissions; why over 50% of cases taken to the human rights commissions every year fall under the prohibited grounds of disability. If harder awards and more public education were done, maybe we could cut down the need for some of those complaints.

The Chair: Thank you very much.

From the NDP, we have Brian Masse.

Mr. Brian Masse (Windsor West, NDP): Thank you, Mr. Chair.

When I had a real job, I used to be an employment specialist on behalf of persons with disabilities at Community Living Mississauga and the Association for Persons with Physical Disabilities of Windsor and Essex County, and I was on the board of directors for the CNIB.

It's frustrating to have to continue to prove how your own taxpayers' dollars have to be used for basic things that should be a right. I'll give you a card later, but I'll give an example of the barriers we create. I have a Braille card from the House of Commons that I use, and I'm allowed to have this, but my staff is not. Despite the fact that I could get this business card printed in Braille, our public policy here, that I have been unable to change in the 16 years I've worked here, will not provide my staff with the same accommodation, despite the complete accessibility of something like this. This is the type of stuff we continue to see.

I want to talk a little about your amendment, subsection 3(2), and where the philosophy for that comes from. I think it's important. Government and also sponsored investments have the onerous responsibility to be accessible. I can tell you once again we have a 50% unemployment rate for persons with disabilities, which is a chronic problem, a systemic problem in our society, and then on top of that, if we don't have these materials, not only is it social exclusion from the workplace, but also socio-cultural.

Please explain a little more about section 3(2) and how that turns the tables to be more proactive. There are those who argue that accessible doors or accessible washrooms are too expensive, but you can use them as good examples that the investment makes a better society for all.

Mr. Thomas Simpson: CNIB recently did a study, which we've also commissioned internationally, to compare levels of employment

for persons with sight loss. Our findings, which we hope to publish shortly, indicate that in Canada a person who is blind or partially sighted has a full-time employment rate of 28%. Of those people who are employed, half make under \$20,000 a year. So we already have the problem of trying to get an education. Trying to then go into post-secondary education, to get books and studying material in an accessible format is hard enough as well, so you have that barrier. Trying to be on a level playing field culturally—you know, what's happening; what is the newest Harry Potter book; what is Stephen King writing; trying to be able to compare with society—is difficult as well.

There are so many barriers in just trying to access a book that you then can't compare with your sighted peers and citizens.

Lui, do you want to further comment?

•(1615)

Mr. Lui Greco: I'd say take the word “compare” and replace it with “compete”. The shelves, I assume, are full of leadership books: how to manage your career, how to get ahead, how to write the ultimate resumé, how to leverage social networking for job-searching skills. We're all just between jobs. The days of lifelong careers are long gone. I'm at the end of my career. I've got more years behind me than ahead of me. In fact, I've got very few years ahead of me, probably 10 or 15, but in those 10 or 15 years, whether they're with CNIB or with someone else, I need to be competitive. I need the skills and knowledge and toolset to be able to compete with Mr. Simpson or Mr. Rae or our two colleagues from Toronto for whatever opportunities come along. I don't have those now.

Mr. Brian Masse: Then 3(2) will require some of the works to have that available. Is that...?

Mr. Thomas Simpson: Our creation of subsection 3(2) would ensure that if a copyright is to be issued for literary work, it must be published in an accessible format.

Mr. Brian Masse: I guess there are many persons with disabilities who are taxpayers and have contributed to some of the programs and services. I can't tell you how many announcements I've been to over the years where I walk into a place that's inaccessible, getting millions of dollars of funding from the public and not even having accessible doorways or other things of that nature. Things are changing, but the reality is that we need more of an assertive approach, a more upfront approach.

Mr. Rae, do you have anything to add?

Mr. John Rae: I agree with everything you're saying. We have hopes that the accessible Canada act will have a positive effect on our lives. I think it needs strengthening, but we are delighted that the government introduced it. I think what would also help is some harsher words from human rights commissions. I think at the moment a lot of these small awards are not a deterrent to organizations to stop discriminating against the disabled community, or other groups for that matter, so I think that would help as well.

Mr. Brian Masse: It would certainly be much more of an advantage, similar to the example I used of accessible washrooms and accessible doorways and the mechanics behind them, because currently in the literary works and with Braille and other things now, we're still at the point where we have to continue to raise awareness and almost beg for inclusion versus this being part of the process. If we had to still go around our government buildings and our different places and beg for accessible washrooms and accessible doors to this day, it would be a lot of energy, a lot of wasted time. By the way, those things there actually improve the workplace for everybody else, as they lower work-related accidents and so forth.

Mr. Greco, your notation about competing is very valid because that's not even often mentioned. I would argue that the low-vision Brick Books that have been introduced by so many different libraries across the country have helped that inclusion, but it's still not completed in terms of the works that are necessary.

Mr. Thomas Simpson: I would say to that point, as well, that as our society ages and people live longer, most of you in this room probably will also have sight loss affecting you in some capacity, so at some point you may also have a barrier when trying to access printed works if we don't do anything about it.

Mr. John Rae: I would also suggest to you that the low level of unemployment you mentioned has an additional negative effect. It's not just the economic deprivation that comes to us, but the fact that we are not represented in adequate numbers means that many organizations do not have expertise on disability in-house.

Increasing our representation in places where decisions are made that affect the lives of all Canadians, in the boardrooms, in Parliament, in the newsrooms of our nation, would reduce the extent to which our issues are either just forgotten about because we aren't there, or callously not dealt with.

Bringing more of us into the mainstream is what we're looking for.

• (1620)

The Chair: Thank you very much.

Now we go back to the Liberal Party. Mr. David Graham, you have seven minutes.

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): Thank you.

Mr. Simpson, you held up a device earlier. What is that thing called?

Mr. Thomas Simpson: This is a Victor Reader. It plays a DAISY book, which is a navigable audiobook.

Mr. David de Burgh Graham: Is there any technology that exists, regardless of cost right now, that you can point at a piece of paper and it will read it to you?

To take the text to—

A voice: OCR.

Mr. David de Burgh Graham: OCR, thank you—to the next level, does that technology exist or is it in development? Have we heard about it?

Mr. Lui Greco: Yes, it does exist. There are free programs. One is called Seeing AI, which is an artificial-intelligence app that

Microsoft put out. It's a prototype development platform they're trying to use to tweak artificial intelligence.

A few years ago, the National Federation of the Blind, in partnership with Ray Kurzweil—I'm sure you've all heard of him—made available for cost an app called the KNFB Reader. The last time I checked—and please don't quote me on this—it was around the \$100 price point. It was a very robust optical character-recognition system that you could literally point at a piece of paper—a menu, a newspaper, whatever—and it would do a really half-decent job of digitizing that to make it accessible.

Mr. David de Burgh Graham: Have you used such a device, Mr. Greco?

Mr. Lui Greco: I have the Seeing AI app on my phone. It's great. I tried using it in the hotel room last night to tell me whether it was shampoo or body lotion, not exactly Ultimate Format materials, but it gives you a sense of the.... Hopefully I didn't use...anyhow, it doesn't matter.

Voices: Oh, oh!

Mr. Lui Greco: We laugh, but these things are real. You go into a hotel room and there's a deluge of leaflets on your bed. You go onto a plane and they encourage you to read the safety briefing card. You go to a university and they ask you to pick your courses from a calendar, and so on and so on and so on.

I haven't personally used the KNFB Reader. I know many people who have, and they love it. It's opened huge doors to them. It's definitely going the right way.

Mr. David de Burgh Graham: For somebody who is visually impaired or outright blind, how much does it cost in extra things you need to get through life? Is there any way of quantifying that for us?

Mr. Lui Greco: For the talking book reader that Thomas has here, a company called HumanWare, just outside of Montreal, sells these devices internationally for \$350 to \$400 a pop.

The KNFB Reader was around \$100 the last time I checked. Some of the more sophisticated reading machines, closer to TV readers, where you place printed material underneath a camera that then blows it up, based on the person's ability to read or to see, are in the thousands of dollars. Braille display machines that Mr. Rae talked about, the refreshable Braille displays, are in excess of \$3,500.

Prototypes are coming onto the market. CNIB participated in something called the Orbit Reader. It's just coming to fruition now, selling for \$500, but it's still first generation. Just think back to microwaves; they were clunky, and they sort of worked.

It will get better. As these devices go through their life-cycle development, they will get better, and they will become cheaper and do more.

• (1625)

Mr. David de Burgh Graham: Okay, now—

Mr. John Rae: But the costs that Mr. Greco was speaking about are real, and that's one of the reasons that we need a national program to fund technical equipment. If you live in Ontario, as I do, our ADP will cover three-quarters of the cost of a fair number of pieces of equipment. If I suddenly move out of Ontario, I lose access to that. That should be available across the country.

Mr. David de Burgh Graham: As I understand it, you're allowed to circumvent a technological protection measure for visual impairment, so you can use it. If something is protected, you're able to reverse engineer that legally. What are the resources required to do that? If you have a device that has digital locks on it, what's involved in circumventing them to use it?

Mr. Lui Greco: In DRM?

Mr. David de Burgh Graham: Yes. It's DRM in the U.S., and TPM in Canada.

Mr. Lui Greco: It's impossible. It's impossible, because unless you want to reverse engineer a DRM product, you then run the risk of contravening not only the law, even though you are entitled to do so for accessibility purposes.... Once you start tampering with electronic files, you run the risk of compromising the content, which, quite honestly, I think is a more serious issue than running the risk of alienating or upsetting a publisher because you've broken their copyright.

Mr. David de Burgh Graham: Okay.

I have a few seconds left. David, do you have a quick question?

Mr. David Lametti (LaSalle—Émard—Verdun, Lib.): Sure. I'll speak to Mr. Novotny and Mr. Posner.

The gist of your argument is that you had a system. There was an ecosystem in which your contribution would be valued with payments collected by SOCAN, but based on a model that doesn't represent the reality. We've moved from advertising to subscription as a source of revenue, so tracking advertising is not very good.

As a hypothetical question, do you think you have enough negotiating clout at the outset to say you'd be better off getting a higher fixed fee at the outset? Would that be a possible solution?

Mr. Ari Posner: I can pretty much tell you that it wouldn't be. Based on the types of budgets that we see here in Canada, certainly it wouldn't be. I'm not even sure if it would be for American composers, either. I suppose if I were a single guy in my twenties living in a one-bedroom apartment, or something like that, perhaps I could make a go of it that way. But it certainly wouldn't make for a reasonable middle-class lifestyle of any sort. So much of our livelihood is dependent on our intellectual property working for us. We do contract work. When you're between contracts, and maybe you don't see a new series or film or show for a few months, that revenue is all the more important.

Mr. David Lametti: What can we fix upon in the subscription model in order to try to replicate or create a revenue stream? Is it the number of streams? Is there something there that we could pin some kind of remuneration on?

Mr. Paul Novotny: It's a little difficult for either of us to say because we are composers. SOCAN would probably know that. But my understanding of it is that there must be some sort of rate that these subscription services basically pay to performing rights

organizations. Maybe that mill rate needs to go up. Maybe the actual way the views are counted needs to change. There's such a disconnect between the way this is working now and the way it used to work.

I'll be truthful. I teach at Humber College and I'm also at York University. I'm very concerned for the next generation of composers and musicians. Many of them are saying that they want to enter this profession, and with the numbers that Ari has reported to me, I feel like a hypocrite trying to position an optimistic viewpoint to my students.

• (1630)

The Chair: Thank you very much.

We're going to move back to the Conservative Party. Mr. Albas, you have five minutes.

Mr. Dan Albas: Thank you, Mr. Chair. I'm going to go along the same lines as MP Graham.

We've heard a lot about the education exemptions that are available with fair dealing and their impacts on the publishing sector. Are there any aspects of those exceptions that impact people with disabilities to a larger extent that the committee should be aware of?

Mr. Lui Greco: As I understand it, and perhaps Mr. Rae can clarify this, if I attend a post-secondary institution in Canada, I buy the book from the bookstore. The university can then burst it, scan it, and give it to me in an alternate format without incurring any penalties or fees, or be in jeopardy of contravening its obligation.

One suggestion might be to better enable those institutions and others in the production business to be a better resource to do that. It's always a matter of resources. Scanning a book is not just a matter of pushing a button and away it goes, because technology often falls far short of doing a good job. There's always that human element that needs to go in and actually fix the text, so that if it's a chart, that chart should be properly described. That would be the only improvement that I would see.

Mr. John Rae: I think Mr. Greco is right. Even when you scan a book, sometimes scanning isn't perfect. If the publisher produced an accessible version to begin with, that would alleviate that problem. It would alleviate the need to spend time scanning, and it would presumably produce a better copy. After all, as far as I understand most documents these days started out electronically, so I see no reason why an accessible version in an electronic format can't be produced.

Mr. Lui Greco: No one is using the IBM Selectric to produce books anymore.

Mr. John Rae: That's right.

Mr. Dan Albas: The act specifies that if a work is available in the proper format in a commercially available form, it's available for a reasonable price with reasonable effort to acquire. It does not fall under the exceptions. Day-to-day tasks that we may take for granted can be very challenging for people with a disability. Should the act specify that reasonable effort is a different standard for the disabled community?

Mr. Lui Greco: In our opinion, sir, no. We don't apply reasonable effort to make buildings accessible. We don't say, "You must put in a ramp or you must provide a door opener only if it doesn't create an undue hardship". We don't say that. We say, "Buildings must be accessible and usable by everyone." Period, new paragraph.

Why do we provide those opt-outs for publishers?

We do the same thing with transportation. The Canadian Transportation Agency has similar language. Websites must be made accessible, provided that it's not an undue hardship. Terminals must make their facilities accessible to people with disabilities, provided that it doesn't create an undue barrier.

I call that nonsense. I'm not from Ottawa; I'm from Calgary. Mr. Simpson and I walked over from a hotel that I'm staying at, which is about four blocks away. Most of the intersections did not have appropriate accessibility accommodations. The ones that did were inconsistent. The beeping traffic lights or the accessible pedestrian signals, as we refer to them, didn't work.

Why do we allow that? Why is that acceptable? Bringing it back to this conversation, why do we say it's okay to produce things that are not accessible? Why is it okay that a book or a work of art that is produced with public funding is not made accessible?

Our colleagues from Toronto on the art side... Described video is not expensive, yet we have huge discussions with broadcasters and producers around the inclusion of described video. Why is it okay not to expect that content be made accessible to everyone, regardless of how they consume that work of art or media?

•(1635)

The Chair: Thank you very much.

Now back to the Liberal side, with Ms. Celina Caesar-Chavannes.

You have five minutes.

Mrs. Celina Caesar-Chavannes (Whitby, Lib.): Thank you very much to all the witnesses.

I'll start quickly with the composers. I have a quick question in terms of the speed in which the digital era is moving forward.

It seems that we are far behind. You're giving us numbers from Netflix. You're quoting how much they're making year over year, and it's not getting into your pockets or your coffers at all.

Do you think a five-year review of the Copyright Act is sufficient, or should it happen more frequently?

Mr. Paul Novotny: I think something needs to happen faster than that actually, a lot faster. Things are moving at an epic pace with regard to technology.

Mrs. Celina Caesar-Chavannes: Mr. Posner, do you agree?

Mr. Ari Posner: Yes, I would definitely agree. When it was last reviewed, it was, as I understand it, decided at the time that it would be five years before it would be reviewed again. Maybe that seemed appropriate at the time, but times have changed, and they're changing faster than ever.

I really believe that it's only going to be maybe in a century from now when people look back at this time and say, my God, look at

what happened in the beginning of the 21st century. How did they weather that storm? It's just going up and up, the speed at which things are changing. And copyright is something that needs to keep pace with that, no matter what happens.

Mr. Paul Novotny: It needs to be agnostic, technologically agnostic. The copyright has to actually relate to the first ownership and to the work. It needs to allow for the technology to move so that it can basically be attached to the work, if that makes sense.

Mrs. Celina Caesar-Chavannes: Thank you very much.

Now I'm going to move to Mr. Simpson, Mr. Greco and Mr. Rae.

I have to say that I appreciated your testimony, Mr. Greco. Stories are sticky. Your opening story about your project management course failures at the end, after you've paid your fees, was frustrating to listen to.

Mr. Rae, you talked about reinforcing human rights. If we pull away the curtain of this copyright review, I would say that a lot of what you are talking about, especially with regard to publicly funded material, is not just about copyright, it's about the right to access. If we expect to have access within the federal jurisdiction of materials in French and English, you would like it in either French or English, but you'd just like to have it, period. Is that a fair assessment of what you would want?

Mr. John Rae: It probably goes a bit beyond that.

We have a lot of indigenous languages in this country. There's a growing amount of literature and artistic performance in these various indigenous languages. I think we need to do more to promote that. Making some of that accessible to folks who need their languages in a more accessible manner should also be included. After all, the incidence of disability among indigenous communities is very high. I think the needs of indigenous peoples need to be considered in this context.

Mrs. Celina Caesar-Chavannes: Are there any comments from Mr. Greco or Mr. Simpson?

Mr. Lui Greco: I'd say that you found it frustrating listening to it; imagine living it. Whether that be a professional career step that someone is trying to take, whether it be buying a book on gardening, or some hobby that people want to leverage to improve the quality of their life, I don't see a difference. Mine was professional. But fortunately, we have more in our life than our job. It's about not continuing to encounter those types of barriers that prohibit people from exploring, growing and contributing to their world and their families.

•(1640)

Mr. John Rae: I have a slightly similar story.

When I retired, I decided I would go back to school. I applied to Ryerson. I was accepted. Some of their courses are done by distance learning, and they used this thing called "Blackboard".

I'm not 100% sure whether it was inaccessible or if it was just so complicated I couldn't figure out how to use it, but it was a barrier, so I withdrew. I felt I had to withdraw before I even got started, and that was a great disappointment to me. I actually had a reason for wanting to go back to school, and Blackboard at the time was a barrier to me. I think it has been changed a little bit since then, but I don't know if it's accessible now or not.

Mrs. Celina Caesar-Chavannes: Again, going along the same lines here and understanding that we're in the context of the Copyright Act review, in terms of the ability to create inclusive spaces, inclusive workplaces, or inclusive places within the federal jurisdiction or anything that uses public funding, Mr. Greco, you said that no federal funds should be awarded to programs that further perpetuate barriers.

We use something called gender-based analysis plus. I find that often we focus on the gender lens, and the plus—the intersectionality piece—seems to come in but not as fervently as the gender.

You might not know specific numbers, but can you talk to the economic downfall of not having those accessible materials that you need in a timely fashion, as you said, when books are born or when material is born.

Mr. Lui Greco: I think the short answer is no. I don't think anyone really has studied that, but I would simply point to the situation around employment of persons with disabilities. Can you tie that back strictly to barriers around copyright? Probably not, but is the ability to obtain accessible materials a variable in that equation? Definitely, yes.

Mr. Thomas Simpson: The economic potential of persons with disabilities who are unemployed, should they become employed, is in the millions. To get there, we need to ensure that persons with print disabilities have access and the right to reading and information.

The Chair: Thank you.

Mr. John Rae: If you consider the stat that Mr. Simpson gave you earlier, that only 28% of blind Canadians are currently employed, think of the costs that society is incurring for the extent of our unemployment. That is impacted on all aspects of life. If we don't have more money in our pockets, it's pretty difficult to participate in community life. It's more difficult to put decent food on our tables. It's difficult to find decent housing. These are all impacted by our low rate of employment. Certainly, if one has difficulty getting the training that is necessary to acquire credentials like those Mr. Greco talked about earlier, there's a vicious cycle here. We are excluded from equal access to so many aspects of life.

• (1645)

The Chair: Thank you very much.

We're going to move back to the Conservatives. Mr. Dan Albas.

Mr. Dan Albas: Thank you, Mr. Chair.

I'd actually like to speak to the screen composers. Thanks for being here today.

In regard to your plan to tax Internet users above 15 gigabytes, how exactly did you arrive at that number?

Mr. Paul Novotny: Basically, it was a consideration for Canadians who do not have the money to be able to pay some sort of a levy. If we look at the extent of use by people who live in remote regions where they might have dial-up service, we felt that they likely would not be doing any sort of streaming, so the idea was to create some sort of relief if a system like that were to be looked at.

Mr. Dan Albas: An eagerly awaited new game called *Red Dead Redemption 2* is coming out this week. It is over 100 gigabytes. In what you're proposing here with starting any new tax at 15 gigabytes, that one game that somebody is going to buy and pay for—and we've heard from those who work in that industry that everyone gets paid, including the people who make the music for it, through their purchases—is six times higher. How is that fair to someone who has lawfully bought and paid for something, that one download of one game would hit that threshold right over the top?

Mr. Paul Novotny: That's a very good question. You're talking to somebody who has actually worked on one of the most successful video games in the world that has come out of Canada. The bottom line is that our brethren, the screen composers who work in video, don't receive a public performance royalty or a reproduction royalty as we do. The idea here would be to include them in that type of copyright remuneration stream.

We all get paid fees up front to do our work, but oftentimes what we have to do is spend most of those fees to make the work for our clients. Copyright remuneration from public performance and reproduction is essential to our livelihood.

Mr. Dan Albas: I totally understand what you're saying, sir, and the business model and the way people are behaving has changed. However, to be fair to someone, again, they may not access your content. They may be just looking to pay lawfully. We're not talking about pirates here who are taking away from that ability, we're talking about people who purchase something with their good money and may be not interested in your content. Why should they have to pay that 15-gigabyte tax for simply utilizing a service that they've paid the ISP supporter on, that they've bought the console or the TV with and they're enjoying for entertainment?

Again, I would go back to it. Why should someone who has not expressed interest in your content be paying for this new tax that you're proposing?

Mr. Paul Novotny: Are you familiar with the economic mechanism called the “private copying levy”?

Mr. Dan Albas: Yes, but again, when I talk to millennials, they will say, “I've bought this song off iTunes” or “I've paid to stream this service, and I'm utilizing my own TV, my own console or computer, or router, my own ISP, the Internet usage plan”, and so on. They are paying for those services, and if they want to consume your content, they will pay you for it.

Again, this is a very specific question. Why should people who are paying for those things, in addition, have to pay this tax for your members, recognizing that there are real families who need to put food on the table such as yourselves?

Mr. Paul Novotny: I have to be really clear that it's an idea we're exploring. The whole stimulus for this idea is that we have made it very clear how we are being compromised by the shift from the advertising model to the subscription model. We are searching hard for economic mechanisms that relate from the 20th century of copyright to the 21st century. The truth of the matter is that there is a levy in place already with private copying that "taxes", if you will—and many people are using that term—zeroes and ones, which have been on digital media such as CDs, all sorts of data.

We're not saying this is going to 100% solve the problem, but what we think we should look at is somehow trying to extend an economic mechanism that was and is in place already in the 20th century, into the 21st century.

• (1650)

Mr. Dan Albas: I met with Unifor today. Obviously they were here on the Hill speaking about the need to support journalism, and one of their suggestions was almost identical to what you're calling for.

If we start creating rent-seeking on ISP, eventually everyone will want that, and then you'll be having consumers who are not consuming but are paying. Do you think that's fair? Who do you think we should limit it to?

Mr. Ari Posner: It's a very complicated issue and your question's a good one.

Mr. Dan Albas: This is your proposal. And, again, when you come here, I'd like to know—and I think people at home would like to know. Why do you believe, versus Unifor, versus some of these other groups that are as challenged as you with the new models of Netflix and Google and Facebook, that we as parliamentarians should be looking to give you that capacity and say no to all the rest?

Mr. Ari Posner: Well, let me be clear and reiterate what Paul just said. This is just one of many ideas that the Screen Composers Guild and creators in our world are looking at. Again, we are not economists. The 15 gigabytes, it's not like it's the magic number, or this is what it should be. We obviously agree with you that you don't want to have people who aren't using the content to be paying a tax for it, if you want to call it that. We agree with that. But in an ideal world, what would be great is what we talked about earlier, which is transparency and to be able to have access to the knowledge to have our performance rights organizations get in there and do the work that they need to do in order to help remunerate the artists and the creators.

The levy that was talked about is just a very simple idea, something that has been in existence in the past. It would be very simple—

Mr. Dan Albas: I would just say it's quite different from blank tapes, where I would make a mix tape for someone and utilize content from my own private collection to give to someone else. We're past blank CDs. Again, simply adding more cost to consumers—you're a consumer, I'm a consumer—I don't think that's right. But as parliamentarians, what is fundamental to us is government cannot tax without the consent of the people. And that's where any of these changes have to come from this committee.

When you bring forward a proposal from here, we do expect there to be good answers for this. It can't just be "we're hurting", because

everyone out there is challenged by this new technology. I would say that if you're going to come to a committee and ask for us to ask Canadians to pay more for something that they may not use, we should have good reasons as to why it's a special case.

We've heard at this committee that some of the publishers have suffered greatly. That might compromise the ecosystem for producing new materials. I'm concerned about that. We have to have those kinds of things fleshed out.

I appreciate that you don't have all the answers. I certainly don't myself. But when you come to a committee and you're asking us to use that ancient power to tax the people, we need to have good reasons.

Mr. Paul Novotny: Could I add something?

The Chair: Yes, quickly.

Mr. Paul Novotny: Well, I just wanted to say that we completely respect everything that was just said. We just want to have a discussion about this. There actually is a precedent with existing legislation that is still in force right now with the Copyright Act. That's what we want: a discussion about updating that specific policy. That's where we're at with it.

The Chair: Thank you very much.

We're going to move to Mr. Sheehan. You have five minutes.

Mr. Terry Sheehan (Sault Ste. Marie, Lib.): Thank you very much, Mr. Chair.

I'd like to thank all of our presenters for their testimonies.

My first question is going to be for a panel that is present here with us. My wife works for an ophthalmologist. She is an ophthalmic medical technician. I certainly understand a lot of what you're suggesting and stating, particularly with the fastest-growing segment of people with visual impairment being those 75 years and older. It's growing significantly as well.

Mr. Thomas Simpson, you had a book. Can you hold it up, please?

• (1655)

Mr. Thomas Simpson: I have this one and I have this one.

Mr. Terry Sheehan: Okay. You have Harry Potter, for instance.

What would it cost a publisher to put a book into Braille? I'm not talking about the distribution and the total amount.

Mr. Thomas Simpson: Increasingly it's much cheaper than what it has been. I don't have that number offhand, but there's new technology coming out that would enable the production of Braille quicker, in large quantities and cheaper.

Mr. Terry Sheehan: So production is not cost-prohibitive to the publishers, you're suggesting.

Mr. Thomas Simpson: Correct. You can also have electronic Braille as well. If you have a refreshable Braille display—that's about this big—it will refresh the Braille for you so you're not then wasting paper. It's cheaper to produce as well.

Mr. Terry Sheehan: One of the reasons I ask that is that during your testimony, Lui, John and Thomas, you talked about a number of suggestions, and one of the things that this committee did as part of this study was travel from coast to coast. We started in Halifax and then went to Montreal, Toronto, Winnipeg and British Columbia.

We heard a lot from the creators. I'm not talking about the Harry Potter-type creators; I'm talking about the up-and-coming new creators, the people who do it part-time or casually and support their middle-class lifestyle by having another job. What are the chances that those same authors are going to be published in Braille or that there's going to be an interest in publishing their works?

Do you have any stats on smaller, less-known Canadian creators getting their opportunities to be published and distributed in Braille?

Mr. Lui Greco: That's a really good question. I think the short answer is no. No one tracks it. Someone brings a book to market, and their job is to convince as many people as possible to buy it. Some of those people may or may not have a print disability.

I think to keep it in context, if you look at self-publishing today, Apple, Adobe and a multitude of other platforms provide the ability to self-publish. Provided that those platforms are accessible and that they design the platform to generate alternate format materials, the format that the consumer or I buy it in.... I either hook up my Braille printer to my computer and print it or listen to it on my Victor Reader or what have you. Then I bear the cost of making the content consumable in a format that I choose to digest, but the building has to be built to be usable and accessible, i.e., the building is the book.

Is that cost onerous? No. There's free software now. You can go to daisy.org, and you can download for free software that will take a Word document or an ASCII text file, or probably an XML or HTML file—XML is a protocol that publishers would be familiar with—and literally, at the click of a button, you can create a well-structured accessible book at no cost. Whether one person who's blind chooses to consume that or a thousand people choose to consume it, it doesn't matter. It's available in an accessible format.

We don't ask questions around how many people are going to be watching television with closed captioning. We don't ask that question anymore; we just make it available. One hundred percent of Canadian television has to include closed captioning.

Why would we ask the question that you just posed, sir? It's unfair and unnecessary. The fact is that all content should be made accessible, end of story.

● (1700)

Mr. Terry Sheehan: I agree with that. One of the things that struck me is that there's a disconnect between what's been happening in the publishing industry and the accessibility that is necessary. It struck me that the larger, more popular books probably get into Braille, but sometimes the new people who are writing are perhaps not getting their stuff into Braille. Any suggestions that we can make—and your testimony will help us—will help us to make sure that all books, whatever interests that person, are available for them, whether it's quality of life, study or business. I think those are important questions for us to continue.

What if we reversed it? For visually impaired creators, what tools are available for somebody who wishes to take an idea, get it

published, and get it out to market? Would you have any suggestions or answers on that?

Mr. Lui Greco: I would suggest self-publishing. There's a gentleman in my office in Calgary who lost his sight as a result of having water on the brain. I think it's hydrocephaly. He went from having normal vision to being legally blind literally overnight. He self-published a book that you can buy on iTunes for \$10. He went through the same channels as you folks would go through when you decide to publish your memoirs.

Those platforms are available. Some are better than others. That's the same as anything else. There are good cars out there and there are bad cars. There are good self-publishing platforms that are usable by someone relying on assistive technologies and there are those that aren't. The natural market progression would be that when and if folks with disabilities choose to publish, they will find by trial and error those tools and those systems that work well for them. Those will be the ones they patronize, and hopefully, those will be the ones that last.

Mr. Terry Sheehan: Thank you for that really important testimony, so that we could get it on record.

The Chair: Now we'll go back to the NDP. Mr. Masse, you have your two minutes.

Mr. Brian Masse: Thank you, Mr. Chair.

For our witnesses from Toronto, I just want to make sure it's clear this is just a five-year statutory review of the copyright change that we've had, and then we will be making recommendations, which will go to the minister. The minister will then have a designated period to respond to us. We're also constrained by a similar study going on with the heritage committee. From there, if there are going to be any changes, they would require tabled legislation, and likely more hearings, and then they would have to go through the House of Commons and the Senate. This is quite a winding tale to get where we're at.

What would you see as some of your priorities for what could be done? I know there's been a lot of attention to a couple of items from other witnesses. Is there something, through regulation or in the short term—for example, the enforcement of current provisions—that could be done? If we do not come away with any changes in the short term, we're likely to come into an election, and that would then increase the time for all of this to take place. Perhaps you can enlighten us as to any potential things that would be seen in the short term or through regulation or enforcement of current provisions of the Copyright Act or the Copyright Board, for example. That would be helpful.

Mr. Ari Posner: I guess I would come back to the notion that we're here to address the value gap. It's a very critical issue, and I think the most important thing that could happen is to have everyone at the table talking about it. It's my understanding that some of the big tech giants and streaming services have no desire to do this. It's not in their interest or necessary for them to be at the table. My understanding is that Spotify, for example, is one company that many artists have huge problems with because of the rates they're being paid. Yet Spotify is at least coming to the table to talk about it. Organizations like SOCAN and their sister organizations in the United States and England and France, all over the world, all need to be able to come to the table with the streaming companies—the Amazons, the Hulus, with Netflix, you can insert any one you want—to look at how things are being distributed in this new era and how we can make sure the creators are compensated fairly for it.

If you're Drake or you're the Weeknd or you're Hans Zimmer, and you're at the top of the chain, you're making money from these streaming services. But there's no middle class anymore, and there's no long game because of that. We're going to have a population of creators that is going to die out pretty quickly.

• (1705)

Mr. Paul Novotny: May I add something? Specifically, we do endorse what Music Canada is putting forward in its “Value Gap” document. Also, we do endorse what the CMPC recommends in their document “Sounding Like a Broken Record”. There are a number of things that could be actionable points fairly soon. That's where we start, but mostly we want to be part of the dialogue and we have ideas.

Mr. Brian Masse: Thank you.

The Chair: For the final five minutes, we'll go to Mr. Lametti from the Liberal Party.

Mr. David Lametti: Thank you very much.

I'll turn my attention to Mr. Greco and Mr. Rae.

I first want to say that my doctoral supervisor was the great Professor James Harris of Oxford University, who was blind and was not only a wonderful man but a brilliant scholar. He was a prolific author of two major books with Oxford University Press, plus articles and all the rest of what one would expect in an academic career of that stature. What was truly tragic, the biggest injustice of all, is that technology was just starting to make his life a whole lot easier back in the early 2000s. The last time I saw him was at his house in the U.K., and he had just gotten a new software that was reading texts to him. I used to submit my texts in WordPerfect and he had a machine that would convert it to Braille.

I want to invite Mr. Rae, and Mr. Greco as well, to speculate on what Mr. Rae had said earlier, which is, why? It seems to me crazy that people will not produce documents in formats, technological formats, that can then be easily convertible and easily accessible. If it's HTML or some other format, why do people insist on using formats such as PDF that are locked?

Mr. John Rae: Well, there's a belief that it's locked. I maintain that's actually the big lie, and I say that for this reason: I get a PDF document, and if I can read it, if it is accessible, and there's a good chance it may be, I can take that document, turn it into Notepad or

move it into the drafts folder of my email program, and immediately I can do anything I want with it.

In my opinion, the notion that a PDF document is automatically protected is a big lie.

As to why so much is just not produced, I guess there are those who see it as not a sufficient market. In terms of Braille, a lot of kids are now mainstreamed. Do itinerant teachers know Braille? Do they believe in Braille? There's an assumption that we read everything electronically now.

That's an unfortunate assumption, and it's an unfortunate idea, because as I said earlier, our road to literacy is Braille. I've learned so much about spelling and punctuation by having my fingers go over Braille. That's something you just do not get when you listen to a document, whether it's a book or a report, or whatever. Braille is so important, but it's just not given the priority it deserves.

• (1710)

The Chair: Mr. Greco.

Mr. Lui Greco: If your doctoral colleague were still working today, I guarantee you his world would be much different from what it was when you were in school.

As to the question of why it is still so hard, sir, if I had that answer I wouldn't be talking to you today. This wouldn't be a conversation we would bring before a parliamentary committee looking at revising the Copyright Act. All I can tell you with certainty is that when I fly home tomorrow, if I want to walk into the magazine shop at the airport, all I can buy is gum and candy. I can't buy a magazine that I can read, a newspaper that I can read.

Newspapers are accessible to some extent—

Mr. John Rae: But not in that shop.

Mr. Lui Greco: —but not in that shop.

If I could have access to the magazines available in the shop or the bookstore down the street, I guarantee you that I would be spending a lot more money on consuming media. I don't spend much money, in fact I don't spend any money on media, because the things I really want to read just aren't available. Therefore, I consume what's available.

Mr. David Lametti: Would it be sufficient, in terms of designing some type of legislation here, to require an accessible format and then rely on other kinds of incentives or assistance to allow persons with visual disabilities, perceptual disabilities, or who are blind to then convert the documents themselves, or do we need to do something more?

Mr. Lui Greco: I think, at source, if the book were made available in a format that could be made easily accessible.... The ideal scenario, the world that we're envisioning, is that I walk into a Coles, I put my \$20 down and say that I want this as a DAISY book or as an electronic Braille copy. That's what we should be going towards.

The availability of Victor Reader machines is scarce, and Braille printers are scarce, but they are available. If I had the content in a format that was accessible and usable, as John said earlier—and that's very important—then the publisher or the creator would not incur any additional costs. The devil's always in the details. Let's be honest, it's not a simple matter. The more they do it, the better they become at it; and the better they become at it, the more efficient they are and the cheaper it becomes.

Mr. Thomas Simpson: I'd like to add that I think it's a matter of equality here. We can go as people who are sighted and get a book. We've provided Braille copies to all MPs. I don't expect, as a witness, that you are all going to now give it to your assistants and say, "Take this Braille copy and give it to me in a conventional print form." That's just not going to happen.

I don't think it's a matter of enabling people with print disabilities to create an accessible format for themselves. It should just be made accessible.

Mr. John Rae: There's another aspect to this that I don't think we've touched on very much, and that is libraries. We've talked to you a fair bit about our desire to be able to buy a book, and that's reality. In my case, I have a particular interest in certain areas of non-fiction, but it's very hard to get an accessible version of books on ancient Egypt, or some other countries I'd like to visit, and that sort of thing, whereas fiction might be a bit easier. Just as you have the choice of going to your local bookstore and buying a book, or going to your local library hoping it's in, and wanting to borrow it, we want

the same. The more that publishers make that possible by producing their books in alternate formats.... Part of the market is direct sales to us as individuals, but part of it is also, of course, sales to local library systems, and that's also important. We want to be able to make greater use of our local libraries, and this moves in a positive direction in that regard.

I think there may be some need to provide a bit of financial assistance to publishers to really give them a push—not forever—but maybe to give them a push.

● (1715)

Mr. David Lametti: Thank you.

The Chair: Thank you very much.

That brings us to the end of our session today. I want to thank all of our witnesses from Toronto and the folks who came in to visit us.

I will remind some people that the accessibility legislation will be held in this room at six o'clock, and you can join me. I'll be sitting on the side, participating.

This is all actually very helpful for that portion. It's been quite eye-opening for me. I want to thank everybody. We have to ask hard questions to try to get some good evidence that we can include on that.

The meeting is adjourned.

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