

Ottawa, January 22, 2021



A LETTER FROM THE CHAIR

As the new Chair of the Copyright Board of Canada, I would like to start this year by extending my best wishes to you. It is with great enthusiasm that I have agreed to lead the work of the Board for the next five years. It is my distinct privilege to join a team of seasoned members and professionals whose skills, experience and values make the Board a recognized leader in copyright tariff setting and licensing.

Intellectual property is essential to innovation, and the Canadian intellectual property ecosystem must continually adapt and evolve, and even reinvent itself. In an extremely complex and changing legal and institutional context, the Board plays and will continue to play a key role as an economic regulation organization and independent administrative tribunal. In the follow up to the improvements made to the *Copyright Act*, as well as the Intellectual Property Strategy, I look forward to the future with humility, determination and confidence, but also with pragmatism and realism, because of course there will be many challenges along the way.

I am arriving in this position during a pivotal moment in the life of the Board, but also at an unprecedented era in human history, where civilian life has been affected by a pandemic that is still not under control. In particular, the economic conditions for the production, distribution and use of copyrighted material have changed and been disrupted. The consequences still have not been fully assessed and understood. But, regardless of whether we are talking about authors, performers, distributors, publishers, producers, broadcasters or other copyright holders, businesses or licencing bodies, the challenges are tremendous. From a human and logistical perspective, the pandemic and the lockdown measures have already impacted our traditional ways of doing things and have sped up the digital migration, which has been underway for a number of years, including at the Board.

In 2019, the Board celebrated its 30th anniversary as Parliament was amending the *Copyright Act*, giving the Board new tools to make the approval of tariffs and arbitration process more efficient. In less than two years, the Board introduced a series of internal measures that have translated into improved management practices through a reduction in unnecessary steps while ensuring greater transparency and better communication with stakeholders. As part of the Board's ongoing efforts to reduce wait times and increase the predictability of review processes, a draft Board Rules of Practice and Procedure will be published in the coming months.

All stakeholders will have the opportunity to share their comments on the proposed new regulatory framework.

Guided by the public interest and taking into account the conditions of a competitive market, the Board must continue to ensure that it sets fair and equitable tariffs, both for copyright holders and for users of copyrighted material. At the same time, the Board must also stay alert to the external factors that drive creators and creative industries into the uncertain world of tomorrow. So, I am beginning this new mandate while taking full stock of the recent initiatives the government has taken or announced to frame the creative economy and foster its development. As the government is re-evaluating the rules in the field of broadcasting and the Web, and is preparing items for the parliamentary review of the *Copyright Act* and the ratification of the *Canada-United States-Mexico Free Trade Agreement*, the Board must think out loud on the best way to exercise its powers and better play its role in a creative economy that is in turmoil. Rest assured that in 2021 we will be there to support collectives and users as they resume their activities by listening to them and demonstrating understanding while we show our determination to remain open, maintain dialogue and achieve results.

In closing, I would like to thank the Vice-chair and Chief Executive Officer, the Members and employees for their invaluable assistance. I wish all of you an excellent and successful 2021!

Sincerely,

The Honourable Justice Luc Martineau

Chair of the Copyright Board of Canada