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COU17-1329

The Honourable Navdeep Bains
Minister of Innovation, Science and Economic Development
House of Commons
Ottawa, Ontario
Canada
K1A 0A6

Neuilly-sur-Seine, November 10, 2017

Dear Minister,

Canadian Copyright Act: introduction of resale right

We are writing to you in our roles as Director General of CISAC and Rapporteur General of CIAGP, with respect to the introduction of the visual artists' resale right into Canadian legislation.

CISAC, the International Confederation of Societies of Authors and Composers, is a non-profit, non-governmental organisation, composed of 239 authors' societies from 121 countries. Through our membership, we represent over 4 million creators from all artistic fields, including audiovisual, drama, literature, music and visual arts. CIAGP is the International Council of Creators of Graphic, Plastic and Photographic Arts. It brings together visual and plastic arts creators from throughout the world to discuss, exchange best practices, share information and practical experiences on authors' rights in visual arts.

CISAC and CIAGP are jointly promoting a campaign for the worldwide recognition of the visual artists' resale right.

This resale right enables visual artists to obtain a small share in the resale price when their works are sold in auction houses and galleries. Although recognised under international law, the right is optional and subject to reciprocity. This means that not all countries of the world currently grant the right and, when they do, they give it only to visual artists who come from countries that have the right in their laws. Therefore the harmonisation and global implementation of the resale right is a global priority for visual artists.

In Europe, harmonization was achieved by the European Directive 2001/84. This has been a great success for visual artists. Following its implementation throughout the European Union, the right has secured a substantial and important source of revenues for European and international artists whose works were sold in auction houses and galleries in Europe.

The resale right currently exists in over 80 countries but, unfortunately, it has yet to be adopted in Canada.

Introducing the right in Canada would bring significant benefits to Canadian visual artists. It would ensure they can benefit from the increase in value of their works and will grant them remuneration, which is only fair given the fact that the commercial success of a work is directly linked to the artist's reputation and popularity. Implementing the right in Canada would ensure Canadian artists' remuneration from all other countries that recognise the right, as this benefit is only granted to artists who receive it in their home country. Finally, by introducing the right, Canada would join the growing list of countries that demonstrate the commitment to supporting visual artists and securing their ability to make a living from their work.

Over the last two years, CISAC and CIAGP have held several events in Geneva at the World Intellectual Property Organization (WIPO) to raise awareness about the right's importance and the need to address it internationally. As a result, a growing momentum among WIPO Member States has emerged, leading to calls for discussions at the Standing Committee on Copyright (SCCR) towards the international recognition and implementation of resale right. The topic is now formally on the SCCR agenda. It will be discussed at the forthcoming session in November.

We are writing to encourage your government to consider introducing the right into Canadian law, and to support the international campaign for its worldwide recognition. The statutory Parliamentary review of the Canadian Copyright Act, expected to take place after November 7th, 2017 is an ideal opportunity to introduce this right at a national level.

Recently at CIAGP's annual meeting in New York City on October 2nd and 3rd, the Assembly adopted a recommendation with respect to Canada. This recommendation, enclosed with this letter, calls upon Canada to adopt the resale right as a measure of fairness to the livelihood of visual artists as well as to support the adoption of a new international treaty on the right at WIPO.

We hope to be able to count on your support for the introduction of the visual artists' resale right at both national and international levels. We are available to further discuss this fundamentally important right for visual artists.

Yours sincerely,



Gadi Oron
CISAC Director General



Javier Gutiérrez Vicén
CIAGP Rapporteur General