

ArtsLink NB

89 Canterbury St. Suite 407
Saint John, NB, E2L2C7
(506) 646-1832

21 March 2018

The Honorable Brian Kenny
Minister, Education and Early Childhood Development
Province of New Brunswick

Dear Minister Kenny:

We have learned that New Brunswick is a party to the action filed in Federal Court on 16 February 2018 by provincial ministries of education against Access Copyright, and we are writing to urge you to reconsider this action.

If you believe, as we do, that New Brunswick's sustainable future relies on our ability to recruit, nurture, and retain a creative citizenry capable of devising innovative solutions to the challenges we face, and optimizing the advantages we enjoy, then we know you will understand that an attack on the creative sector by our own government department is a deeply counterproductive step. New Brunswick's content creators and publishers have chosen to live, work, and operate in the province because of a deep love for it and commitment to it. Many creators in the province live on very little annually, and to challenge the meager livelihood they receive by way of Access Copyright payments will plunge them deeper into poverty and will certainly discourage creators from coming to our province.

If you believe, as we do, that people have certain rights to their property and to have others respect that property, then we know you will agree that the "fair" needs to be put back into the phrase "fair dealing." Changes to the Copyright Act in 2012 have cost creative professionals in this country tens of millions of dollars as educational institutions have adopted widely expanded copying practices. Recent court rulings and the current review of the Copyright Act give us hope that this trend will reverse, making this recent attack all the more untoward.

If you believe, as we do, that setting a positive example for our province's students is key to their growing into ethical and productive citizens, then we know you will appreciate that legal action by our ministry of education that targets the property rights of our creators and publishers, and that undermines the value of creative products, is doing our students a grave disservice.

ArtsLink NB, as the chief voice for New Brunswick Anglophone Artists in all disciplines, has been thrilled to have worked with a host of government departments, through the good offices of Tourism, Heritage and Culture, on proposed legislation on the Status of the Artist. Finding a balance between the needs of the education sector (given funding challenges) and the needs of the creative sector (given livelihood challenges) has been a point of excellent and productive discussion, which we hope to continue. This is clearly harder to do in the context of the current legal action. We have also been delighted to lead discussions on K-12 Arts Education in the Anglophone sector, with generous cooperation from your department, as part of the implementation of the province's Cultural Policy. Again, we hope to be able to continue this important work and believe it would be most productive without the specter of this legal action.

We all have great hopes that the review of the Copyright Act currently underway will find a balanced approach to fair dealing. In the meantime, we urge you to withdraw our province from the legal action filed against Access Copyright.

Respectfully,



Mark Blagrove PhD
President, ArtsLink NB
On behalf of the Board