

Suggested remarks for André LeBel

At the world summit on the arts and culture Ottawa

The challenge to copyright from new technological developments

Good afternoon, ladies and gentlemen.

First of all, I would like to thank the conveners of the summit for inviting me, and SOCAN, to be a part of this very timely discussion art of this very timely discussion.

SOCAN is the largest rights collective in Canada. Its members are the 60,000 plus composers, lyricists, songwriters, and publishers of our country.

As you can imagine, the challenge to copyright from new technological developments is an issue towards which we are devoting a great deal of energy, thought, and most importantly, action.

Technology is rewriting the rules for the protection of intellectual property. This is a critical issue for all of the creative and cultural disciplines.

But I would argue that no creative pursuit has been affected more than music. Music has been the canary in this digital coalmine.

Delivery methods like mp3 and programs like Napster have conspired to create what *The Atlantic Monthly* called "the heavenly jukebox"... Where it seems like every piece of music ever written is playing in an eternal chorus.

And you don't even need to put your money in. Not only has accessing online content been user-friendly and fast - up until now, it has been totally free.

Of course, as one astute observer commented, "that which is free is free only because someone else paid for it."

In many cases, that someone is a SOCAN member ... Whose labour and intellectual property rights are being "virtually" ignored online.

Now, I'm not here with my head in the sand, ready to announce that we're leading the charge to ban the Internet from Canadian homes.

In fact, for the record, I believe that the power of the Internet, in terms of digital content and its management has the potential to enhance the protection of that intellectual property.

I think it's clear that the present model does not yet fulfill that promise. But I also think the reports of the death of copyright are greatly exaggerated.

There are signs that the days are numbered for the "free-for-all" that digital music has become.

A new model is on the horizon - one that's fair to consumers and respects the intellectual property rights of the creators, artists, publishers, and labels.

The clearest indications of this shift are the recent agreements between parties that were sworn enemies just a month ago.

I know that the Internet moves quickly, but this is really raising the stakes!

In each case, one of the world's "big five" record labels is teaming up with one of the web's leading distributors of digital music.

The alliances between the universal music group and mp3.com, and BMG and Napster, are more than just another round of high-tech mergers.

These two formerly distinct camps are going to be working towards common ground. This means the rules of the game, such as they are will be changing - again.

Already, Napster is talking about beginning to charge some sort of fee for access.

This is great news, as the service that performing rights societies like SOCAN offer is precisely access to one of the most culturally and commercially valuable products: the world's repertoire of music.

In fact, our American sister society, ASCAP, which also licenses access to the world's repertoire of music, including the Canadian repertoire, is already negotiating a license with the new Napster!

This turn of events for Napster is quite a departure from their original model.

But it fits in with assumptions that SOCAN has been working with for some time now - that the provision and procurement of content on the Internet will evolve towards a "pay for access" scenario.

This kind of system could have significant benefits to performing rights organizations and the creators we represent.

The efficiencies and immediacy that could be at the heart of such a model would be of tremendous benefit to our members ... And indeed, members of all creative disciplines.

The challenge, as we see it, is to be prepared to move -- at Internet speed -- to meet the threats and seize the opportunities for copyright in the digital age...

To provide what the consumer wants, when and where they want it, in a secure environment, at a price point that makes sense for all...

And allows fair retribution to authors, publishers, and those who market their creation.

That's why we, at SOCAN, have devoted a great deal of energy towards reengineering our organization to meet the new reality.

In this rapidly changing environment, copyright holders need greater, not lesser, attempts to collectivize if they are to be fairly compensated for the exploitation of their rights.

And we must be prepared to lead that charge

In this brief overview, I don't have time to detail all of our initiatives, but I can tell you that we are deeply involved with the issues at all levels.

From our application for an Internet licensing tariff, which is currently before the copyright board...

To our own interactive and e-commerce offerings, for both our members and music users or licensees...

To a revitalized customer focus...

To digital content management systems...

SOCAN is using its leadership position to fight for the protection of its members' copyrights in this rapidly evolving field.

That's our mission, our mandate, and our commitment to members across Canada and around the world ... And we see technology as the tool that will strengthen our hand.

To summarize our position and our experience, I'll say to you what I would say to music lovers around the world: no one wants to pull the plug on this "heavenly jukebox".

But the current that flows through it is the intellectual property of our creators.

And it will soon be time for all consumers of digital content to do their part to make sure the power is able to keep on flowing.

Thank you.