

House of Commons and Senate Reports concluded Artist’s Resale Right deserves further study and consideration

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The Artist’s Resale Right (ARR) in Canada would allow visual artists to receive 5% when their work is resold – just as they do in at least 93 other countries¹. Canadian Artists’ Representation/Le Front des artistes canadiens (CARFAC) and Le Regroupement des artistes en arts visuels (RAAV) were pleased to see ARR recently mentioned in the following reports:

- [Shifting Paradigms. Standing Committee on Canadian Heritage for the Study on Remuneration Models for Artists and Creative Industries](#) (May 2019)
- [Statutory Review of the Copyright Act. Standing Committee on Industry, Science and Technology](#) (June 2019)
- [Cultural Diplomacy at the Front Stage of Canada’s Foreign Policy. Standing Senate Committee on Foreign Affairs and International Trade](#) (June 2019)

Several witnesses and submissions to the committees made positive mention toward ARR. CARFAC and RAAV are grateful for their voices in the process:

- Illustration Quebec
- International Authors Forum
- CISAC International Confederation of Societies of Authors and Composers
- Access Copyright
- Artists and Lawyers for the Advancement of Creativity
- SODRAC Society for Reproduction Rights of Authors, Composers & Publishers in Canada
- SOCAN Society of Composers, Authors & Music Publishers of Canada
- COVA-DAAV Copyright Visual Arts/ Droits d’auteur Arts visuels
- AAAPNB Association acadienne des artistes professionnelles du Nouveau-Brunswick
- The Canadian Bar Association
- The Federation of BC Writers
- Individual: Tony Belcourt
- Individual: Bryan Adams

CHARTING A PATH FORWARD

We hope that, in light of the gaps in creators’ incomes identified by multiple stakeholders through these studies, that the Government of Canada will choose to open up the Copyright Act for legislative change in the next government mandate.

To begin, we hope the next Parliament will respond and address the recommendations and concerns highlighted by the Committees, namely:

The Senate Committee on Foreign Affairs noted that this important issue deserves further study and attention.

The Standing Committee on Canadian Heritage gave a concise and direct recommendation:

“That the Government of Canada establish an artist’s resale right.”

The Standing Committee on Industry, Technology and Science (INDU) recommended that:

“The Government of Canada consult with provincial and territorial governments, Indigenous groups, and other stakeholders to explore the costs and benefits of implementing a national artist’s resale right, and report on the matter to the House of Commons Standing Committee on Industry, Science and Technology within three years.”

The majority of the INDU committee agreed that ARR is national in scope.

In the dissenting INDU report, the Official Opposition agreed that the ARR merits further study. While many other countries have legislated ARR under their respective Copyright Acts, the Opposition was concerned primarily with the appropriate legislative place for ARR, considering tangible goods and constitutional relationships with the provinces. CARFAC and RAAV maintain that in visual art, artists retain copyright even when their work is sold since intellectual property is related to a physical object and therefore belongs in the scope of national Copyright. This is consistent with how ARR is treated internationally.

We have offered to the Ministers and Departments of Canadian Heritage (PCH) and Innovation, Science and Economic Development (ISED) to continue to provide research and information so that the government can further study ARR.

Throughout this process, CARFAC and RAAV welcome the opportunity to work with the market and arts institutions to address potential effects and administrative processes. CARFAC and RAAV will continue to advocate and work with PCH, ISED, the Senate and Government of Canada over the summer and in late-Fall to contribute to further study on this issue and chart a path forward.

ARR Resources:

- [Artist’s Resale Right Proposal](#)
- [Artist’s Resale Right FAQ](#)

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Source: 1 Office of the Register of Copyright, Resale Royalties: An Updated Analysis, Washington, December 2013 (‘USCO 2013 Report’), p 17. CISAC, EVA and GESAC, What is the Artists Resale Right, Paris and Brussels, 2014, p 5 (New Zealand has been excluded from their list as they have not adopted legislation). Sam Ricketson, Proposed international treaty on droit de suite/resale royalty right for visual artists, presented to CISAC in Geneva, June 2014, p 19.

Photo: Dennis Skley

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