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December 21, 2009

The Honourable Tony Clement, Minister of Industry  
The Honourable James Moore, Minister of Canadian Heritage  
The Honourable Stockwell Day, Minister of International Trade  
House of Commons,  
Ottawa, Ontario K1A 0A6

Dear Ministers Clement, Moore and Day,

We are writing on behalf of our membership to express our concern towards the secret trade agreements that Canada has been in the process of negotiating, namely the Anti-Counterfeiting Trade Agreement (ACTA) and the Canadian/EU Comprehensive Economic and Trade Agreement (CETA).

The Documentary Organization of Canada | l'Association des documentaristes du Canada (DOC) is the collective voice of independent documentary filmmakers across Canada. DOC is a national non-profit arts service association representing over 850 directors, producers and craftspeople in the documentary community, from all provinces and regions of our nation.

As a trade organization representing the interests of creators and users of copyrighted material, DOC is worried about the process by which ACTA and CETA are currently being negotiated. Although copyright and intellectual property laws are formulated and regulated by international organizations, the existing treaties and conventions are applied and enforced at national levels. Respective national governments create copyright laws that suit the needs of their public, their industry, their markets, and their society's creative needs.

ACTA and CETA negotiations, unlike the World Intellectual Property Office (WIPO), do not include civil society groups representing the public interest, and therefore cloak the process in secrecy raising concerns that narrow business interests are driving copyright matters affecting all citizens. ACTA and CETA are not conventions, nor treaties, but trade agreements being negotiated in complete secrecy between select developed nations. If ACTA and CETA were to be implemented, it would set norms for Canadian copyright policy: norms created by American copyright policy lobbyists, which would be imposed on Canada without taking into

consideration Canada's particular legislative environment and distinct cultural identity. In addition, ACTA and CETA would be unassailable by the Canadian public, which runs counter

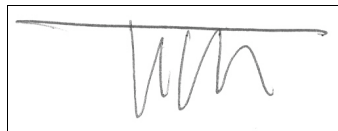
to the democratic principles underpinning the creation of legislation. DOC does not support the imposition of foreign copyright legislation that is unaccountable to the Canadian public.

The government's course of action on ACTA and CETA seems at odds with the government's own consultations on copyright. After years spent debating proposals for copyright legislation, and months of public consultations on copyright, the government is fully aware of the public's position on the matter, and the full extent by which the public wishes to participate in the creation of copyright policy which is openly, transparently, and accessibly. Simultaneously negotiating a secret copyright treaty while holding public copyright consultations gives the impression that the Canadian government does not respect the public's opinion on the matter.

DOC urges the government to make the ACTA and CETA negotiations transparent to the public, and to that end, encourages the government to adopt the approach followed when the Free Trade Area for the Americas (FTAA) was negotiated. At the time, the government created a portal for Canadians to keep up to date on the negotiations as well as providing access to the documentation about the FTAA and the public was encouraged to submit comments.

Lastly, we strongly insist that Canadian delegates at these negotiations only accept agreements representing the views of the Canadian public as we do not wish for Canada to have a copyright regime that is not under the control of the Canadian government, and by extension unaccountable to its citizens.

Respectfully submitted,

A rectangular box containing a handwritten signature in black ink. The signature is stylized and appears to be 'J. Christou'.

John Christou  
Chair

cc Charlie Angus – MP for Timmins – James Bay  
Pablo Rodriguez – MP for Honoré – Mercier