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ADVICE TO THE SENIOR ASSOCIATE DEPUTY MINISTER

c.c. Deputy Minister

**Meeting with Mr. Christopher Dodd, Motion Picture Association of America
and Ms. Wendy Noss, Motion Picture Association of Canada,
on October 18, 2011 at 10:30 a.m. in your Office**

ISSUE

You are meeting with representatives of the Motion Picture Association of America (MPAA) and the Motion Picture Association of Canada (MPAC) on October 18, 2011, to discuss their views on the *Copyright Modernization Act*. Ms. Colette Downie, DG, Marketplace Framework Policy, Strategic Policy, will also be attending the meeting.

BACKGROUND

On October 18, 2011, you will be meeting with Mr. Christopher Dodd, newly appointed Chairman and Chief Executive Officer of the MPAA and Ms. Wendy Noss, Executive Director of the MPAC, to discuss their views on the impact that the *Copyright Modernization Act* will have on the motion picture industry. These organisations represent the interests of major international producers and distributors of motion pictures, home entertainment and television programming. Their biographies and a description of their organisations are included in Annex A.

CONSIDERATIONS

The views of the MPAC/MPAA are well-known and have been frequently articulated to both Industry Canada officials and publicly, including during witness testimony before the Legislative Committee on Bill C-32.

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Annex B, for your proposed use.

Speaking points are attached in

CONCLUSION

This meeting is an opportunity to invite MPAA and MPAC to share their views on the *Copyright Modernization Act*.



John Connell
Associate Assistant Deputy Minister

Attachments

Contact: Colette Downie, DG, MFPB (952-0211)

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Christopher J. Dodd

Chairman and Chief Executive Officer, Motion Picture Association of America

Former United States Senator Chris Dodd is Chairman and Chief Executive Officer of the Motion Picture Association of America, Inc., which serves as the voice and advocate of the U.S. motion picture, home video and television industries around the world.

Appointed in March 2011, Senator Dodd leads the Association's efforts to represent the interests of one of the most creative and productive industries in America.

The major motion picture studios consistently produce and distribute the most sought after and enjoyable entertainment on earth and protecting this great American export during a challenging economy and an ever-changing technological landscape is Senator Dodd's highest priority.

Senator Dodd served in the United States Congress representing Connecticut for 36 years – six years in the House of Representatives and thirty years in the U.S. Senate. Senator Dodd was one of the most widely respected legislators during his years in Congress, earning the trust and admiration of both Democrats and Republicans.

As a key participant in nearly every major national policy debate over the past three decades, Senator Dodd authored or co-authored major legislation in the areas of education, health, financial services, foreign policy, and election reform.

A recipient of the Edmund S. Muskie Distinguished Public Service Award recognizing leadership in foreign policy, and a former senior member of the Senate Foreign Relations Committee, Senator Dodd is a recognized expert on Latin America. During his tenure in Congress he also traveled extensively in Europe, Asia and Latin America and served as Co-Chair of the U.S. – India Senate Caucus.

Senator Dodd's commitment to public service was instilled at an early age by his parents, the late Senator Thomas J. Dodd and Grace Murphy Dodd. Thomas Dodd was the executive trial counsel at the Nuremberg War Crimes Tribunal before he was elected to both the House of Representatives and the United States Senate.

Chris Dodd is the longest serving member of Congress in Connecticut history – having been popularly elected eight times to the Congress. He was also the youngest person elected to the House of Representatives from the Second District of Connecticut, as well as the youngest person elected to the Senate in Connecticut history. In 2007 Senator Dodd was a candidate for the Democratic nomination for President.

Following his graduation from Providence College, Senator Dodd answered John F. Kennedy's call to service and joined the Peace Corps, serving in the Dominican Republic from 1966 to 1968. Upon returning to the United States, Senator Dodd enlisted in the U.S. Army National Guard and Army Reserves. In 1972, he earned a law degree from the Brandeis School of Law at University Of Louisville. He practiced law in New London, Connecticut before his election to Congress in 1974.

ANNEX A

Chris Dodd was born May 27, 1944, in Willimantic, Connecticut, the fifth of six children. He lives in Washington, D.C. and East Haddam, CT, with his wife, Jackie Clegg Dodd, and their daughters Grace and Christina.

Source: <http://www.mpaa.org/about/ceo>

The Motion Picture Association of America

The Motion Picture Association of America, Inc. (MPAA), together with the Motion Picture Association (MPA) and MPAA's other subsidiaries and affiliates, serves as the voice and advocate of the American motion picture, home video and television industries in the United States and around the world. MPAA's members are the six major U.S. motion picture studios: Walt Disney Studios Motion Pictures; Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Twentieth Century Fox Film Corporation; Universal City Studios LLC; and Warner Bros. Entertainment Inc. We are a proud champion of intellectual property rights, free and fair trade, innovative consumer choices, freedom of expression and the enduring power of movies to enrich and enhance people's lives.

MPAA's principal U.S. offices are located in Washington, D.C., and Los Angeles, California. We also have content protection teams in Chicago, Dallas and New York. The MPA, and other subsidiaries and affiliates of MPAA, have commercial and regional offices in Brussels, Singapore, Sao Paulo, Mexico City and Toronto. Along with our own subsidiaries and affiliates, we work with many content protection groups and other organizations in more than 30 countries around the world.

Source: <http://www.mpaa.org/about>

Wendy Noss

Executive Director, Motion Picture Association of Canada

Wendy Noss is Executive Director of the Motion Picture Association of Canada (MPAC)

The MPAC represents the six major international producers and distributors of films, home entertainment and television programmes in Canada:

Walt Disney Studios Motion Pictures;
Paramount Pictures Corporation;
Sony Pictures Entertainment Inc.;
Twentieth Century Fox Film Corporation;
Universal City Studios LLLP;
Warner Bros. Entertainment Inc.

As Executive Director, Noss is responsible for overseeing the MPAC member companies' legal, legislative and anti-piracy strategies across Canada and for promoting their commercial interests in the country.

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The Motion Picture Association of Canada

The Motion Picture Association – Canada serves as the voice and advocate of the major international producers and distributors of movies, home entertainment and television programming in Canada. The motion picture studios served by the Motion Picture Association – Canada are:

- *Walt Disney Studios Motion Pictures*
- *Paramount Pictures Corporation*
- *Sony Pictures Entertainment Inc.*
- *Twentieth Century Fox Film Corporation*
- *Universal City Studios LLC*
- *Warner Bros. Entertainment Inc.*

On behalf of these studios, the Motion Picture Association – Canada supports initiatives which further the health of the film and television industry and foster an environment of respect for creativity in Canada. A strong and vibrant production industry in Canada serves as an economic engine, with benefits to national and local economies across the country.

ANNEX A

The association was originally created to reflect the increasing importance of the Canadian market for the global film and television industry. It has grown to take on many activities on behalf of its member companies –including advocating for stronger protection of the creative works produced and distributed by the industry, fighting copyright theft and providing direction in meeting new and emerging industry challenges. The organization operates out of its Head Office in Toronto and from its Content Protection Division in Montreal.

Source: <http://www.mpa-canada.org/?q=content/about-motion-picture-association-%E2%80%93canada>

Speaking Points

- This Bill is intended to deliver a balanced approach that respects the interests of consumers and the rights of creators in today's marketplace.
- In reintroducing the bill without changes, the government acknowledged the extensive review and input already provided by Canadians and parliamentarians on the *Copyright Modernization Act*.
- The government has indicated that, when the Bill is referred to Committee, it expects the work and testimony from the previous Parliament to be carefully considered and taken into account.

On whether the government will amend the Bill:

- The government has indicated that it believes the *Copyright Modernization Act* delivers a common-sense balance between the interests of consumers and the rights of the creative community.
- As part of the Parliamentary process, the Committee that will review the Bill may decide to consider technical amendments to improve clarity and intent of certain provisions. These could include some of the issues your organisations have raised, such as perceived loopholes and the issue of statutory damages against enablers.
- We feel that provisions on Internet intermediary liability rules strike the right balance between creators of copyright and Internet service providers. Amending these provisions would represent a significant policy change.

Proposed question:

- Could you elaborate on the impact of the proposed amendments on your industry?