

CARFAC Annual Report for Activities in Canada, 2016-17

Since 2011, CARFAC has advocated for an [Artists' Resale Right \(ARR\)](#) to be included in Canadian copyright legislation. We recommend that 5% from secondary sales of original artwork be paid back to the artist, subject to various eligibility criteria. The preparation of our ARR proposal took several years of research and planning, monitoring current market developments and auction records, evaluating best practices in other countries, and consulting with artists and art market professionals, to ensure that all stakeholders are involved in developing the most effective law for Canada. We have delivered numerous presentations to inform artists across Canada about this issue, and held meetings with several key auction houses and dealers. We have received significant national news coverage about our proposal, and have had positive feedback from the federal government as well as several provincial and territorial governments. Bill C-156 presented the ARR to Canadian parliament in 2013, but did not pass before the election. We hope that a new bill will be presented and supported by the Minister of Canadian Heritage. We have included the ARR in our Pre-budget proposals since 2013, and in 2017 the Standing committee on Finance recommended that the *Income Tax Act* and the *Copyright Act* be amended to include ARR.

In 2016 and 2017, we attended World Intellectual Property Organization meetings in Geneva, where many countries gathered to examine the ARR in an international context. It has been recommended that all WIPO signatories be required to legislate the ARR. Darrah Teitel, former Advocacy and Communications Director, and Marcia Lea, Acting Executive Director [intervened](#) on the floor of the UN World Intellectual Property Organization's Standing Committee on Copyright in November, to growing support for the ARR from almost all member states. In April, CARFAC was back in Geneva with representation from Grant McConnell, Past President, and RAAV's Executive Director, Bernard Guérin at the [International Conference on Artist's Resale Right](#). If you are interested in viewing video of the Geneva conference, visit the [WIPO website](#), and go to video on demand.

A quote from Grant McConnell's intervention statement specific to the ARR :

In the spirit of the notion that 'justice delayed is justice denied', we would urge this body to pursue vigorously international guidance with regard to ARR, so that Canadian artists, and those artists who currently do not have ARR in their country, may soon benefit from what has become the 'world standard'.

Last fall, Darrah Teitel was joined by Theresie Tungilik in [presenting ARR](#) to the Federal Government's Standing Committee on Finance, highlighting the importance of establishing the ARR for Indigenous artists. Following this, the Committee made this recommendation: "That the Government of Canada amend the Income Tax Act

and the Copyright Act in order to provide for artists' resale rights in Canada." Throughout the year, members and board members have been meeting with MPs across the country to inform and ask for support for the ARR.

Thanks to the stewardship of CARFAC and RAAV, [CARCC - Copyright Visual Arts](#) continues to offer copyright management services for artists across the country. A marked decrease in revenue from reprographic royalties due to the addition of the educational exception in the Copyright since 2012, and the lack of a predictable revenue stream means that Copyright Visual Arts currently relies on the support of its two member organizations, CARFAC and RAAV.

A comprehensive digital copyright licensing site for use by artists, curators, museums and galleries is in development by Copyright Visual Arts, with an expected launch in the fall of 2017. The new transactional website will greatly simplify copyright management for artists and users, and increase incentives for membership of the collective. It has also been developed to anticipate the enactment and management of the ARR. Copyright Visual Arts continues its links with international copyright agencies, including WIPO and [CISAC](#), the International Confederation of Societies of Authors and Composers. It has also been working to forge new partnerships in Canada, notably with the [Inuit Art Foundation](#).

March 31st, 2017 marked the end of the second year of the historically significant [collective agreement](#) between CARFAC/RAAV and the National Gallery of Canada, negotiated through our certification under the *Status of the Artist Act*. The current three-year agreement will come to an end on March 31, 2018. The negotiations are planned to begin by the end of 2017, and we will present a proposal to members once an agreement is reached. All current members will be entitled to vote, so be sure to keep your membership and contact information up-to-date.

In 2016-17, the Fee Negotiation Committee worked on a number of initiatives pertaining to various aspects of fees for artists. One of our main tasks was to work with RAAV to negotiate a new [fee schedule agreement](#) for 2018 and beyond with the Canadian Museums Association (CMA), the Canadian Art Museums Directors Organization (CAMDO), and the Artist-Run Centres and Collectives Conference (ARCA). During the past year, we met with all parties on numerous occasions and eventually reached a tentative agreement for the fee schedule that will see a 2% increase in Exhibition Royalties for 2018 and 2019. The Fee Committee also continues to work with the Independent Media Arts Alliance (IMAA) towards harmonizing our fee schedules, and we are working to review or establish fees for performance artists, illustrators, independent curators, and writers.

In 2016, CARFAC hosted a series of presentations across Canada about the range of revenue streams that successful artists draw their income from. The [Draw More Income](#) series allowed artists opportunities to share stories of success, failure, and innovation, so that we can all learn from each other as peers. The presentation series was co-hosted by our regional affiliates in Edmonton, Toronto, St John's, Montreal, Winnipeg, Vancouver, and Charlottetown with over 300 artists in attendance. In 2017, we began our presentation series, [Building Your Career](#) in Edmonton, which examined ways that visual artists can develop and advance their careers. Plans for regional presentations will continue into the fall. In 2018, we will present a national conference in Ottawa to celebrate CARFAC's 50th anniversary. Several artists who have played key roles in the growth of our organization will be invited to speak. We will take the opportunity to review CARFAC's founding principles, current priorities, and to ask artists for direction on future projects in an open forum.