



Coalition
for the Diversity of
Cultural Expressions

Amendments proposal

To Bill C-27 : An Act to enact the Consumer Privacy Protection Act, the Personal Information and Data Protection Tribunal Act and the Artificial Intelligence and Data Act and to make consequential and related amendments to other Acts

A. CDCE

Amendment Proposals

The Coalition for the Diversity of Cultural Expressions (CDCE) brings together the main Anglophone and Francophone professional organizations in the cultural sector in Canada. It consists of more than 50 collective organizations that together represent the interests of over 350,000 professionals and nearly 3,000 organizations and companies in the book, film, television, new media, music, performing arts, and visual arts sectors. The main objective of the CDCE is to ensure that cultural goods and services are excluded from trade negotiations and that the diversity of cultural expressions is preserved in the digital environment.

The Coalition ensures that Canada retains the sovereign right to develop, implement, and modify policies, programs, and measures necessary to guarantee a rich supply of Canadian artistic expressions of all kinds, on all media, and from all communities. The CDCE also strives to protect and promote our artists and cultural industries and to ensure that there is a rich diversity of cultural expressions in Canada and around the world, including in the digital environment.

Bill C-27 has a role to play in protecting and promoting the diversity of our cultural expressions. The rapid developments in generative artificial intelligence over the past year, producing many direct and indirect effects on our cultural ecosystem, attest to this. In the fall, the Government of Canada questioned the robustness of the Copyright Act in this context. The CDCE submitted a [brief](#) containing four recommendations on this occasion. Already at the time of submitting this brief, we indicated that we wanted to emphasize "that this is not the only legislative tool that can or should be mobilized to protect the diversity of cultural expressions in response to these developments." Indeed, we are convinced that to give full effectiveness to our copyright law and adequately protect the diversity of our cultural expressions, it is essential to make changes to C-27. In addition to the amendment proposals of Minister Champagne, we present two amendment proposals that have reached consensus among CDCE members.

PART 3

Artificial Intelligence and Data Act

1	<p>[...]</p> <p><i>harm</i> means</p> <ul style="list-style-type: none">a) Physical, psychological <u>or reputational</u> harm to an individual <u>or to any other aspect of Canadian society</u>;b) damage to an individual's property; orc) economic loss to an individual. (<i>préjudice</i>)
	<p><i>This is intended to ensure that AIDA can protect the reputations of authors, artists, performers, directors, among others. The reference to Canadian society is intended to expand the concept of harm and to align it with s36.1(2)(a) of AIDA.</i></p>

2	<p>General-purpose system — first time</p> <p>7 (1) Before a general-purpose system is made available in the course of international or interprovincial trade and commerce for the first time, the person who makes it available for that first time must ensure that</p> <ul style="list-style-type: none">(a) measures respecting the data used in developing the system have been established in accordance with the regulations <u>including the person must respect with the Copyright Act, regardless of the jurisdiction in which the copyright-relevant acts underpinning the development of the general-purpose system take place</u>;
	<p>Just like the EU's AI Act, the LIAD should clearly recognize the need to respect copyright law.</p>

3	<p>General-purpose system — first time</p> <p>7 (1) Before a general-purpose system is made available in the course of international or interprovincial trade and commerce for the first time, the person who makes it available for that first time must ensure that</p> <p>[...]</p> <ul style="list-style-type: none">(f) a plain-language description has been prepared of<ul style="list-style-type: none">(i) the system's capabilities and limitations,ii) the risks of harm or biased output referred to in paragraph (c), and(iii) a sufficiently detailed identification of the content used for <u>training the system including how the data was obtained and selected, to facilitate copyright holders exercising and enforcing their rights under the Copyright Act, in accordance with the regulations and any other information prescribed by regulation</u>;
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	<i>This is meant to align with the EU AIA copyright transparency obligations. Note that by including this in paragraph 7(1)(f), the updated obligations in section 8.1(2)(c) apply and so do the obligations around publication of the training data in section 8(1).</i>
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4	Records (2) The person must keep (a) records demonstrating that the requirements set out in paragraphs (1)(a) to (e), (g) and (h) have been met; (b) records relating to the data and processes used in developing the general-purpose system and in assessing the system's capabilities and limitations; and any other records prescribed by regulation.
	<i>This is meant to consider the 3rd modification we propose.</i>