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canadian
writers
group



Canadian writers unite in opposition to Transcontinental Media

(Toronto – September 30, 2009) In an unprecedented coalition, more than a dozen Canadian writers' organizations are calling on the thousands of writers they represent to not write for any publications owned by Transcontinental Media, effective immediately. This act of protest is directed at the company's new contract for freelance contributors, which these groups, including the Professional Writers Association of Canada and the Canadian Writers Group, believe to be abusive of writers' rights.

Earlier this summer, Transcontinental Media began sending a new freelance contract – which it calls a “Master Author Agreement” – to the many writers who contribute to its stable of publications, including *Canadian Living*, *More*, *Elle Canada*, *Homemakers*, and *Vancouver Magazine*. When this Master Author Agreement was unveiled, respected magazine industry consultant D.B. Scott referred to it as a “take it or leave it” rights grab that, “in effect, indentures the writer and their work to Transcon.”

In mid-June, Derek Finkle, of the Canadian Writers Group, and David Johnston, executive director of the Professional Writers Association of Canada, sent a letter to Jacqueline Howe, Transcontinental Media's group publisher and vice president for English Canada, requesting a meeting to discuss their concerns about the new Master Author Agreement. This letter was co-signed by many provincial and national organizations, including the following:

- Canadian Freelance Union
- Canadian Writers Group
- The Cooke Agency
- Federation of BC Writers
- Professional Writers Association of Canada
- Quebec Writers Federation
- Westwood Creative Artists
- Writers Alliance of Newfoundland and Labrador
- The Writers' Union of Canada

On July 16, Finkle and Johnston, along with their legal counsel, Iain MacKinnon, met with Howe and Pierre Marcoux, Transcontinental Media's senior vice president of the business and consumer solutions group. Finkle and Johnston raised four primary concerns:

1. Transcontinental's new contract was muddying the copyright waters. The Master Author Agreement grants copyright of each work to the author but then undercuts this copyright by licensing the following extraordinary rights: “The ongoing non-exclusive right to do in respect of the Work any other act that is subject to copyright protection under the Canadian Copyright Act (including, without limitation, the right to produce and reproduce, translate, develop ancillary products, perform in public, adapt and communicate the Work, in any form or medium) as well as to authorize others to do so on behalf of or in association with the Publisher.”
2. The agreement is permanent. Once signed, it covers all future work for Transcontinental publications.

3. Transcontinental has no intention of compensating freelancers for the many additional uses of their work. In essence, the company wants to continue paying what it's been paying for decades for basic first publication rights but now get unlimited rights to writers' work.
4. The Master Agreement is one-sided. It makes no mention of payment terms, kill fees, provisions for libel suits, and other important issues that are part of any balanced contributor's agreement.

On September 1, Marcoux stated that Transcontinental does not intend to make any changes to the contract at the present time. This was in spite of the concerns voiced by just about every writers group, association, federation, agency, and union in the country.

As a result, these organizations are making an unprecedented stand against Transcontinental's Master Author Agreement. This coalition has also now grown to include:

- Anne McDermid & Associates
- Association des journalistes indépendants du Québec
- Canadian Authors Association
- Toronto Writers' Centre

The coalition's campaign to oppose this contract includes the following:

1. A mass communications effort to inform and encourage writers across the country to not write for Transcontinental publications, an effort that will be monitored by the participating organizations and by writers themselves. The coalition will also assist writers in locating alternative markets for their work.
2. A national petition.
3. Lobbying of the federal ministries of industry and heritage. In addition to funding for the magazine industry, these ministries are currently overseeing changes to Canadian copyright law.
4. A multi-platform campaign to make advertisers in Transcontinental publications aware of the company's heavy handed attitude towards an important part of the massive cultural sector.
5. A unique and creative mass effort to implore Transcontinental editors to strive for change within their own company.

These actions will be rolled out in the coming weeks to show Transcontinental Media that its publications – and, by extension, its readers and advertisers – will suffer significant consequences by moving forward with this contract.

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