

October 31, 2025

The Honourable Evan Solomon  
Minister of Artificial Intelligence and Digital Innovation  
235 Queen St  
Ottawa, ON K1A 0H5

The Honourable Mélanie Joly  
Minister of Industry  
235 Queen St  
Ottawa, ON K1A 0H5

Dear Minister Solomon and Minister Joly:

**Re: Consultation – Help define the next chapter of Canada's AI leadership**

The Writers Guild of Canada (WGC) is a professional association of more than 2,500 English-language screenwriters. WGC members are the creative force behind Canada's successful TV shows, movies and web series. Every powerful show, movie or webseries requires an equally powerful script — and every powerful script requires a skillful, innovative screenwriter. WGC members are those screenwriters. They start with a blank page, and create entire worlds. Our members bring the diversity of Canadian life and culture to the world's screens, and they help drive a significant part of the Canadian economy. WGC members' work is critical to a domestic film and television industry that in 2023-2024 was worth \$4.23 billion in GDP and generated over 71,000 jobs.<sup>1</sup>

Our industry sits within the larger arts and culture sector, which is an extremely significant sector in the Canadian economy. According to an October, 2025 report by Canadian Chamber of Commerce's Business Data Lab:<sup>2</sup>

- Canada's arts and culture sector directly contributed \$65 billion to the Canadian economy in 2024, accounting for 2% of Canada's nominal GDP.

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<sup>1</sup> *Profile 2024: An economic report on the screen-based media production industry in Canada*, Canadian Media Producers Association in collaboration with the Department of Canadian Heritage, the Canada Media Fund, Telefilm Canada and the Association québécoise de la production médiatique, (<https://cmpa.ca/profile/>), Exhibits 1-6 and 1-7.

<sup>2</sup> *Artworks: The Economic and Social Dividends from Canada's Arts and Culture Sector*, Canadian Chamber of Commerce's Business Data Lab, October 2025 ([https://businessdatalab.ca/wp-content/uploads/2025/10/BDL\\_Artworks\\_Report\\_October2025\\_FINAL.pdf](https://businessdatalab.ca/wp-content/uploads/2025/10/BDL_Artworks_Report_October2025_FINAL.pdf)).

- Over the past three years, GDP stemming from the arts and culture sector has grown almost 8%, outpacing Canada's overall economic growth of 4%.
- Arts and culture supports \$131 billion of Canada's GDP and 1.1 million jobs across the country, when accounting for total impacts throughout the economy.
- The arts, entertainment and recreation sector supports more jobs per \$1 million in output than trade, construction, agriculture, manufacturing, and oil and gas.

While these are incredibly important economic metrics, arts and culture is also more than that. Culture is not a mere economic sector or commodity. It is also an expression of ideas, values, and identity. And *Canadian* culture is an expression of *Canadian* ideas, values, and identity. It is, among other things, an expression of the heart and soul of this country. Of what it means to be Canadian.

We are pleased to provide our comments in this consultation on Canada's artificial intelligence (AI) strategy.

This consultation seeks input on where Canada should focus to:

- accelerate safe adoption of AI across the economy and public services
- scale Canadian AI champions and attract investment
- strengthen sovereign infrastructure (compute, data, cloud)
- build public trust, skills, and safety.

Given the nature of the WGC's membership, our expertise, and the concerns of our members, our focus is on the last point, in particular building public trust and safety. More specifically, Section 5 of the online survey in this consultation asks:

**What frameworks, standards, regulations and norms are needed to ensure AI products in Canada are trustworthy and responsibly deployed?**  
(i.e. governance mechanisms for AI oversight; assurance of product integrity and ethical compliance; priority areas where trust issues are most acute)

The WGC's comments will focus on this question.

In its 2025 "Status Report on the Societal Impacts of Artificial Intelligence and Digital Technology," the International Observatory on the Societal Impacts of AI and Digital Technology (Obvia) stated:

The growing integration of AI tools in our societies is taking place in a context marked by a flagrant lack of regulation, giving way to uses that are all too often opaque, to unbalanced power relations and to technological governance largely dominated by private or state interests. This lack of supervision is

underlined in this report by all Obvia’s hubs of research which highlight the grey areas surrounding the development and use of [Generative Artificial Intelligence (GenAI)].

...

Once again, we see that legal, ethical and political frameworks are struggling to keep pace with the frenetic advances of technology, whether in terms of data protection, algorithmic transparency, accountability or fairness. This gap creates fertile ground for unsupervised practices, amplifies power asymmetries between public and private players, and threatens the fundamental principles on which democratic societies are based. The absence of clear, binding standards reinforces ethical and socio-organizational risks, while exposing institutions to abuses that are difficult to anticipate or repair once the damage has been done. In the absence of laws governing GenAI, ethical frameworks and tools can serve as benchmarks to better guide practices and actions. However, there are limits to this type of framework: without common guidelines, training, institutionalization and accountability mechanisms, ethical frameworks may turn out to be symbolic or become merely cosmetic for problematic practices. The strength of a true institutionalization of ethical measures lies in guaranteeing trust, and trust rests on the key aforementioned elements. As a number of our research hubs suggest, trust is a fundamental principle that requires transparency, auditing processes and rigorous evaluation.<sup>3</sup>

The WGC agrees.

### **Copyright – Inputs and Training**

In order to function effectively, current GenAI technology such as “Large Language Models” (LLMs) need to be trained on enormous amounts of existing content. This content is often referred to as “data” by AI companies, but it is more than that. It is the cumulative work of untold numbers of human beings, including professional writers and other creators who have spent a lifetime creating content and honing their craft in doing so. This data is of enormous value to AI companies, as without it they could not effectively train their models. As such, using this work to train GenAI amounts to an enormous value transfer from those creators to AI companies.

For this reason, use of copyrighted work to train AI must be subject to the “Three C’s”: Consent, credit, and compensation. AI companies must obtain the consent of copyright

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<sup>3</sup> Obvia. (2025). *Status Report on the Societal Impacts of Artificial Intelligence and Digital Technology - 2025*. <https://doi.org/10.61737/XR XR432>, pg. 4.

holders in order to be able to use their copyrighted material to train GenAI systems. Such consent must be expressly given on an “opt-in” basis, and not through an “opt-out” regime under which rights are granted consent unless they inform AI companies that they are withholding it. Similarly, this means that there should not be a compulsory licence for the purposes for AI training, as this would vitiate consent and deny copyright holders a market-based mechanism through which to negotiate credit and compensation.

Given this, it naturally follows that there should be no fair dealing exception to copyright for the purposes of training AI. To create such a fair dealing exception would completely vitiate the “Three C’s” described above, and result in a massive wealth and value transfer from creators to AI companies, one which could well be unprecedented in the culture and content industries.

The views of the WGC are broadly shared by many across the cultural sector. In October, 2024, the WGC participated in roundtable discussion convened by Mila - Quebec Artificial Intelligence Institute and the Department of Canadian Heritage to identify the foundational elements for a National Cultural Data Strategy for Artificial Intelligence, with a focus on the use of cultural content as data when training AI. This resulted in a report by Mila entitled, “What we Heard – Roundtable on AI and the cultural sector.”<sup>4</sup> This report summarized the results of this roundtable, including the following, which the WGC endorses:

- Participants noted that legal requirements for disclosure of AI training data are fundamental to ensuring that AI developers will comply with transparency requirements (i.e., not a voluntary scheme). It was stated that transparency is necessary to maintain a consent and compensation regime for cultural content used as data and that transparency allows the cultural sector to properly negotiate licenses with AI developers.
- Participants were opposed to compulsory licensing schemes in this context, indicating that compulsory licensing generally results in lower payment rates and does not provide creators with the ability to consent to the use of their works in AI training. Consent is an important issue and participants indicated that policy solutions must uphold both the right to compensation and consent.
- Considering legislation and copyright protection: It was clearly indicated by participants that there is a need for legislative solutions for transparency. It was also indicated that respect for existing copyright laws is a key concern for them. While the roundtable discussions were intended to focus on non-legislative approaches to key issues as a way of complementing the government’s consultations on AI and copyright and on the *Artificial Intelligence and Data Act* (Bill C-27), participants

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<sup>4</sup> <https://mila.quebec/sites/default/files/media-library/pdf/115451/2024heritagerapportfinaleng-1-1.pdf>

indicated that both the legislative and non-legislative policy discussions are necessary and important.

## **Copyright – Outputs**

GenAI outputs are not and should not be copyrightable. Unlike the work of human authors, GenAI outputs should not attract copyright protection.

In 2023, Innovation, Science and Economic Development Canada launched its “Consultation on Copyright in the Age of Generative Artificial Intelligence”. In the Consultation Paper accompanying it, it was stated, “Canadian copyright jurisprudence suggests that ‘authorship’ must be attributed to a natural person who exercises skill and judgment in creating the work, reflective of the fact that the Act ties the term of protection to the life and death of an author.”<sup>5</sup>

The WGC continues to believe that this is correct, both as an expression of the jurisprudence and that the jurisprudence has reached the correct conclusion. It is entirely consistent with the words of the *Copyright Act*, as well as the policy rationales for the existence of copyright in the first place, for authorship to be attributed to natural persons — to human beings — alone, and not to GenAI, nor to any other type of non-human source.

There are two generally accepted policy rationales for the existence of copyright. One sees copyright from the perspective of users, as a means to incentivize and promote the creation of works that ultimately benefit societies at large. The other sees copyright from the perspective of authors, as a natural right of a person to the fruits of their labours in the exercise of their skill and judgement. In both cases, these rationales are underpinned by the word used to describe what is copyrightable under the *Copyright Act*, namely, “works”. “Works” naturally involve *work* — i.e. human effort, without which such works don’t exist. This is fundamental to any reasonable policy rationale for the existence of copyright.

Neither of copyright’s rationales justify copyrightability being vested in AI-generated outputs. AI-generated outputs involve virtually no effort on the part of the user to create. Typically, a user enters basic text prompts into the GenAI and receives back a complex text, visual, audio, or audiovisual output in return. These prompts represent the tiniest fraction of the effort that would be required to create a similar copyrightable work by non-AI-generated means. For example, a complete novel that might require a year or more for a human to write can be spat out by GenAI in mere minutes, or even seconds. The difference is one of orders of magnitude.

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<sup>5</sup> <https://ised-isde.canada.ca/site/strategic-policy-sector/en/marketplace-framework-policy/consultation-paper-consultation-copyright-age-generative-artificial-intelligence>

Given this, there is no reason for copyright law to protect such outputs for the benefit of the AI user, either based on the rationale for the incentivizing of creation for the benefit of society, or the rationale for protect the right of a person to the fruits of their labour. In the latter case, there is no meaningful “labour” to protect, and in the former case, there is no shortage of AI-generated works in need of incentivizing.

Similarly, as it pertains to the developers of GenAI, there is clearly no need to incentivize their work under copyright either, as demonstrated by the fact that copyright is currently not ascribable to AI-generated works in key jurisdictions like the United States, yet billions have poured in to AI development already, and not from any reasonable expectation that copyrightability of resulting outputs is somehow on the horizon.

Given this, there is an opportunity for the Government to amend the *Copyright Act* to make it crystal clear that an “author” is, indeed, a natural person—a human being—and not a machine. We recommend that the Government do so. (This will be particularly important if the Government chooses to clarify that others, such as performers, are human beings, as it will then be inconsistent for the *Copyright Act* to make that clarification, but not clarify the same issue with respect to authors.) To reiterate, however, the WGC believes it is clear that the *Copyright Act* as currently drafted already requires that authors are human beings, and AI cannot be an author.

In addition, the Consultation Paper for the 2023 “Consultation on Copyright in the Age of Generative Artificial Intelligence,” stated, “A human may contribute sufficient skill and judgment in a work produced with the assistance of AI technologies to be considered the author of the work.” To the extent this may be correct, we submit that the Government should amend the *Copyright Act* to specify the standard that such contribution of “sufficient skill and judgement” in the context of AI would be, and that this should be a high standard — or, at the very least, a higher standard — for a significant contribution of human input.

The WGC is particularly concerned about the threat of a practice we refer to as “copyright laundering”. Copyright laundering in the context of screenwriting could occur when a producer or content commission approaches a screenwriter with a GenAI output and asks the screenwriter to rework that material to such a degree that it becomes copyrightable. Where standalone GenAI outputs are not copyrightable, the producer or content commissioner would likely know that simply producing the script generated by AI without sufficient skill and judgement from a human writer would put them at significant risk of not having a copyrightable film or television show in the end, and therefore not being able to effectively commercialize a significant investment in its production. But if the standard for “sufficient skill and judgement” from a human screenwriter is low enough, the producer or content commissioner could generate a script using GenAI for extremely low or no cost, and have a human writer “launder” the script, seeking to pay the screenwriter significantly less, based on the (specious) argument that they “didn’t do as much work” as if they were working

from an original idea. (And without having to benefit other human artists or rightsholders through the purchase the rights to human-created source material, such as a novel.)

Such a practice would not necessarily eliminate the role of human screenwriters altogether, but it could reduce the amount which screenwriters are paid, threatening the economic viability of screenwriting as a profession. At the same time, it could also diminish the creative status of human screenwriters, as audiences and others may question just how much the screenwriter—or any other artists working on the production involving AI, for that matter—actually contributed to the final work. Indeed, whether accurate or not, producers, content commissioners, and/or audiences could come to see screenwriters not as artists and creators, but mere formalistic legal requirements for copyrightable production whose skill and ideas are worth less than their existence as human beings.

The WGC has written about the issue of “copyright laundering” before, including in a piece published in the Toronto Star.<sup>6</sup> While the WGC has negotiated terms into its collective agreement with the Canadian Media Producers Association (CMPA), the Independent Production Agreement (IPA) (see below), concerns about “copyright laundering” may be shared across the creative sector, and should be reflected in copyright law and policy as well.

The issue of the economic and creative status of screenwriters and other artists must also be considered in light of the development and maintenance of a talent pool. It is possible that encroachment of GenAI into creative fields would not eliminate all relevant creative roles immediately. Many senior established artists may remain in demand for a number of reasons, such as their name recognition, track record, and/or unique individual style. But what about more junior and mid-level creators who are trying to establish themselves? Creative skill and talent are rarely things that artists are simply born with, fully formed. They are developed over the course of a career. Like any skill, creative work needs to be practiced and honed. A unique creative voice is something that an artist often finds within themselves after significant effort to unearth it. That is a process that takes years, and is often only possible if and when the artist can financially sustain themselves while it happens, through the process of making art itself. Established creative industries provide incubators for talent, and a pipeline for younger or newer artists to earn a living through creativity while they hone their craft.

If GenAI is allowed to disrupt that pipeline by rendering less experienced creators unnecessary, the short-term impacts may only be felt by those creators. But the long-term impacts will be felt by everybody, as the conveyor belt that develops and delivers talent into more senior roles shuts down. And then we will all be worse off as a result.

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<sup>6</sup> See Neal McDougall, *People have rights that machines don't. Let's keep it that way*, Toronto Star, March 23, 2024 ([https://www.thestar.com/opinion/contributors/people-have-rights-that-machines-dont-lets-keep-it-that-way/article\\_2d1b0d5e-e5fd-11ee-ae87-7ffa0e71a785.html](https://www.thestar.com/opinion/contributors/people-have-rights-that-machines-dont-lets-keep-it-that-way/article_2d1b0d5e-e5fd-11ee-ae87-7ffa0e71a785.html)).

## **Transparency and Enforceability**

There is currently an enormous information asymmetry between what AI companies know about their systems and what creators and rights holders know about how their works have been used by them. Government has a key role to play in rebalancing that asymmetry, including by requiring that AI companies provide a plain-language description of a sufficiently detailed identification of the content used for 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 addition, because text and data mining (“scraping”) can occur in one jurisdiction but training of AI systems in another, AI companies must be required to respect the Canadian *Copyright Act*, regardless of the jurisdiction in which the copyright-relevant acts underpinning the development of their AI system(s) takes place.

Models for transparency and enforceability are already being developed and implemented in other jurisdiction, most notably the European Union, which passed the EU *Artificial Intelligence Act* (EU AI Act) in 2024. The EU AI Act includes at Article 53 a requirement that Providers of general-purpose AI models, “draw up and make publicly available a sufficiently detailed summary about the content used for training of the general-purpose AI model,” and, “put in place a policy to comply with Union law on copyright and related rights.”<sup>7</sup> Such approaches should be built upon in Canada, to ensure that Canadian copyright is fully respected by AI companies.

## **Respect for collective agreements**

The WGC has negotiated clear parameters and guardrails on the use of GenAI in its collective agreement with the Canadian Media Producers Association (CMPA), the Independent Production Agreement (IPA),<sup>8</sup> which should be considered industry-standard with respect to screenwriting in the English-Canadian market. Under the IPA, the parties agreed that all references to Writers, Story Editors and Story Consultants in the IPA are human persons. If producers provide writers with materials generated by AI, they must disclose that it is AI generated and contract under the IPA. Materials generated by AI are treated as Source Material (like a novel or news article), and cannot reduce a Writer’s compensation or credit. Writers warrant that their work is not generated in whole or in part by AI. A Letter of Understanding was obtained consistent with other industry labour agreements maintaining our position that producers do not have the right to use members’ work to train AI. And there are procedural protections if producers attempt to contract for the use of writers’ materials to train AI, based on the principle of informed and conspicuous consent.

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<sup>7</sup> <https://artificialintelligenceact.eu/article/53/>

<sup>8</sup> [https://www.wgc.ca/sites/default/files/2025-01/2024%20IPA%20Final%20WGC\\_CMPA.pdf](https://www.wgc.ca/sites/default/files/2025-01/2024%20IPA%20Final%20WGC_CMPA.pdf)



These have been hard-fought for at the bargaining table. Government should not do anything that would impede or undermine these hard-won terms.

Yours very truly,

A handwritten signature in black ink, appearing to be 'N. McDougall', written in a cursive style.

Neal McDougall  
Assistant Executive Director, WGC