

The Legislative Committee on Bill C-32 (CC32)
Sixth Floor, 131 Queen Street
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Ministers,

I would like to take this opportunity to convey to the Legislative Committee charged with studying Bill C-32, The Copyright Modernization Act, my concerns and suggestions for points of revision and amendment. Although Bill C-32 appears to be more flexible than the previous attempts at copyright reform, this Bill is flawed to its core by the inclusion of strict, anti-circumvention provisions. As a Canadian, I am both concerned and disheartened by how easily my rights are trumped by the overriding and all encompassing protection for digital locks contained in the legislation.

The anti-circumvention provisions included in Bill C-32, unduly equip corporate copyright owners and distributors in the music, movie and video game industries with a powerful set of tools that can be utilized to exercise absolute control over Canadians' interaction with media and technology and may even undermine Canadians' constitutional rights.

A solution to Bill C-32's contentious core problem and the means to avoid the unintended consequences generated by the broad protection for digital locks is to amend the Bill to permit circumvention for lawful purposes. Not only is this approach compliant with the WIPO Internet Treaties, but it also provides legal protection for digital locks while maintaining the crucial copyright balance. I urge this Committee to either add an infringing purpose requirement to the prohibition of circumvention or add an exception to the legislation to address circumvention for lawful purposes.

I strongly believe that in addition to linking the prohibition of circumvention to the act of infringement, it is also paramount for consumers to have commercial access to the tools required to facilitate such lawful acts. It is imperative that the ban on the distribution and marketing of devices or tools that can be used to lawfully circumvent be eliminated by removing paragraph 41.1(c) and any associated references to it or any paragraphs in the Bill that would be rendered irrelevant by this change.

Some have suggested that market forces will decide the fate of digital locks in Canada and that codifying strong protection for such measures in Canadian law is simply good interim policy. I disagree. Rather than handing control of Canadians' digital rights over to corporations, the Government must consider regulating how digital locks are implemented to ensure they are not simply used to deny user rights. I put forward to the Committee that adding a labelling requirement to disclose the use of digital locks on consumer goods be considered. A requirement as such, would permit Canadian consumers to make informed decisions about the products they purchase and the access and usage rights, or lack thereof, they can expect with the ownership of a given product.

In review, I believe it is in the best interest of Canadian consumers and creators alike to amend Bill C-32 to clearly link the act of circumvention to infringement, remove the all-encompassing ban on circumvention tools and to establish a new TPM labelling provision.

Sincerely,

CC: The Right Honourable Stephen Harper

CC: The Honourable Tony Clement - Minister Of Industry

CC: The Honourable James Moore - Minister of Canadian Heritage

CC: The Honourable Michael Ignatieff

CC: Marc Garneau - Official Opposition Critic For Industry

CC: Pablo Rodriguez - Official Critic For Canadian Heritage

CC: Charlie Angus - NDP Digital Affairs Critic