

Hon. Gordon Brown  
House of Commons Ottawa,  
Ontario, K1A 0A6  
CANADA

I appreciate you taking the time to read my letter. It is gratifying to know that our elected officials take the time to become informed about their constituents' concerns.

I am writing to state my firm opposition to Bill C-32, in its present form, which would gravely harm Canada's citizens, economy, and sovereignty. I am also encouraging everyone I know to write letters to their MPs, the government, and the opposition.

I have sent copies of this letter to my MP, the Minister of Industry, the Minister of Canadian Heritage, the Prime Minister, the leader of the Opposition, the Liberal Industry critic, the Liberal Heritage critic, and the NDP Digital Affairs critic, to ask that the proposed bill not be passed in its current form, particularly due to the government's disregard of the feedback of Canadian citizens on this issue during the 2009 Canadian copyright consultation.

To provide context for my objections, I would like to first itemize the ways in which copyright affects me directly:

- Firstly, I occasionally write computer programs and produce website content. While I generally make these available to the public domain, I always retain copyright and ask that I be acknowledged in any derivative works. I may in the future decide to earn money from one of my programs, in which case copyright would be important to me in a monetary sense.
- Secondly, I enjoy music. While I generally listen to music on the radio (terrestrial and satellite), I do purchase CDs of artists I especially enjoy. However, I do not directly play the CDs, but rather I rip the content to my computer, and subsequently play it via streaming media devices at home, or my portable device when on the move. It is important to me that my music not be encumbered by digital locks of any sort, so that I am free to copy it to any device I own and listen to it at my leisure.
- Thirdly, I enjoy reading, and prefer digital formats over the printed medium, since I am also concerned about the environment, and would like to minimize my impact related to the pulp and paper industry. I am more than happy to pay a reasonable amount for digital books, but only if they are also free of digital locks, so that I may enjoy reading the books on any device I choose, including my computer, and whatever portable book reading device I may own at any given time.

- Finally, I enjoy TV and movies. However, I do not always have the time to watch TV shows when they are being broadcast, so I make extensive use of time-shifting by use of a PVR. I also format-shift and place-shift my TV and movies by converting them to a format that my portable video device supports, so that I may watch them while traveling, or while sitting on my balcony or in the local park. Once again, any form of digital locks would prevent me from doing these things with content that I have legitimately paid for. In fact, the recent move by cable companies towards digital broadcast encumbered by digital locks may actually drive me to terminate my cable television subscription, as the cable company is trying to control my ability to enjoy watching TV and movies on my own schedule and at locations of my choosing.

As may be obvious from the preceding points, I feel that copyright law should be modernized to cover new mediums in a manner which specifically prohibits digital locks and allows the consumer to continue to enjoy their legitimately purchased content as freely as they do with historical mediums. At the very least, the consumer should not be penalized in any way for circumventing digital locks for their own personal use. Canadian citizens should be assumed to be law-abiding and reasonable, and not treated as naughty, thieving children by introducing oppressive laws as they have in the United States. It is bad enough that the content producers feel they need to make criminals of us all - our democratically elected government should not assist them.

Bill C-32, while addressing most fair dealing exemptions (such as time and format shifting), fails to protect fair dealing in cases where digital locks are present. The bill's anti-circumvention provisions attempt to protect far more than intellectual property as such, and would criminalize not just copying, but how consumers use what they buy. Any proposed IP law reform has no business determining the personal use of purchased products.

By protecting strong digital locks, the bill will destroy the traditional balance between the interests of creators and the interests of the general public in the sectors of culture, technology and education, and will do great harm to the Canadian economy, stifling innovation, hindering education, and criminalizing consumption. The bill would authorize private, transnational corporations and their intermediaries to exercise an unacceptable amount of legal and technological power over Canadian citizens, grievously infringing on our rights to freedom and privacy.

The bill in its current form reproduces punitive models of IP law like the USA's Digital Millennium Copyright Act or the UK's Digital Economy bill. The debate over Canadian copyright "modernization" has been inappropriately dominated by special interest industry lobby groups like the Canadian Recording Industry (CRIA), which represent intermediaries, not creators or the public. Such lobby groups cannot legitimately claim to politically represent the interests of creators, many of whom support a more flexible, balanced and fair-dealing approach to intellectual property (IP) law. Creators realize that creativity builds on the past, and that the protection of creators' rights includes the protection of users' rights, in order to sustain cultural and technological industries in Canada, and in order to foster future generations of creators and innovators.

The implementation of DMCA- and Digital Economy Bill-style legislation in Canada not only ignores the rulings of Canada's Supreme Court - which have repeatedly upheld that file downloading is legal for personal, non-commercial uses - but also exceeds the bounds of intellectual property law with provisions for the technological protection measures (digital locks) developed by copyright holders to control not just how a product is distributed, but how it is used.

Thousands of Canadians, including hundreds of people who are in creative or innovation industries, have signed petitions, mobilized on social networks and written to their MPs, ministers, and the

Prime Minister, to advocate a more balanced vision, only to face legislation that ignores your constituents' interests in favour of those of the industry lobbies. Unless it makes more citizen-minded provisions for fair dealing and drops its protections for digital locks, the bill does not represent the interests of Canadians.

I thank you for reading my objection to Bill C-32 and hope that the government will prioritize Canadians' interests over those of transnational industry lobbies. I recommend you look to the example of India's recent **IP** legislation as a model for modernizing copyright in the interests of Canadian citizens.

Also, regarding the industry lobbies' erroneous statements regarding digital lock circumvention, piracy, and loss of profits and jobs, you might be interested in the "Ready to Share" project. This landmark conference on creativity and ownership in the fashion industry was presented by the Lear Center's Creativity, Commerce & Culture project, and was sponsored by The Fashion Institute of Design & Merchandising/FIDM. The Ready to Share project explores the fashion industry's enthusiastic embrace of sampling, appropriation and borrowed inspiration, core components of every creative process. The Ready to Share project asks whether the fashion industry offers a compelling model for other creative industries to explore and emulate. In particular, a keynote speech by Johanna Blakley notes that industries free of **IP** copyright restrictions altogether have revenues far in excess of industries encumbered by **IP** copyright restrictions (trillions compared to billions). You may watch Ms. Blakley's speech at this URL:

Scott Barker