

Members of the C-32 Committee,

Thank you for giving me the opportunity to share my views on Bill C-32. I will be brief. I am a visual artist and graphic designer, as well as an educator and a consumer. As a result I am both a content creator as well as a consumer of the content created by others. I have great sympathy for many of the positions taken by all sides in the debates about Bill C-32. In the interest of brevity, I will focus my comments on a couple of issues I believe are critically important.

- The most crucial task facing any copyright legislation is achieving balance and fairness. In the copyright debate, each side would have you believe their position is the only one that is fair and reasonable. And yet, a balanced compromise can give each side some of what they are seeking. Any legislation that tilts the balance too far toward one side or the other will not work. It will not create the right business climate if it favours consumers too much, and it will not be obeyed by consumers if it favours business interests too much. The reality is that methods of storage and distribution for content have changed, and that can and will result in changes to the economic landscape of the creative industries -- that genie cannot be put back in the bottle. The best hope for your committee is to try and achieve a balance that fairly compensates creators while acknowledging the new realities of technology that are transforming the lives of Canadians.
- No-one can object to the concept that creators should be paid for their work. We need an environment in this country that is friendly and profitable for creators to pursue their dreams. Good legislation will ensure that they are fairly compensated for their work, and will have the legislative tools to ensure that commercial piracy cannot flourish. At the same time, the rights of consumers to have flexibility in using the content they have legally purchased needs to be enshrined as well. Bill C-32 contains important provisions to achieve both goals, through new usage provisions for consumers and appropriate penalties for commercial copyright infringers. This careful balance is rendered useless however, by the digital lock provisions contained in the existing bill. The digital lock provisions should apply only to people involved in commercial piracy. Consumers should be free to shift their purchased content from one device to another as they choose, to timeshift recorded television programs as they see fit (and store those recorded programs for as long as they like), regardless of the presence of a digital lock. Consumers are not engaged in piracy when they make copies of a child's movie to ensure that they can still watch it when a copy inevitable becomes scratched, among a host of other benign uses. Violating digital locks should be a crime for commercial pirates, who seek to illegally profit from the work of others. But allowing reasonable consumer rights enshrined in a Canadian bill to be trumped by digital locks is not only not fair, it is not right. If the Government of Canada believes Canadians should have certain rights under this legislation, there should be no way for other interests to circumvent them, or render them useless. I believe that the digital lock provisions in the current Bill C-32 should be changed to apply only to commercial pirates. Consumer rights to format and times shift content (among other provisions in the bill) should not be trumped by the digital lock provisions.

- As an educator, I welcome the education-related provisions in the bill. I am uneasy about some aspects of them however, such as the notion that content used in teaching needs to be destroyed after a limited time period. As someone who teaches the same courses every year, it would be onerous on me and on my colleagues to have to search out and replace content every time a course is offered. Some reasonable compromise around the issue of fair use could be found, that would ensure that the education sector is not depriving creators of their economic rights without making us recreate courses every year. As someone who has taught at the post-secondary level for more than two decades, I can tell you that it takes several hours of course development to deliver one hour of actual content in a classroom. That burden is lightened for institutions and instructors only when the course is delivered more than once. There must be some way of ensuring creators' rights without tripling or quadrupling course development time for every course I teach.

There are other points I could make about the various issues present in Bill C-32, but those above represent the issues I feel most strongly about. Thank you for giving me the opportunity to let my views be known, and thank you for taking the time to read my submission.

Regards,

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