

Dear Committee -

As a proud Canadian scientist, researcher, and software developer, I am writing to urge you to utilize the Compromises put forth by Michael Geist (<http://www.michaelgeist.ca/content/view/5439/135/>) regarding Bill C-32.

In particular, I feel strongly that

- it should **only** be a violation to circumvent a digital lock where the underlying purpose is to infringe copyright, thus clearly targeting commercial piracy but preserving consumer and end-user rights, and
- "fair dealing" should be codified with the six-part test identified by the Supreme Court, incorporating namely (1) the purpose of the dealing; (2) the character of the dealing; (3) the amount of the dealing; (4) alternatives to the dealing; (5) the nature of the work; and (6) the effect of the dealing on the work.

Having made my living for years as a software author, I cannot state strongly enough that, although having digital locks *sounds* like a good idea, in practice they cause far more problems for both *producer* and *consumer* alike. As a simple test, I ask the committee members to try to open an old word-processing document based on a DOS version of "WordPerfect". Although this software is only a few years old - I used it extensively during my undergraduate days, it is only *circumventing reverse-engineering* that leaves such files useful today. Imagine if it was now *illegal* to open an old WordPerfect file because the original had been created with a "digital lock"! Companies and media producers are wonderful at thinking of **short term** solutions only; they are not concerned with long term, nor are they concerned with consumer or user rights, and I believe that both users and producers must compromise for our economy to flourish.

Also, speaking as a professional scientist, fair use is imperative for the functioning of academic research and teaching. "Fair use" is one of the reasons that our academic and research institutions are ranked as among the best in the world, not just as *consumers*, but as **producers**. Copyright must be balanced, with fair use, every use encourages more production, not less.

Respectfully yours,

-Andrew Fernandes.