

Sent: January 23, 2011 9:10 AM

To: ~Legislative Committee on Bill C-32/Comite législatif chargé du; Harper, Stephen - P.M.; Clement, Tony - M.P.; Moore, James - M.P.; Ignatieff, Michael - M.P.; Garneau, Marc - Député; Rodriguez, Pablo - M.P.; Angus, Charlie - M.P.; Boucher, Sylvie - Députée; Braid, Peter - M.P.; Brown, Gord - M.P.; Cardin, Serge - député; Del Mastro, Dean - M.P.; Kramp, Daryl - M.P.; Lake, Mike - M.P.; Lavallée, Carole - Députée; McTeague, Dan - M.P.  
Subject: Bill C-32

Jan 23, 2011

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

Dear Ministers,

I wrote a letter to Carolyn Bennet in 2008 in regards to Bill C-61 which shares one key problem with Bill C-32: the support for Digital Locks through the anti-circumvention provisions. I've included that letter below as everything in it still holds true. In addition, I'll further my expression of concern with this letter.

It appears that Bill C-32 does provide some positive modernization provisions to help bring Canada into the digital age. However, everything in the bill which provides Canadians additional rights is trumped by the anti-circumvention provisions. It allows Hollywood to dictate what my rights are by simply applying a digital lock. This is unacceptable.

I've outlined some important cases in my previous letter below but one that is especially important to me is my current use of format shifting. I purchase many DVDs and rather than constantly having to sift through a huge pile of disks, I copy all my DVDs to a hard drive on my network. Once copied, I'm able to watch all my content on my HD TV through an attached computer and on my iPad/iPhone. This process, which I do today, will be become against the law because I need to "pick the digital lock" on DVDs in order to exercise my rights to format shifting. I've been doing this for almost 4 years and I'd like to continue doing it for years to come. All of you appear to agree that I should have a right to shift formats (as it is seen in bill C-32) but for some reason you want to allow a 3rd party to remove my rights at their discretion. This is an odd contradiction. My rights should not be so easily revoked.

To address the argument that market forces will deal with the digital locks issue, I'd like to provide a few data points:

1. An unfortunate fact about the content industry is that it's too concentrated - too few players control too much of the market to be truly competitive and provide consumers with market power. In addition, one piece of content is not a

\ "perfect substitute\" for another piece of content--one movie isn't the identical to another. Given this, could quite easily be forced to buy locked content if we want to watch a given movie if that producer used digital lock, I can just get the same movie without locks from another source.

2. The DMCA in the United States has been in force for many years and we have not seen market forces address the digital locks issue there.

3. The idea that a market the size as Canada will be able to provide a strong voice to producers on the use digital locks is laughable when you compare our market size to the United States where their population is breaking the law all the time in order to copy their DVDs to their iPods.

The market is not going to be able to solve this problem--this is where government has to step in and legislate what is best for the people and the country. My position is that digital locks do not deserve the legislative protection that you're prosing. In fact, they require legislative destruction in some form to ensure every Canadian can exercise their rights over content they purchase.

Thank-you for taking the time to consider my position and I urge you to reconsider any provision that supports digital locks over the rights of Canadians.

Sincerely,  
Rizwan Jiwan

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My Previous letter:

June 21, 2008

The Honourable Carolyn Bennett  
House of Commons  
Parliament Buildings  
Ottawa, Ontario K1A 0A6

CC: The Honourable Jim Prentice P.C, M.P.  
The Honourable Josée Verner, P.C., M.P.

Dear Carolyn Bennett:

I'm writing in regards to the recently tabled Bill C-61. The bill provides many changes to the Canadian Copyright law and I'd like to share my thoughts on this from the perspective of a professional, consumer, and voter.

My background should provide some credibility to my comments both a technologist and a business person. I have both a Bachelors in Computer Engineering from Queen's University and a Masters of Business Administration from the University

of Toronto. I've worked in the software industry for years and will be starting my first business development job in September at Research In Motion (RIM-Canada's most valuable company) as a Product Manager.

First, as a professional this bill scares me. This is because it legislates, what I believe to be, unfair competitive advantages to certain interests. This is a result of the anti-circumvention provisions of the bill. The provisions negate the value of the software interoperability exemption and can provide vendors the ability to lock customers in and the competition out.

A concrete example I can detail involves a possible future where RIM, in an attempt to compete with the iPhone, will need to unlock the DRM that protects music purchased by consumers on iTunes. Bill C-61 would essentially prevent RIM from allowing the BlackBerry to play iTunes music and would put them at a disadvantage against Apple and the iPhone. The iPhone will be able to play digitally purchased music from the world's largest online music store, iTunes, but the BlackBerry would not.

You can see how this could hurt many other businesses and business models.

Second, as a citizen this bill also scares me. This is because it removes all my fair dealing rights in the digital age. Again, due to the anti-circumvention provisions of the bill I will be unable to exercise my rights like time shifting and format shifting.

Again, a concrete example of what I do \*today\*. I own a computer and an Xbox 360. When I purchase DVDs, I copy the DVD to my computer and use the Xbox to watch the movies on my TV. I do this because then it allows me to safely file away my DVDs and have easy access to my entire DVD collection from the comfort of my couch (no searching for a DVD, just point and click). Bill C-61 would make what I'm doing today illegal because I have to crack the DRM using tools that will be made illegal.

This is similar to someone wanting to watch DVDs they purchased on their iPod. Bill C-61 would also make this illegal.

Finally, this bill scares me as a voter. There were hints of this bill months ago and citizen outrage due to the one sided nature of the bill is assumed by many to be reason it was delayed. We were promised a consumer consultation where our concerns would be integrated into the final bill. From what I can tell little to none of the concerns of consumers have been integrated into this bill. In addition, what little has been added to the bill has been undermined by the anti-circumvention provisions. This bill should be for Canada and Canadians—not Hollywood, they can't vote in Canada.

I would like to thank-you for taking the time to read this letter and as my representative in Parliament I ask that you strongly consider the implications of Bill C-61. I'm confident that you will reach the same conclusion that I have—it's not "made in" let alone made for Canada. Please do \*not\* support this bill or any other bill that doesn't provide an adequate consultation with Canadians.

Thank-you,

Rizwan Jiwan

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: Legislative Committee Members (Charlie Angus, Sylvie Boucher, Peter Braid,  
Gordon Brown, Serge Cardin, Dean Del Mastro, Marc Garneau, Daryl Kramp, Mike  
Lake, Carole Lavallee, Dan McTeague and Pablo Rodriguez)  
CC: Bennett.C@parl.gc.ca