

January 17, 2011

Michelle Tittley,  
Clerk of the Legislative Committee on Bill C-32  
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Dear Legislative Committee on Bill C-32 (CC32),

**Re: Comments on Bill C-32, An Act to Amend the Copyright Act**

I write to you with regard to Bill C-32, An Act to Amend the Copyright Act. As a Canadian, an author and a consumer, I am both a content creator and a consumer of content. However, I am deeply concerned with Bill C-32 in its currently form as it fails Canadians.

Firstly, the Bill's approach to digital locks is most troublesome. The Supreme Court has stated in *CCH* that fair dealing is a user's right, a consumer's right, and fair dealing is a required and necessary part of a just and democratic society in its exercise of criticism, education, and news reporting. Yet under Bill C-32, any copyrightable work protected by a digital lock trumps all other copyright rights, including all fair dealing and consumer rights. The digital lock provisions must be amended to ensure that it is only a violation of copyright to circumvent a digital lock when the underlying purpose and intent is to infringe copyright. This approach, which has been adopted by countries such as New Zealand and Switzerland, would ensure that the law could be used to target clear cases of commercial piracy but that individual consumer and user rights are preserved. This position retains legal protection for digital locks and still complies with the WIPO Internet treaties but ensures that digital locks do not trump all other copyright rights by preserving fair dealing and consumer rights.

Secondly, extending the private copying levy to iPods and other devices should not be considered. There has been criticism about the cost of administering the levy, the fairness of how the levy is distributed to Canadian artists, and what Canadian consumers are getting in return for paying the levy. Rather than expanding the levy, the government should phase out the levy and instead commit to continued funding for Canadian artists and programs via existing grant programs.



Thank you for considering the views of this concerned Canadian, content creator, and consumer.

Yours truly,

**/\* signed electronically \*/**

David Lam