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To: ~Legislative Committee on Bill C-32/Comite législatif chargé du projet de loi C-32

Subject: 2011 Copyright Consultation Submission

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2011 Copyright Consultation Submission

To the honourable members of the Bill C-32 Copyright Committee,

My Name is Kempton Lam. I am a filmmaker, management consultant, social media strategist, active blogger & online media creator (<http://kempton.ideasRevolution.com/>).

First of all, I want to thank the committee members for taking the time to listen to Canadians on copyright, an issue I consider extremely important to the economical, social, and political future of Canada. To me, a poorly crafted copyright bill can have disastrous impacts for Canadians today and for future generations of Canadians to come. It is important for the Parliament of Canada to get the copyright bill right.

I have taken time to read some of the experts' views on C-32 to prepare for this submission. In order to express my views in a clearer and more concise manner, I have taken the liberty to quote some of the words written by experts I respect.

On a personal note, I am not a very political person and don't really want to be "political". But in December 2007, as a dutiful Canadian citizen noticing the government going down the wrong path with respect to copyright, I felt I had no choice but to organize a rally in Calgary to oppose the then pending and poorly conceived copyright bill (C-61). It is now January 2011, more than three years later, it saddens me to see the current bill (C-32) still contains many flaws. The legislative process just seems so agonizingly slow and ineffective! I sincerely hope the committee members can create a good copyright bill as a result of the current effort and Canadians won't need to write another submission about copyright in the next parliamentary session.

The following is my submission about issues important to me. To present my views in a more concise manner, I've quoted words from the writing/submission of Prof. Michael Geist (University of Ottawa) and Dr. Mark Akrigg (founder of Project Gutenberg Canada).

(A) Fair dealing

I support and think Canada should have a flexible fair dealing provision - one that is flexible and allows for the inclusion of critique and comment (e.g. for documentary purpose), parody, satire, education, political speech, and innovation.

(B) Digital Locks

I think it is important to clearly state that "it is not an infringing act to circumvent for lawful purposes". This provision "would allow the law to target large scale infringement but preserve user rights already contained in the law. Moreover, lawmakers should consider dropping the ban on the distribution or marketing of devices that can be used to circumvent. If it is acknowledged that there are legitimate reasons for circumventing a digital lock, Canadians should be able to legally acquire the tools they need to do so."

The following is a list of additional compromise reforms that I think are important,

- " • the identification of "qualified circumventers" to allow Canadians without technical expertise to exercise their rights
- the removal of the lock requirements for digital lessons and digital inter-library loans
- the establishment of an impartial review process for new circumvention rights
- the extension of the encryption research exception to all research
- fixing the privacy and perceptual disability exceptions so that circumvention devices can be lawfully obtained
- extension of the interoperability exception
- a requirement on rights holders to unlock locked content in appropriate circumstances
- exclude non-infringing access controls from their anti-circumvention legislation
- establish a new exception for personal use
- establish a new exception for preservation of digital materials
- establish a new exception for the protection of minors
- establish a new exception for filtering software
- establish a new exception for obsolete or broken locks
- establish a new exception for court cases, laws, and government documents
- establish a new exception for public domain works
- remove the lock requirements on the time shifting, format shifting, and backup copy provisions
- require businesses that use TPMs to include a prominent warning on their packaging"

(C) I support the following two main recommendations by Dr. Mark Akrigg, founder of Project Gutenberg Canada, (<http://gutenberg.ca/>) a website distributing free digital editions of books in the Canadian Public Domain. See his full submission at http://gutenberg.ca/documents/Mark_Akrigg_Bill_C-32_brief.pdf)

"1. A "Safe Harbour" provision for works more than 75 years old where the life dates of the authors are not known. This has long been needed, and will be absolutely essential if copyright terms for photographs are extended, as currently proposed in Bill C-32.

2. No extensions of copyright durations."

(D) I support the idea **"to abolish Crown copyright, so that documents paid for by the public would immediately form part of the public domain, as has always been the case in the United States."** For example, all the beautiful photos from NASA, WhiteHouse, and other

US government agencies can be used to create derivative works, display, reproduce, etc without delay or worry of prohibitive costs. (<http://www.usa.gov/copyright.shtml>)

Yours truly,
Kempton Lam