

From: Carl Michal  
Sent: January 18, 2011 2:16 AM  
To: ~Legislative Committee on Bill C-32/Comite législatif chargé du  
Subject: Comments on Bill C-32

Hello,

I am writing to express an opinion on the proposed copyright bill C-32.

I am very concerned that should bill C-32 become law, it would result in a massive shift in the balance of copyright law towards increased control by copyright holders, with a dramatic reduction in the rights of ordinary citizens.

While bill C-32 might appear to grant expanded rights to consumers, the "digital lock" provision would allow copyright holders to unilaterally remove all consumers' rights by simply placing a digital lock on the content in question.

While one might expect that competition would force content providers to provide reasonable access to content, the fact is that every copyright holder has a monopoly - that is what copyright provides - so there is no effective competition.

To strike a reasonable balance, copyright law must spell out clearly the rights of consumers. These rights must not be unilaterally revocable.

Similarly, tampering with digital locks as well as possessing and using tools (eg software) to defeat digital locks, if employed for the purpose of study or for other legal purposes (back-up, format-shifting, etc) must also be explicitly allowed.

It is also important to acknowledge that vast numbers of people, many young, will break digital locks for format-shifting purposes. Criminalizing this activity, which is morally unobjectionable, is perverse.

The current proposal shifts the balance of copyright law away from consumers (by which I mean ordinary citizens) towards copyright holders, (often large multinational corporations) even more than the Digital Millennium Copyright Act (DMCA) in the United States. One of the chief architects of the DMCA, Bruce Lehman, has admitted that the DMCA was largely a failure.

In Canada we need a balanced approach that does not shift power dramatically away from ordinary citizens. A logical extension of existing copyright law would allow individuals to make copies of media they had purchased for back-up and format shifting purposes, but not to make copies for distribution.

As an example, my family has several DVDs of movies for young children. My young children like to handle these DVDs, but frequently drop, scratch

and otherwise damage them. Because a large fraction of children's DVDs have several layers of digital lock, making back-up copies of these DVDs would be illegal under bill C-32. I have no interest in distributing copies of "Baby Einstein" or Disney DVDs, but I would rather not have to throw away these DVDs the moment they become unplayable.

A truly balanced copyright law would in fact prohibit the use of digital locks, to ensure that consumers could exercise their rights. After all, if a corporation can revoke a citizen's right, then it was never really a right at all. Bill C-32 as it stands would allow corporations to revoke citizen's rights. While I do not expect such a prohibition of digital locks to come to pass, I feel it important to point out that a true balance would require that consumers be empowered to exercise their rights.

My understanding is that bill C-32 makes many positive changes that are worth supporting. Allowing digital locks to trump all consumers' rights however is indefensible.

Sincerely,

Carl Michal