

## **Comments on Bill C-32, an Act to Amend the Copyright Act**

### **Fair Dealing**

The inclusion of education, parody, and satire to the list of enumerated purposes for fair dealing is a step forward. It would be better if the list was illustrative rather than exhaustive, to accommodate other purposes that may deal fairly with a work.

I am annoyed with organizations that have portrayed the addition of education as opening the door to rampant, uncompensated copying, including the copying and distribution of 100% of a book. The post-secondary educational institution I work at and the ones I am in contact with certainly do not subscribe to this view or would make any plans to move in this direction. The organizations that perpetuate this view are engaging in fear-mongering at the highest level. Education is listed as a purpose under fair use in American copyright law and revenue from published material to publishers and authors has not vanished.

### **Digital Locks (Technical Protection Measures)**

While inclusion of the digital locks provisions may be necessary to be “in line with international standards” such as the WIPO treaty, there is a big flaw in Bill C-32. Digital locks should not “trump” legitimate access to copyrighted material. Section 41 needs to be modified to allow the circumvention of digital locks for non-infringing purposes. As well, the relevant clauses in sections 29.22 to 29.24 need to be modified or deleted.

Locking content down does not “permit businesses, educators, and libraries to make greater use of copyright material in digital form” or “allow educators and students to make greater use of copyright materials”, two goals mentioned on a web page, connected to this committee:

<http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=4850539&Language=E&Mode=1&Parl=40&Ses=3>. In fact, restricting access for legitimate uses of copyrighted materials does the exact opposite by limiting what information is available.

### **Educational Exemptions**

I do not understand the rationale behind including a 30 day destruction requirement for lessons. This adds a tremendous accounting burden to educational institutions with no perceivable benefits. Digital lesson material is stored on a password-protected server that is not available to the student after they have completed their program. Clause 30.01(5) should be deleted from bill C-32.

In the digital environment there are far more licensing options than just through a reprographic rights organization such as Access Copyright with an associated tariff. Since these other options are not specifically mentioned in bill C-32, sections 30.02 and 30.03 should be deleted as the conditions mentioned in these clauses should be covered by any tariff authorized by the Copyright Board.

### **Private Copying Levy**

The private copying levy should not be extended to other devices. There is no practical way to limit which devices should be covered and which shouldn't, or to discern which devices will be used to record music and which will be used for other purposes. This is also an extremely inefficient and unequal way to distribute revenue to artists.

Thank you for the opportunity to comment on Bill C-32.

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