

From: Steven Splint
Sent: January 21, 2011 4:59 PM
To: ~Legislative Committee on Bill C-32/Comité législatif chargé du
Subject: Bill C-32

Dear Ministers,

I would ask a moment of the Legislative Committee's time to look carefully at Bill C-32, The Copyright Modernization Act. The bill, which appears to be flexible and allows for many new freedoms around copyrighted works. There is, however, one very important flaw that I must bring to your attention, and that is the overly strict anti-circumvention provision. As a Canadian consumer I am concerned that my digital rights will soon be forfeit and I urge this committee to reconsider passing this bill without the necessary amendments.

The anti-circumvention provision included in Bill C-32 does not allow for the circumvention of digital locks under any circumstances. This gives corporate copyright owners and distributors the opportunity to exercise absolute control over the customer's interaction with digital media. There are no restrictions on what digital locks may be used, nor what the conditions of those locks may or may not be. As the saying goes, "Absolute power corrupts absolutely".

Under Bill C-32 educational institutions cannot break a digital lock, even for lawful, educational or research purposes. Consumers are unable to transfer their media to new formats (format shift), or make backup copies to protect their investments. Educational institutions will be unable to use copyrighted works with digital locks for research purposes unless they are expressly allowed within the terms of said digital lock. This is not good for the consumers, nor is it good for educational institutions. Preventing citizens from using their media for lawful purposes does not benefit anyone except the corporations, and I feel that it may threaten my constitutional rights in the future.

A simple example that I can think of, from a consumer stand point, is DVD encryption. Nearly every DVD disc in production today includes a form of encryption and region protection - a digital lock. If I were to travel to France tomorrow and purchase a DVD, it would be region-locked to France. By watching this DVD in Canada I would be violating Bill C-32's anti-circumvention provisions and could be considered a criminal.

One possible solution to this bill is to amend the bill to allow circumvention of digital locks for lawful purposes. While I agree that copyright in Canada is out-dated, we cannot simply throw our rights away. I urge this Committee to either add an infringing purpose requirement to the prohibition of circumvention or add an exception to the legislation to address circumvention for lawful purposes.

In addition to this, I believe it is of the utmost importance that Canadian consumers have access to the necessary tools to facilitate such lawful acts. It is imperative that the ban on the distribution and marketing of devices or tools that can be used to lawfully circumvent be eliminated by removing paragraph 41.1(c) and any associated references to it or any paragraphs in the Bill that would be rendered irrelevant by this change.

Finally, I believe that digital locks placed on copyrighted content by corporations should be regulated by the government. While it is true that content needs to be protected against unlawful uses, we must ensure that these locks are not simply being used to deny consumer rights. Vendor lock-in and other anti-competitive behavior through the use of digital locks must not be sanctioned under law. I hope this committee agrees.

In conclusion, I believe it is in the best interests of Canadian citizens to amend Bill C-32 to allow for digital lock circumvention for lawful purposes, and to remove the ban on tools which can be used for lawful circumvention.

Sincerely, Steven Splint