

From: Peter Krismer
Sent: March 7, 2012 2:19 PM
To: ~Legislative Committee Bill C-11/Comité législatif loi C-11
Cc: Garrison, Randall - M.P.
Subject: Industry Demands

Please reject the industry's extreme demands and to ensure that the bill is balanced by adding the Canadian Library Association's suggested amendments on digital locks (http://www.cla.ca/Content/NavigationMenu/Resources/Copyright/Bill_C-11_technical_amendments_feb12final.pdf):

3. Section 41

The following definitions apply in this section and in sections 41.1 to 41.21.
“circumvent” means,

...
(b) in respect of a technological protection measure within the meaning of paragraph (b) of the definition “technological protection measure”, to avoid, bypass, remove, deactivate or impair the technological protection measure for the purpose of an act that is an infringement of the copyright in it or the moral rights in respect of it or for the purpose of making a copy referred to in subsection 80(1).

Rationale: The prohibitions on the circumvention of digital locks in Bill C-11 exceed Canada's obligations under WIPO copyright treaties. Bill C-11 gives a new right to copyright owners negating the flexibilities in the Internet Treaties and directly contravening the basic, longstanding individual rights sanctioned in Canadian copyright law. With this provision, Canada is allowing a technical feature to override a nuanced information policy, permitting owners' rights to overreach their legitimate limits, and impinging on the ability of libraries to fulfill their public interest mandate. In the specific example of section 41.16(1), where the Government attempts to exempt persons with perceptual difficulties from the constraints of digital locks, the stipulation “to not unduly impair the technological protection measure” virtually nullifies the exemption. There is no efficient way to remove the TPMs and restore them after an alternate format has been created. This particular provision must be changed.

Bill C-11 makes it illegal to circumvent digital locks for other legal purposes including quotation, parody and satire (fair dealing uses), library preservation, and the copying of content for which there is no copyright (insubstantial reproduction, facts and information) or where copyright has expired. CLA believes Canadians deserve regard for their statutory rights in the digital environment. By amending the definition of “circumvent” in Section 41 as proposed above, the Bill will ensure Canadians' ability to invoke their full rights as information users.

Thank you,
Peter Krismer