

November 22, 2011

Mr. Dean Del Mastro
House of Commons
Ottawa, Ontario
K1A 0A6

Dear MP Del Mastro:

I am writing on behalf of the Canadian Historical Association, the professional association representing historians in Canada, to oppose the “digital lock” clause in Bill C-11 which fatally flaws an otherwise positive modernization of Canadian Copyright law. Most of our members are college or university professors who have the dual role as educators and as creators of copyright works or public historians. All of us seek the balance between creators and users of copyright material.

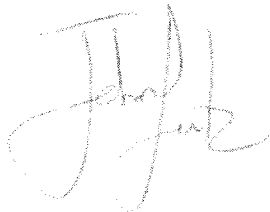
The potentially positive changes are that:

- consumers will be able to make private copies of digital works to use on their different devices like an iPod, smart phone, or laptop or make back-up copies without breaking copyright
- expansion of the fair dealing provisions of the existing law to include the purposes of education, satire or parody will assist teachers and writers
- the ability to incorporate legally acquired copyrighted content into user-generated work, as long as it's not for commercial gain, will assist teachers
- allowing teachers to provide digital copies of copyrighted material to students as part of the course
- librarians will be allowed to digitize print material and then send a copy electronically to a library client through an interlibrary loan and make copies of copyrighted material in an alternative format if there is a concern that the original is in a format that is in danger of becoming obsolete.

But all of these positive gains are wiped out by the single provision that allows vendors who wish to defeat the copyright law to put a “digital lock” (technological protection measure) on any item and thereby, make all these activities that are legal under Bill C-11, illegal.

A solution to Bill C-11's fatal flaw and the means to avoid the unintended consequences generated by the broad protection for digital locks is to amend the Bill to permit circumvention for lawful purposes. This approach is compliant with the WIPO Internet Treaties and provides legal protection for digital locks while maintaining the crucial copyright balance.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Lutz". The signature is written in a cursive, somewhat stylized font.

Dr. John Lutz, councilor
Canadian Historical Association

Copies to

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CC: The Honourable Christian Paradis
CC: The Honourable James Moore
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