

One sentence simplifies things - digital locks should not trump consumer rights.

The general basis of the law is good and other than some points it seems overall to be a reasonable law. The problem I see is the digital locks portion. There is too much power here because if someone puts a digital lock on all of the other rights are gone. Those other rights that are written into the law are important and crucial to the citizens of Canada. After digital locks are applied the law is written as: You have no rights to do anything with anything you have spent money on. If the owner of the lock wants, you can't even use what you have spent money on. If the owner of the lock wants they can prevent you from using what you have purchased even once. The owner of the lock has all rights and you as a consumer or user have no rights. As a consumer the rights holder doesn't even have to tell you that we have this power. You only find out once you spend your money. The marketplace can't even respond to not liking digital locks because they don't know that they exist until it is too late, removing all ability to respond with their wallets by not supporting things they don't like so the free market ability to correct is also gone.

Digital locks need a time limit where they can be applied. Particularly with technology.

A game manufacturer decides not to support a game anymore but there is still a market to play it. They walk away from it and anyone who spent money on the game and still wants to play it may not be able to play it, especially if part of the play revolves around accessing the manufacturers network (many games today work this way). Why can't a new group come in to pick up where things were left off - many games have a strong fan base that is interested in doing this without a cost so we can't even force the manufacturers to sell the rights. After all their digital lock trumps everything else - why do they care?

A computer program company decides that they want everyone to spend money to upgrade their software even if the consumer is still happy with the older version. The company can choose to do whatever they want - perhaps an update that cripples the existing program. Perhaps a refusal to allow a modern computer to run it. If a fan of the software is able to figure out how to make the program run on a modern computer, why can't this be done after the programming company has shown a lack of interest in investing more time into the program.

How about when copyrights are applied to unintentional things which the law doesn't limit - in the US copyright has been used on a variety of things including printer ink (cartridges have a computer chip with programming on them you do know, right?) to stop cartridge refillers from refilling ink for printers. It limits consumer choices and forces monopolies where consumers can buy their ink cartridges only from the original manufacturer to keep their printer going. Compare this to a car that you can only put Shell gasoline in spite of having a lot of potential choices. Perhaps could be done by Ford teaming up with Shell by having a chip at the Shell station that is the only way to open the fuel fill door. If there is a digital lock we can't put any other type of fuel in or create work-arounds.... the catch is that we don't know about this in our new car until the first time we try to fill up somewhere other than

Shell. Who would be happy with their new car at this point? Also, eco side of things, it forces you to throw the cartridges or even the whole printer away.

I buy a CD from a favourite artist and want to use a small sample of a song I like for a ringtone on my personal phone. It is just a 10 second piece of that song. Legal by most countries fair-use standards. Illegal in Canada if there is a digital lock on the CD. Instead I would have to spend \$20 on the CD to listen to in my car and then \$0.99 for the song that I love to play on my iPod while I'm out and about and then \$1.99 for the ringtone for my phone and on it goes. With the original \$20 I just spent most logical people would say that I now have the right to listen to all of the songs on the CD. Why can I only listen to them if I have a CD player? What happens down the road if no one makes CD players (don't forget BetaMax in the video tape wars - I can't buy a machine to play those tapes anymore) do I then spend another \$20 to purchase that music all over again on a new format? Anyone over 50 has been down this road multiple times - buy music on record and then 8-track and then tape and then CD and then digitally on the internet. Both CD and Digital on the internet are the same - they are copies that don't deteriorate over time so the argument for upgrading that has been made in the past is moot. Why can't that copy of the Rolling Stones "Painted Black" be used for the next 50 years before I die? Ah, because there is now a new format..... I just spent my own hard-earned money on the CD and it still works just fine. I'd like to keep using it. I'd like to put a copy of that CD on my computer to listen to it there when CD players aren't made anymore at some point in the future.

Digital locks' power also needs to be tempered. Allow them to be broken for valid reasons - to backup material, for research purposes, for educational purposes, etc. How many people have had a hard drive fail on their computer or gotten a computer virus? How many people have had their children play with a DVD or CD and scratch it? Incredibly common. Look around the room and ask and everyone can either tell you a story that happened to them or to a friend. Why can't we back-up what we just spent money on to ensure that we can still watch a movie, listen to music or use a program. And if we can't back it up, we need to force the right's holders who don't want us to have this power to then replace the content for free when it does become damaged. If my copy of "Titanic" is damaged by a child, by a house fire, by anything and I wan't allowed to back it up, the distribution company should then replace it for me for free - in essence they provide free backups for anyone who has given them money for a copy. Their argument is that I just bought a license to use the data in a way that they stipulate and my argument is that if that is the case and that I don't own the material to do with as I wish, then they have an obligation to me as a consumer to protect my data for me so I can continue to use it in the manner that they stipulate.

What happens if a right's holder goes out of business? Many businesses do this every year. If they put digital locks on their products they sold before going out of business everyone who spent money on their product is not stuck with a door stop. Why can't people now make the material work for them. Maybe archive a CD from an obscure artist that has been dropped from their label. Allow a way to keep track of the history of Canadians instead of leaving it all up to the rights holders who come and go and generally aren't interested in small niche markets that don't make money. Canada is a niche market to most organizations by

the way. We should be allowed to break the digital lock in that case if the holder doesn't express interest and does nothing new with the material they have rights with for one year.

Does a consumer own the material? Almost everyone believes that you do. If I bought a book can I tear out a page if I don't like the material on it. Yes. I think all of us would say we can do that. If I bought a book can I lend it to a friend after I finish reading it? Yes, I think most of think we can - used book stores are everywhere after all. If I buy a CD and love 14 of 15 tracks on it. That last one is a real stinker and I hate listening to it. Can I make a CD that has only the 14 tracks that I like and have an album that I can love listening to instead of always having to get up to skip one track. Digital locks say that I can't. Even though I spent money to listen to the 14 tracks that I like.

These are some of the issues and I really hope that consumer rights will be very strongly considered. If there is an imbalance of how consumer rights versus producer rights are weighed I believe that the consumer should win in case of a tie. If the industry and laws do not respect consumer wishes, consumers will either ignore the laws (current laws prohibit recording shows on TV but everyone does it) or find alternative sources that doesn't support the industries (look at all of the new technology from iPods to Netflix). If the laws can be crafted to make the consumer, the ones with the money who keep these industries in business, the consumers will come out in droves to support the industries. If the law is crafted to be detrimental to consumers, consumers will stay away and that will hurt the industry and then no one makes any money and economies suffer.

Lets please choose to make a Canadian law that works for Canadians. WIPO Treaty requirements can be satisfied by changing how digital locks work. They are not a necessary part of the the treaty. I challenge a study of countries around the world other than the US to see how they do things. How does Brazil work their copyright? Very pro-consumer. As this law currently stands with digital locks, Canadians have less rights with their copyrighted material than even in the US where they are widely considered to have the most restrictive copyright laws in the world. If the law passes as it is written, Canada will take over that title. Is that what we want Canada to be number one at? A country that prides ourselves on being fair and welcoming to new ideas and new methods. Do we want a country that has laws that are one-sided, unfair and very restrictive of new ideas and methods? This is un-Canadian to me.

Also technology changes on a monthly or daily pace. We need to review this law regularly. The old copyright laws are argued to be outdated... which that is certainly the case. When the original laws were drafted who had thought of DVD players or iPods or PVRs. No one. They weren't even a dream. We need to have regular reviews written into the law to prevent Canada from falling far behind the rest of the world again. Every year have the laws looked at to make sure that they still apply to current Canadian needs and world technological advances. To look at how companies are using the laws and look at how consumers are using them. Then modify them if there are consequences that were not expected or if it is found that the laws are not being respected.

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