

From: Brian Greiner

Sent: January 28, 2011 9:30 PM

To: ~Legislative Committee on Bill C-32/Comité législatif chargé du projet de loi C-32

Subject: comments on Bill C-32

Hello :

While the proposed Bill C-32 has much to commend it, in its current form it is horribly flawed.

Government legislation should not remove the right of due process from consumers just to make things more convenient for some corporate interests. The concept of “notice and notice” or “notice and takedown” quite frightening, since it throws the whole concept of “innocent until proven guilty in a court of law” out the window. There is no burden of proof on the accuser, nor are there any penalties for making false accusations.

Allowing “digital locks” or “access controls” to trump all other rights is a horrible mistake. First of all, allowing locks at all makes a mockery of the concept of copyright, since it effectively extends the copyright period indefinitely. Secondly, there are no penalties to prevent the locking technologies from damaging the consumer's equipment ... and this has happened in the past, with no penalties to the offending corporate party (of course, any individual causing this sort of harm faces criminal charges). Equally bad is access control software that silently monitor the computer's files (and sometimes personal information) and usage patterns, then reporting the information back to its creators As C-32 now stands, it would become illegal for anyone to block this monitoring privacy-destroying behavior. Taken to extreme, C-32 prohibits the removal of a computer virus or even to research ways to remove it, since that would involve breaking a digital lock!

The worst aspects of C-32 seem to be in response to the outright lies of some media groups. Canada is NOT a “nation of pirates”. Every study not coming from the media groups proves this quite conclusively, even investigations done by various departments of the US government. It is interesting to note that one of the worst cases copyright piracy was enacted by the member music companies of the CRIA who were finally forced by a lawsuit to pay artists the millions in back royalties they owed. I find it most shameful that the Canadian government could not be bothered to defend its citizens from such baseless accusations when there is overwhelming evidence to the contrary.

Government legislation should not protect any company or industry from their own incompetence by giving them extra rights and powers denied to other citizens. Nor should the government force others to act as unpaid security agents for them.

I recommend the following changes to C-32 :

1. All documents covered by government copyright put immediately into the public domain upon publication.
2. Allow the circumvention of any digital locks for personal and education uses without any penalties.

3. Allow for criminal penalties for any locking technology which causes harm to a consumer's equipment or violates personal privacy by downloading or monitoring personal information.
4. Allow for a mandatory review of the legislation every few years. Technology moves at a rapid pace, and legislation needs to keep up.
5. Remove the existing levy on recordable media. It is little more than a tax-burden that affects far too many legitimate businesses.

Thank you for your attention.

Brian Greiner