

From: Abram Hindle
Sent: January 31, 2011 10:36 PM
To: ~Legislative Committee on Bill C-32/Comite législatif chargé du projet de loi C-32
Subject: C32 Consultation

Synopsis: Dr. Abram Hindle feels that C32's TPM provisions will violate his freedom of expression rights as granted by the Charter of Rights and Freedom.

I am a software developer and a software engineering researcher. Software is not just formal mathematics, it is an expression. It requires careful choices when choosing abstractions, it requires tasteful choices for names and concepts in a system, and it requires a coherent architecture.

This architecture can be beautiful. The software code itself, its expression can be beautiful. Since when is the expression of a concept in a more formally specified language than English not considered expression?

I ask this because I feel that the TPM provisions of C32 limit my Charter 2(b) rights as a Canadian citizen and a computer programmer, a software developer and a researcher.

C32 seeks to limit my ability to disseminate my expression, my source code, my software. And by limiting my expression it limits my freedom and in my opinion, violates the charter of rights and freedoms:

2. Everyone has the following fundamental freedoms:

...

(b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

The TPM provisions say I cannot sell or share code which could be used to violate TPMs. TPMs are poorly specified and thus could be interpreted in a very liberal manner. Why can I express a thought as mathematics but not as source code? Why am I suddenly criminally liable for TPM breaking if I did not intend to break TPM? Why are accidents or bugs considered TPM breaking? Why is intent not involved at all (this is a major flaw in C32, is to specify that the crime must have intent).

As well, why do I have to give up my freedom of expression in order for one to manufacture, sell and distribute TPMs? What did I get out of the arrangement? Fair use was considered a compromise on freedom of expression, allowing us to reference works without being criminally or civilly liable, but it was an exchange. With C32 there is no such exchange, my rights are limited and I gain absolutely nothing.

Thus my points:

- * C32 TPM provisions limit my ability to express and speak as a programmer.
- * C32 TPM provisions, by limiting my distribution of potential TPM breaking source code, will infringe on my charter rights (2(b)).
- * My source code is my expression; source code is expression; and should be protected under our charter.

Thank you for your time,

Dr. Abram Hindle

P.S. I feel that C32 will make me criminally liable because I freely distribute OCR (optical character recognition) software, produced as a part of my academic research, that could be used to read images that could be used to protect copyrighted information. C32 stands to potentially make general purpose OCR illegal, thus hindering innovation.