

From: JTite@itac.ca [JTite@itac.ca] On Behalf Of BCourtois@itac.ca [BCourtois@itac.ca]
Sent: January 13, 2011 11:33 AM
To: Brown, Gord - M.P.
Cc: bmunson@itac.ca; loliver@itac.ca
Subject: Bill C-32

Mr. Gordon Brown
Chair, Legislative Committee on Bill C-32

Mr. Brown,

I am writing to provide comments on Bill C-32 and to request to appear before the Committee on the review on this important legislation.

ITAC is the national association of Canada's information and communications technology industry. Our membership represents a broad range of interests within the ICT industry, including software publishers and other rights owners, internet service providers and other distributors, hardware manufacturers, distributors and retailers, providers of digital content and digital commerce services, and providers of digital security software and services. Our members provide Canadian consumers, businesses and governments with the elements necessary to carry out digital transactions and digital commerce.

Because the ICT industry is a fundamental enabler of a successful modern economy, we are vitally interested in the digital economy strategy for Canada and in making Canada a world-leading digital economy. Not surprisingly, we believe this has to include a Copyright Act that reflects the realities of the digital age.

As indicated above, our industry encompasses a range of perspectives and interests in matters of copyright, from creators to distributors to cyber security researchers to providers of products and services at retail. This requires us to work at developing a consensus on a subject like copyright which naturally involves reconciling competing interests.

As the Committee well knows, sound copyright legislation requires a balancing of interests. Without proper compensation and protection for creators, innovators and rights owners, the development of creative and innovative work will be stunted. On the other hand, if customers are not able to derive full value from what they buy, we will not realize the revenue potential that will fund the creators, innovators and other participants in the supply chain.

The importance placed by so many nations on developing strategies for a digital economy reflects the fact that more and more economic activity and commerce is being dematerialized, shifting from bricks, mortar and hardware to software and digital transactions and downloading. Thus with every year that passes, the importance of modern copyright legislation keeps increasing. Commercial revenues from music downloading are booming, digital books are taking the market by storm and software and computing are being sold as digital services. Customers are not consuming these products in the way that they used to: for example, instead of buying a vinyl record and moving it when required from the turntable in the living room to the turntable in the den, today's consumers download the music onto their computer and redeploy it on devices they carry with them in and out of the house. We absolutely need modern copyright legislation that properly sets out the position that rights owners and consumers find themselves in today.

ITAC believes that Bill C-32 contains the right elements for the balanced copyright regime that we need at this time. We are well aware that the Bill has generated controversy and even aggressive positions and comments from certain quarters. After reviewing the Bill carefully and discussing it with the broad range of interests represented in our membership, ITAC has concluded that these criticisms do not justify a re-work of the principles of the Bill. Rather what is needed and what, in our view, is entirely achievable, is to work on the wording of specific sections to ensure that they achieve the intended consequences and do not generate unintended consequences. The established elements and limits of fair dealing are a very

useful guide in this regard.

ITAC does not believe that the Bill should be changed to achieve a shift between the interests of creators, distributors and users. In particular, ITAC does not believe that the use of digital technology should result in users effectively paying more than once for something that they have legitimately acquired.

It is becoming quite clear that the revenue potential from the improvements that digital technology enable in the production, distribution and consumption of content is tremendous. ITAC hopes that the members of the Committee can work together to achieve the balance and the consensus that we need if we are to get a 21st century Copyright Act for Canada.

We would like to appear before the Committee to present our views.

Yours very truly,

Bernard

<http://www.itac.ca>

Bernard A. Courtois
President and CEO
Information Technology Association of Canada (ITAC)
220 Laurier Avenue West, Suite 1120
Ottawa, ON K1P 5Z9
Tel: (613) 238-4822 x 231 Fax: (613) 238-7967