

January 31st, 2011

To: Members of the Legislative Committee on Bill C-32

From: Tavis MacCallum

From reading news articles about Bill C-32 I know that many folks from the gaming industry have come out in favour of the bill. Indeed the bill was announced at a game studio. The video game industry suffers from software piracy issues and so it is understandable that many would want laws that would help limit this. As someone who works in the video game industry in Canada, I too agree that we need to limit piracy, however I feel that the aspect of this bill that prohibits breaking digital locks goes much too far and it will be extremely damaging to the broader culture around video games.

I can think of two significant aspects of video game culture that would be hindered and made illegal if this bill includes a provision that prohibits breaking digital locks.

Firstly I am concerned about the preservation of historical orphan works. Companies such as Nintendo continue to mine their back catalog of titles and make them available for purchase. Today gamers that were not even born in the 80s can purchase these games online and download and enjoy classic games from that era, such as Super Mario Bros. However not all companies are Nintendo. Many companies have long been bankrupt and often their libraries are lost in limbo. Through the actions of software developers poking around in the code of games dumped to the PC, enthusiast developers working for free have written console and game emulators for the PC so that obscure and abandoned games can be played. This would not be possible at all without reverse engineering and breaking digital locks, but it is clearly an extremely important historical activity. Amusingly even companies releasing old games from their catalog have used these techniques if they've lost the code to their own games.

Secondly I feel that it is very important to preserve the ability for enthusiasts to write and run their own software on consoles that they own. Enthusiast programmers have created a huge amount of amazing, creative work by running their own software on consoles, and this sort of activity would be impossible without breaking digital locks and reverse engineering. One particular piece of software that has had incredible influence is Little Sound DJ (LSDJ)[1]. This software is a music workstation written for the Gameboy. The software allows for the creation of music on the console, which is something that the Gameboy was never designed for and LSDJ has become a key driver of the Chiptunes genre of music. The genre has grown in popularity and now has dedicated festivals in Japan and New York[2]. Chiptune influence can be found all over the place, such as in the internationally successful Canadian band Crystal Castles.

Enabling the creation of an entire genre of music is I think reason alone to abandon anti-lock breaking provisions, but writing and running software on consoles is in itself a very positive activity for learning how to program.

Gaming culture goes well beyond the simple buying, selling and playing of games. The discussion of games, not just the hot new releases, but also of older games that are no longer sold is also of value.

There's also the development of independent games and the creation of game related music and game related art to consider. Digital locks may help in selling mainstream games, but it absolutely crushes so many other aspects of gaming culture. With that in mind I must implore the members of the committee to abandon any sort of provision to this bill which would ban the breaking of digital locks.

Thank you,

Tavis MacCallum

[1]<http://www.littlesounddj.com/lzd/>

[2]<http://www.blipfestival.org/>

<http://vimeo.com/665366>