

Submission to the Legislative Committee on Bill C-32 (CC-32) -  
An Act to amend the Copyright Act.  
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My name is William McGrath and I'm a resident of Vancouver. I am currently Vice-Chair of the Vancouver Linux Users Group and a founding member of the Vancouver Fair Copyright Coalition. I care passionately about freedom and technology and am deeply upset by the anticipated consequences of Bill C-32. My apologies for the lateness of my submission, it's been delayed by a very busy period at work.

Before I begin my submission, I would like to take this opportunity to thank Canadian legislators for this opportunity to express my thoughts. It is a privilege to assist my country's leaders. Listening to concerned citizens is what democracy is all about and I know I am joined by many thousands of other Canadians in my opposition to Bill C-32.

## Summary

Bill C-32 will be a double failure. It will restrict our civil liberties and fail to achieve its goals. Restricting the use of technology is a form of political oppression practised by dictators throughout history to expand and strengthen their immoral hold on power.

Our feudal traditions of property have been redefined over the centuries. Slaves, women, and possessions have all been the subject of changes to property law. Digital technology poses a similar challenge to contemporary copyright law. We must enlarge our understanding of intellectual property to include the interests of all stakeholders - creators, companies and especially consumers. The more we focus upon ownership and monetization the less we concern ourselves with ideas and freedom of thought. We should not be seeking to restrict people's ability to replicate information, but instead trying to ensure that creators are adequately and fairly remunerated in a mixed information ecology where some things are purchased and some are shared.

Copyright is permanently broken. The variety and ubiquity of duplication technologies are game changers. Copyright, in the historical sense, is no longer viable and no longer useful.

Creativity does not need the protection of copyright. The fashion, automotive, furniture, and food industries are viable, lucrative and creative and function perfectly well without benefit of copyright protection.

We must try and see the bigger picture regarding human ingenuity rather than allowing ourselves to get bogged down in details and precedent. The notion that creativity cannot survive without copyright protection is a self-serving myth of industry and their protests are short sighted and hypocritical. Transnational protectionism is a mistake. Protecting the past will prevent us from seizing the opportunity to forge new relationships for the digital future.

Information sharing will never stop. Culture has always been shared as freely as possible in as many ways as possible. What Canadian has not borrowed a book/CD/DVD? Sharing purchased property with others is both a legitimate tradition and a defacto right, an extension of freedom of speech and the right to share ideas. Bill C-32 seeks to destroy that right. The right to share (on a limited scale) must be protected from the excessive restrictions of omnipotent digital locks. Limited sharing should be understood as quite distinct from anonymous sharing across the Internet. Digital files should be treated the same as their physical counterparts. The loss of the

ability to share and exchange ideas with our neighbours and friends is a horrific loss of civil liberties and that will fracture our society and isolate us intellectually.

Yes, CD sales are in decline. In their time, LPs, cassette and eight track tapes, VHS and Betamax tapes have all suffered a decline in sales as they've been replaced by other media. Today, iTunes, and other on-line vendors, are replacing CDs with downloads. Music industry profits are constant. iTunes alone does over a billion dollars of business a year. What is the equivalent number of CDs? There is no new crisis in the music industry.

Control over the means of replication is shifting from industry and its factories to the consumer and purchased files. We need a new category of Fair Dealing to deal with the personal use of purchased digital content in a convenient and contemporary fashion. Through the use of digital locks, also known as TPMs (technical protection measures) and DRM (digital rights management), Bill C-32 will impose severe restrictions on the ability to replicate and manage digital property. The right of Canadians to share with their neighbours, as they do with physical books, CDs and DVDs, needs to be protected from omnipotent digital locks. This is pure discrimination. Moreover, as they have failed in other countries, digital locks will fail to achieve their objectives in Canada as well.

Canadians from many professions all have work to do involving copyrighted, digital materials. Such people need broad and generous access to tools and information to allow them to do their work, circumventing omnipotent digital locks and replicating files where needed.

Information lasts for centuries, millennia even. In a largely digital future, we must take steps to protect our future history. We will need to be able to make backup copies, convert files to different media and formats, time, and region shift files, and maintain private libraries long into the future. While open and public data formats are preferable, proprietary file formats in themselves present a double threat to the future accessibility of our culture. On the one hand, the formats themselves will present a barrier to access and on the other, the formats protection, with omnipotent digital locks, will render digital content opaque to history. Digital locks are a short sighted idea. Our great-grandchildren will have no way to watch our DVDs or home videos.

And we must ask who owns our data and who will own it in the future. Some companies today claim that since their software must be used to access data stored in their formats, that they have virtual ownership of the data - that owners are not entitled to access their data using competing products. Omnipotent digital locks will compound this problem and strengthen the vendors case. Canadian's data should belong to them - not to a series of third parties. When these companies disappear we will be in dire straits.

Creativity thrives when there is free access to common culture and the federation of ideas. Where there is no commercial activity involved, copyright legislation should not intrude upon or restrict free speech. Likewise, omnipotent digital locks will interfere with the creative tinkering and reverse engineering of Canadian innovators, programmers and inventors, and that will limit our ability to compete.

Privacy of communication is a hallmark of democratic countries. Electronically monitoring the Internet, without court oversight, is an invasion of our privacy and constitutional right to freedom from unreasonable search and seizure. People design, configure and monitor these electronic surveillance systems and the collection of files created by these programs will rival the East German Stasi. Likewise, holding ISPs responsible for the actions of their clients is truly misguided. Like the telephone company, they are common carriers, no more.

Finally, educators and students should have carte blanche with respect the materials they are allowed to use for educational purposes. The last thing cash strapped institutions need is a byzantine and whimsical system of regulations concerning what content can and cannot be used. Intrusive copyright, protected by omnipotent digital locks, will reduce the quality of Canadian

education.

## Submission

In a nutshell, Bill C-32 will be a double failure. It will fail to achieve its goals and it will create negative, burdensome consequences for honest Canadians. I intend to criticize this proposed legislation in both respects and provide a few fresh thoughts.

Technology and freedom go hand in hand. As we are currently seeing in the Middle East, and have seen before in other countries, technology allows people to assert their desires for political freedom and good government. We in Canada have long supported the Human Rights of people in other countries, including freedom of speech, freedom of assembly, and freedom of association. Repressive regimes have a long history of denying those freedoms to their people, by limiting their access to technology - to printing presses, radio, television, telephone service, fax machines, and now to Flickr, Twitter, You Tube, email and cell phones - because free and responsible speech is a threat to their immoral hold on power. It is no different with corporations and their markets. In both cases, restricting the use of technology is a form of political oppression. Information freedom is critical to a vibrant democracy and Bill C-32 will restrict it. What is really needed is a charter of digital rights and freedoms that will be protected by Canadian law - not the denial of those rights and freedoms. Canada should not aspire to totalitarianism.

Since medieval times, Western civilization has been engaged in redefining our feudal heritage of property. Tenants have had to argue that they 'own' the furniture in their apartments - not their landlords. Abolitionists have fought wars, changed laws and created constitutions to recognize the human rights of ordinary people and abolish slavery. Feminists continue to push for the recognition of women as persons rather than property, as in ancient times.

Today's greatest challenge to our feudal traditions is provided by digital technology. We need to liberate our understanding of intellectual property and culture and seek newer ideas about property and its future equivalents that are not tied to physical items and more compatible with digital technology. It is a mistake to dwell upon the past and close the door upon the future by placing too much importance upon legal precedent and history. We need to recognize the cultural side of digital content, the fact that a work rarely, if ever, springs full blown from the head of its creator - that it has a cultural legacy. Such background is inescapable. It always exists.

With respect to intellectual property, focusing only upon what is new or unique is a mistake because these things build upon common culture. A narrow, specific focus is useful when considering physical things like furniture or land or possessions. But culture is different. It belongs to us all. In monetizing information, we need to see the larger view and be aware that the conversion of culture into an industry can only be accomplished by regulating the culture. This can be done in ways that are beneficial to all - creators, consumers and corporations - but we need to recognize that all these classes of Canadians are legitimate stakeholders with equally legitimate rights that should be recognized and upheld - not trampled upon, as Bill C-32 proposes.

Sir Isaac Newton famously said, "If I have seen further, it is only by standing on the shoulders of giants." We need to move towards an understanding of intellectual property that is both a mixture of the new and the old for the benefit of both public and private stakeholders. We need to especially recognize the ownership rights of digital purchasers as well as the ownership rights of creators who, like Newton, build upon the work of others. Newton was a man of ideas. Property didn't concern him. The more we focus on ownership and monetization, the less we will concern ourselves with ideas and freedom of thought. That would be a tragedy. In truth, we

should not be trying to restrict people's ability to copy files, but rather seeking to ensure that creators are adequately remunerated in a mixed information ecology where some things are purchased and some things are shared.

## Copyright is broken

Copyright is permanently broken. Copyright was created to regulate the printing press. It has been adapted to other physical media, but is largely unworkable with respect digital technology and information networks, because today, a variety of means of replication are decentralized and ubiquitous. Copyright can only work as a system of centralized regulation which limits copying capabilities. But today the whole world has decentralized copying capabilities and the genie cannot be put back into the bottle. Nor should we try.

Ubiquity is a game changer. We are no longer talking about the London Guild of Stationers. We have to accept that the historic balance of copyright and our notions of intellectual property are both no longer viable and no longer necessary. No longer viable because of the variety of digital technologies that make sharing possible - bluetooth, usb sticks, CD/DVDs and of course the Internet. No longer necessary, because we know that creativity does not need the protection of copyright in order to flourish.

We have a number of excellent examples of this. One is Open Source and Free Software (FLOSS) which licences users to share the product making copies as they see fit. Open source software deliberately circumvents copyright protection in order to foster the freedom to innovate. By doing so, thousands of like-minded volunteers from around the globe, can pool their talents and contribute to a common endeavour. GNU/Linux now consists of more than ten million lines of code worth more than ten billion dollars, although some commentators argue that something so intrinsically useful is priceless. Neither copyright nor monetization have been necessary for this kind of success.

Another is the fashion industry. The fashion industry has thrived for centuries all around the world without benefit of copyright, intellectual property or patents. It is highly creative and has no restrictions on copying other than trademarks and brand names. Many manufacturers dedicate themselves to mass producing copies of haute couture designs known as knock-offs. It has not killed the fashion industry. It remains viable, highly creative, competitive and extremely lucrative - thousands of times more lucrative than the entertainment industries. Other examples of major industries that operate without benefit of copyright protection include the automobile industry, the food industry and the furniture industry.

To be sure, there are major differences between these industries. But we have to try and see the bigger picture concerning human ingenuity and not get bogged down in details and precedent. The notion that creativity cannot survive without copyright protection is a self-serving myth. The same idea has been voiced on many occasions and been proved wrong each time.

In the mid-nineteenth century publishers opposed the creation of public libraries claiming that no one would write books if people could read for free. In fact, libraries have increased the level of literacy in society and enlarged the market for books. In the mid-twentieth century, the music industry claimed that no one would create music any more if music could be freely broadcast over the radio. In fact, broadcast radio has functioned as an enormous publicity vehicle introducing listeners to new music and again enlarging the recording market. In the late-twentieth century, Hollywood spokesman Jack Valenti protested that the VCR would ruin the film industry. In fact, the film rental industry is now the financial backbone of Hollywood

making most films highly profitable for their studios.

The pattern is clear. Industry protests about new technologies are self serving, short sighted and hypocritical. On the one hand, industry claims to be protecting creativity, yet on the other is reluctant to exercise any ingenuity itself and adapt to changing technologies and markets. Will there be movies, music and books in the 22nd century. Of course. Will current companies continue to exist? No. Coddling entertainment transnationals to protect them from change is a mistake because it cuts them off from the incentive to innovate and develop new business models and markets and in the long run that hurts everyone - consumers, companies and creators. Transnational protectionism is a mistake.

The truth is that copyright does more to control creators than to protect them. It benefits companies more than artists. Industry contracts are notoriously restrictive and musicians for example, only receive about ten percent of the sale price of their work. Our creators most certainly deserve better. Yet intellectual property is not necessary for profit. Creativity can thrive without copyright. And that should be our real focus here. We certainly want our creators to make a good living. The simple fact is that we can improve upon existing forms of copyright in which ninety percent of profits are syphoned off by an industry gravy train. Simply moving towards a seventy-thirty balance would do wonders for the Canadian creative community. And this is possible in an on-line music economy devoid of record factories and retail chains. But this cannot happen if existing copyright regimens and business models are preserved. I am powerless but to hope that our leaders find within themselves the intestinal fortitude to look to the future and imagine a better world. More of the same just won't cut it, unless we wish to continue to exploit our creators.

### Information sharing

Information sharing will never stop. People have always shared their books, records, tapes, CDs and DVDs. Plato's academy had a library, there was a huge library at Alexandria, monks copied texts, people have always loaned their books to each other, built public libraries and radio stations, shared their tapes, CDs and DVDs, photocopied books, and copied each others files, and now share their e-books. Culture has always been shared as freely as possible, in as many ways as possible.

What Canadian has not borrowed/loaned a book, a CD, a DVD? Some citizens exchange novels they've purchased and read by the bagful with friends. Creators were paid once for them and once is enough. Likewise with secondhand bookstores. There has never been a royalty requirement on secondhand books. But no one calls the purchasers of second hand books thieves, even though they read without remunerating publishers and authors. Sharing purchased property with others is both a legitimate tradition and a defacto right, an extension of freedom of speech, the right to share ideas.

Digital media should be treated no differently from traditional media. The right to share (on a limited scale) must be protected from the excesses of digital locks. How will we share our purchased MP3s, our downloaded movies, or our e-books with our friends if digital locks permeate our future culture? The loss of the ability to share and exchange ideas, is a cultural tragedy, and a horrific loss of civil liberties that will fracture our society and isolate us intellectually, all so that foreign shareholders can gorge themselves on enlarged profit margins. What an unholy trade off!

My father and his brother put their lives on the line in World War II to defend basic

democratic freedoms, like freedom of speech, for future generations. What kind of society are we building if we are no longer free to exchange files in order to help our neighbour and engage our friends in a dialogue of ideas?

We are witnessing a power struggle over culture and knowledge, a money and power grab by industry, a battle over the means of replication. And the good guys have lost. We are being forced to prop up the obsolete business models of foreign media conglomerates. In an era of free trade, this amounts to transnational protectionism - a perfect example of cultural imperialism.

Yes, CD sales are in decline, and will continue to decline, because people are buying their music on-line. iTunes alone does over a billion dollars of business a year. How many CDs is that? In their time 78s, 45s, LPs, cassette and eight-track tapes, as well as Betamax and VHS video tapes have all suffered a decline in sales and been replaced by other media. Is the record industry losing money? No. Profits are constant. But that's a dirty little secret that they won't tell you about because it doesn't further their ambitions to enlarge and expand their market control and profit margins. Instead, their propaganda labels people who share their purchased property as thieves and counterfeiters. What utter distortion! It's such a shame that our elected civic leaders have had the wool pulled over their eyes and are unable to fulfil their sworn duty to uphold the constitution of Canada and protect the civil liberties of Canadians. But who can prevail against a multi-billion dollar propaganda machine? Not even the courts.

Indeed the courts have created a list of tests that are cumbersome, complicated and byzantine in nature. The number of categories of fair dealing is too few in number. They still have not recommended creating a fair dealing category for personal use and have accepted that digital locks should trump fair dealing. What we really need are simple rules of thumb that ordinary people can understand and use in everyday life, not constant referral back to the court system. It's just a make-work project for copyright lawyers.

## Personal Use

One possible way to reconcile the competing interests here is to create a new category of fair dealing called Personal Use to codify existing practises of sharing and adapt them to digital media. The purpose of such a limited offset against copyright provisions is to enable consumers to share with their neighbours, people with whom they have existing relationships. Such limited sharing rights should be understood as quite distinct from anonymous downloading across the Internet and should be extended only to the purchasers of digital materials and in strictly limited, small quantities.

Such an offset is necessary to compensate for the excessive restrictions created by omnipotent digital locks. If I purchase physical CDs, DVDs, or books I can easily share them with my friends - but not the whole world. The digital versions of these same items should be treated equivalently and at the very least legislation should seek to provide the same minimal rights to share purchases. Anything less is discriminatory and transforms digital materials into retarded shadows of their physical counterparts. In an information society, permeated by digital technology, such a policy is extremely unenlightened and short sighted. Sharing is a good thing. We teach our children to share and as adults it is a practise that strengthens the bonds of friendship. Ideas should not be exempted from sharing.

## Replication



The brute fact is that the legal fiction of intellectual property is no longer useful. Digital technology has given control over the means of replication to the consumer and that genie cannot be pushed back into the bottle. For example, how will regulations prevent teenagers from sharing music files via bluetooth protocols between their cell phones? Or exchanging copies of their favourite CD/DVD? These activities cannot be tracked by intrusive monitoring of the Internet. Copyright law that seeks to prevent such sharing will fail. It is the wrong approach because it is based on antiquated concepts about the ownership of ideas.

For better and worse, control over the means of replication has shifted from industry to the consumer. Books, recordings and films are no longer ideas embedded in physical objects, but in their digital form can circulate freely, like ideas throughout a culture. To replicate musical recordings before the digital era required a record factory. Today, most Canadian households with a computer have a similar capability. Anyone can copy their music/movies/e-books onto a CD/DVD/usb stick to share with a friend.

We cannot return to predigital business models no matter what laws are passed. Increasingly, information commerce, be it e-books, movies or music is moving on-line. In the near future the majority of digital sales will be conducted over the Internet. Digital media will shift from being physical objects to digital files. And file management requires the ability to copy files in order to make backups, time, region and format shift, transfer files to other devices, and make mix-recordings for personal use. Replication is essential for the convenient, contemporary use of digital materials of any kind. Yet Bill C-32 seeks to restrict our ability to copy digital materials. What a colossal mistake! It is a massive spanner in the works. What Bill C-32 will do is make it difficult for purchasers to use their property and for professionals to do their jobs. It is quite out of touch with the needs of Canadians and our digital future.

## Digital locks

Digital locks, also known as TPMs (technical protection measures) or DRM (digital rights management), retard our ability to copy files and will obstruct the growth of digital culture and our ability to use information easily and conveniently. The most disastrous thing about digital locks in C-32 is that they are to trump provisions for Fair Dealing. Traditionally, copyright law has recognized extenuating circumstances where exceptions to the law had to be made. These were codified as provisions for Fair Dealing. However, under Bill C-32, omnipotent digital locks will override these Fair Dealing exceptions. This is fundamentally discriminatory. Whereas physical media such as books, CDs and DVDs receive the traditional benefit of Fair Dealing provisions, their digital forms do not. The legitimate use of technology is an extension of the principle of free speech. If we still support our constitution, and have not abandoned our belief in human rights, these values should be considered more important than copyright law. This reversal of values and betrayal of the constitution will create a nightmare for many information professions and tens of millions of ordinary Canadians as well.

Omnipotent digital locks are a mistake and will fail to achieve their objectives. We know this from the experience of other countries who have implemented similar legislation, such as the Digital Millennium Copyright Act in the United States. It has not solved their problems nor will Bill C-32 solve ours. Rather their people have had to endure the injustice and negative consequences of that ill conceived legislation. What is the point of legislation that doesn't work on the one hand, and causes hardship on the other? There will be no real benefit to Canadians

from Bill C-32 because it adopts a draconian approach.

Work

Curators, politicians, journalists, teachers, archivists, academics, police, artists, broadcasters, programmers, librarians, researchers, repair technicians, system administrators, and many more Canadian professionals all have work to do that is affected by copyright. They need broad and generous access to tools and information to allow them to work, including the right to circumvent digital locks and replicate files where needed. Omnipotent digital locks are a mistake. Such people need Fair Dealing provisions in order to legally access files of many kinds. Their real needs are being ignored by legislators to prop up foreign transnationals.

## Lifespan

Our libraries and archives contain books and manuscripts created centuries ago. We can reasonably expect that the lifespan of digital culture will also extend for centuries and that managing these materials will require flexible file management methodologies. Increasingly, our information is becoming largely digital and we must take steps today to protect our future history. This means being able to make backup copies, convert files to different formats and media, time and region shift files, maintain private libraries and so on. Open data formats are preferable, but if data is locked away in proprietary file formats and protected by omnipotent digital locks, then the data is as good as lost to history.

When current hardware is replaced by future technologies how will old data be readily accessed? Merely forty years ago, the standard for digital storage was large reels of nine track tapes. Finding such tape players today a mere four decades later is already difficult. What of another forty years? It is a certainty that companies and hardware will disappear and be replaced by others. Our great-grandchildren have a right to view our DVDs and watch our home videos.

We have to ask who owns our data and who will own it in the future. At present, certain companies are claiming that since their clients data is stored in proprietary file formats, which can only be legally accessed by using their software, that they have virtual ownership of the data. Of course, omnipotent digital locks on those files and formats will only strengthen their case. How absurd! My data belongs to me - not a series of third parties. Omnipotent digital locks are a big step in the wrong direction and will be abused and ignored by honest Canadians needing to use their information.

If digital locks are a bad idea, omnipotent digital locks are even worse. Canadians require a right to circumvent digital locks in order to manage their purchased property and maintain private libraries of many kinds of works including radio and television broadcast recordings. Enforcing live broadcast models developed fifty years ago is turning our backs upon the expanded capabilities new technologies provide us.

For example, while Canadian legislators are trying to figure out ways to restrict the use of digital radio and television programs through the use of broadcast flags, foreign networks such as Al Jazeera, are deliberately using Creative Commons licencing to allow anyone to view, reuse, copy, distribute, transmit and remix their content. And major North American networks are using it, in complete contradiction of their own policies, cross licencing schemes and Bill C-32. It is ironic that Middle East organizations are more progressively minded than we here in Canada. Even as we watch people in that region demand more democracy, Bill C-32 will provide us here in Canada with less. This is not progress.

## Creativity

Creativity thrives when there is free access to common culture and the federation of ideas. Where there is no commercial activity involved, copyright should not intrude upon and restrict creative free speech. Such limits impose a chill on creativity. For example, Randy Bachman, and his wife Denise, produce a great CBC radio show called Vinyl Tap. The show features popular music from the 40's, 50's, 60's, 70's and 80's combined with great musicology, analysis, instruction and entertaining back stories. Yet this show can only be broadcast because of the age of the recordings and the difficulty of locating all the necessary rights holders, their descendants, and so on. Many people with an interest in the popular music of this period would

love to have a private library of these shows for personal use and study because they are so illuminating and knowledgeable. The recordings will always be available, but the Bachmans' contribution will be buried in a vault. This show is a cultural treasure chest that is being lost forever because of copyright. We need to expand not restrict the ability of Canadians to build upon the work of others - like Newton.

This idea extends to many fields. For example, reverse engineering and tinkering have long been the pursuit of innovators, inventors and programmers. Our market places are full of similar products, the result of analyzing, studying, adapting, repurposing and improving upon competing products. Anti-circumvention legislation will interfere with this sort of creative activity, yet another negative consequence of this poorly conceived legislation at a time when digital technology is embedded in an ever increasing and bewildering number of products across any number of fields. Bill C-32 will limit our ability to compete.

### Privacy and anonymity

For centuries, people the world over have enjoyed the right to communicate without oversight. In Canada, no government agency or police force can open my private mail without a search warrant. Yet proposals to electronically monitor the Internet will proceed without any requirement of legal oversight. This is a horrendous trespass upon the privacy of Canadians and their constitutional right against unreasonable search and seizure. Once again we see how digital technology is being discriminated against, abused and demoted to second class status. Nor can this strategy possibly be successful. Anonymous downloading is always possible at any Internet cafe. Violating the privacy of ISPs and their clients will not solve the problem.

And consider the position of minorities such as the GLBT community. These citizens can no longer continue to use email, chat rooms, or forums to communicate openly and confidently with their peers. Monitoring imposes a chill upon communications because it violates basic privacy rights and forces citizens to self-censor their dialogue.

The fact that this is done electronically makes no difference. People design, configure and monitor these systems. The millions of files monitoring will create are reminiscent of the East German Stasi. The result is that many Canadians will curtail their communications rather than exercise their right to free speech. But most importantly those with something to hide will employ other means to communicate - such as encrypting attachments to their emails, or not using the Internet. The only real achievements of C-32 will be unintended, negative consequences - the loss of real civil liberties and true freedom of speech.

### Education

Bill C-32 proposes a new, complicated collection of rules to regulate the use of digital materials in education. Allowing some materials to be used and not others is a form of passive censorship. Most institutions today are cash strapped and have to pay attention to their copyright budgets and not use all the materials they would wish. Omnipotent digital locks will further restrict what materials can be used. The result will be an inferior quality of education. Educators and students should have carte blanche with respect the materials they can use for educational purposes. We should arm our educators with the best information available. Our children deserve no less.

In conclusion, I have made the following points in this submission:

1. Bill C-32 will restrict our civil liberties and fail to achieve its goals.
2. Restricting the use of technology is a form of political oppression.
3. We must revise our understandings of intellectual property to include all stakeholders - citizens, companies and creators.
4. We should not be seeking to restrict people's ability to replicate information, but be trying to ensure that creators are adequately and fairly remunerated in a mixed information ecology where some things are purchased and some things are shared.
5. Copyright in its historical sense is permanently broken. The variety and ubiquity of replication technologies means that copyright is no longer useful nor viable.
6. Creativity can function perfectly well without copyright. The fashion, automobile, furniture and food industries are examples of this.
7. We must try and see the bigger picture regarding human ingenuity rather than letting ourselves get bogged down in detail and precedent. Protecting the past will prevent us from forging new relationships with our digital future.
8. Sharing purchased property with others is a defacto right, practised for centuries, an extension of freedom of speech and the right to share ideas. Bill C-32 seeks to destroy that right. The right to share (on a limited scale) must be protected from the excessive restrictions of omnipotent digital locks. The loss of the ability to share and exchange ideas with our friends and neighbours is a massive loss of civil liberties that will fracture our society and isolate us intellectually.
9. CD sales are in decline, as 78s, 45s, LPs, cassette, eight-track, VHS and Betamax tapes have all declined in sales when they were replaced by newer media. Today, CDs and DVDs are being replaced by purchased downloads from such on-line vendors as iTunes and Amazon. Music industry profits are constant. There is no new crisis in the music industry.
10. Control over the means of replication has shifted from companies and factories to consumers and purchased files. By authorizing omnipotent digital locks, Bill C-32 will impose severe restrictions on the ability to replicate and manage digital property. We need a new category of Fair Dealing called Personal Use to offset these restrictions and permit Canadians to share with their friends and neighbours and use their property in contemporary and convenient fashions.
11. Digital locks are a bad idea. Omnipotent digital locks even worse if they trump Fair Dealing.
12. Canadians in many professions work with copyrighted, digital materials. As such they need broad and generous access to tools and information to allow them to do their work, circumventing digital locks and replicating files as needed.
13. We can expect digital information to last for centuries and need to protect our future history by ensuring our data can be properly managed. Proprietary file formats in conjunction with omnipotent digital locks present a serious problem for future information transparency. This problem extends to the ownership of data, with some vendors believing that they own users' data. When these companies disappear they will take their file formats with them and access to the data will be lost.
14. Creativity thrives when there is free access to common culture and the federation of ideas. Omnipotent digital locks will interfere with the legitimate exercise of free speech as well as the creative tinkering and reverse engineering of Canadian innovators.
15. Canadians have a constitutional right to privacy and freedom from unreasonable search and seizure. Electronically monitoring the Internet violates these rights. ISPs are common carriers and should not be transformed into peeping toms.
16. Educators and students should have carte blanche with respect to the materials they are allowed

to use for educational purposes.  
Thank You.