

From: Jason Millar  
Sent: January 26, 2011 11:21 AM  
To: ~Legislative Committee on Bill C-32/Comite législatif chargé du  
Cc: Dewar, Paul - M.P.  
Subject: Please do not overstep your mandate

I am a Ph.D. student at Queen's University, an Engineer, a musician, a writer, and hobby photographer. I have been tracking Canadian copyright reform for years. While working at the Office of the Privacy Commissioner I drafted notes for the commissioner regarding the previous government's bill C-60.

Although I am very happy to see that you have made progress in drafting C-32, specifically by adding detail to the fair dealings provisions, there are still some serious problems with it. More specifically:

- 1) Digital locks must not override fair dealings. A fair dealing ought to override a digital lock. Fair dealings are meant to provide people with a way of using copyrighted material despite it being copyrighted, and the current Anti-Circumvention drafting allows copyright holders to easily eradicate all of the fair dealings you painstakingly crafted. This makes no sense. A fair dealing is a fair dealing. Why let copyright holders determine which dealings are fair and which are not? This is especially problematic since digital locks have been abused in the US, and are too broadly defined there.
- 2) Based on previous consultations you do not have a mandate to extend copyrights. Please do not take it upon yourselves to do so where you have no mandate.
- 3) Fair dealings need to be better defined, particularly with respect to the term "education", which can be interpreted too narrowly. In my role as a university professor this is essential.

I hope you will be reasonable in this new digital age, and provide average Canadians with actual means to deal fairly with copyrighted material.

Regards,  
Jason Millar