

**From:** ROB MORROW

**Sent:** January 30, 2011 4:43 PM

**To:** ~Legislative Committee on Bill C-32/Comite législatif chargé du projet de loi C-32

**Subject:** Robert Morrow brief on Bill C-32

I would like to thank the Legislative Committee for their wise and generous invitation to the Canadian public to comment on Bill C-32.

I am concerned by Bill C-32's complete disregard of the views and daily practices of the Canadian public.

### FIGHTING TECHNOLOGY IS POINTLESS

The bill is clearly an attempt to suppress file sharing. But if technology exists so that people can do something, people will use it. Photocopiers exist: people make photocopies. CD recorders exist: people copy CDs. File sharing is possible over the Internet: people share files.

It is pointless to try to stop these useful social activities. People will continue as before, even if the activities are declared illegal. The United States and the countries of Europe have passed stern laws against file sharing: file sharing continues.

The passing of laws that will be universally ignored does nothing more than bring legislatures into deserved contempt.

### CASSETTE LEVIES WERE A SUCCESS, AND SHOULD SERVE AS A MODEL

When, many years ago, it became clear that cassettes could be used to make high quality recordings with minimal effort, the government of the day wisely did not attempt to outlaw cassette recorders. Instead, it imposed a modest levy on cassette tapes. People could continue to use the technology in an appropriate way, and revenue was channeled to the artists who created the music.

So the solution to the conflict between people's daily use of file-sharing and similar technologies is not far to seek: relatively modest levies on digital media and on high-speed internet service will preserve the Canadian people's freedom to use technology in an appropriate and useful way.

This is definitely compulsory licencing of copyrighted material, but if radio stations, for example, can broadcast commercial recordings, why should the general public not have similar rights?

It is unreasonable to complain about compulsory licencing, because government-mandated compulsory purchasing already exists in Canada on a massive scale. It is impossible to purchase cable or satellite services without being obliged to pay for a large number of mandatory channels. We have no choice: we must purchase these extra channels, and their 20 minutes per hour of commercials, whether we want to or not, and pay for programming, whether or not it interests us. Similarly, our governments give large grants to film and television production companies, and to authors and publishers, to produce and distribute original works. Individual

Canadians have no ability to protest this: our tax dollars are spent in this way, whether we like it or not. And the works produced do not belong to us, although we largely paid for them: they belong to their creators, even if it was our dollars that allowed the works to be created. If we are forced to purchase works, it seems reasonable to compel creators to licence them, especially since the objective is to provide income to the creators.

So the obvious solution is to extend the current system of media levies, and to allow Canadians to continue to explore the uses of technology in reproducing original works, and in creating new works on the basis of others.

So I support the extension of levies not just to audio files, but to all types of files, notably video.

It is important to note that this levy would make file copying and sharing entirely legal. Bypassing digital locks would under no circumstances be illegal; in fact, the inclusion of digital locks would be of dubious legality.

To take an extreme example, regional coding of DVDs and Blu-Ray discs prevents Canadians from playing discs legitimately acquired from outside Canada. This is against the interest of Canadians, and should be treated as what it is: blatantly anticompetitive behaviour by international cartels.

If instead of this, Parliament attempts to suppress file-sharing and similar technologies, this attempt will certainly fail. But the creators of the original works will be deprived of revenue that could easily be provided to them, and Parliament will fall into disrepute, for passing a law that is contrary to the will of the people, and completely unenforceable.

Thank you for providing myself and my fellow citizens the opportunity to comment on Bill C-32.

Sincerely yours,

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