

# Copyright Consultation Made Easy

- A Simple Submission Guide -

BROUGHT TO YOU BY THE VANCOUVER FAIR COPYRIGHT COALITION

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## I. Introduction

**C**opyright is everywhere. It affects you every day. Every song you hear, every book you read, every picture you see and every computer program you use is subject to copyright law.

**L**ast year, Canadians across the country rose up in protest when our government proposed to change copyright in ways that many found harmful and unfair. Due to mounting opposition, the proposed law (Bill C-61) was delayed and ultimately dropped. The government promises to once again introduce a new copyright law. This time we can help them get it right.

**F**rom now until **September 13<sup>th</sup>, 2009**, the Government of Canada will be holding a consultation on copyright. In just minutes, you can tell the government what matters most to you. Detailed submissions are great, but you don't have to be an expert to be heard. Simply follow our step by step guide! When you are done, please share this guide with others who may be concerned. Thank you.

This guide only covers some of the issues with copyright: for more information or to learn about the Vancouver Fair Copyright Coalition, visit [www.faircopy.ca](http://www.faircopy.ca).

You can find news about the consultation, analysis of the submissions and proposals for a fair law at [www.speakoutoncopyright.ca](http://www.speakoutoncopyright.ca).

The government has set up an official web site for the consultation, including statements by the Ministers of Industry and Heritage, and a forum for discussion. You can find it at [copyrightconsultation.ca](http://copyrightconsultation.ca).

## II. Step by Step Guide

**Step 1** Introduce yourself. Tell them who you are and why you care. For example:

- “I am a film extra/software developer/television production technician. My business/industry/livelihood relies on copyright/innovation/creativity.”
- “I am a student/teacher. Copyright restricts what learning materials I have access to, and contributes to the costs of my education.”
- “I love music/movies/books. I buy CDs/MP3s/DVDs/books/go to the movies.”

**Step 2** Choose several points and write about them in your own words. **Try not to copy and paste!** Individual voices are stronger and more likely to be heard.

- Do you want to **control your own technology**? Should the manufacturer be able to forbid unlocking your cell phone? Copying a CD to your MP3 player? Watching a foreign DVD? Circumventing digital locks should be permitted for legitimate purposes. Circumvention technology should not be banned.
- Should **artists have the freedom to explore and build** on other works? Fair Dealing needs to be flexible and permit remix, parody, satire and other transformative uses. Copyright terms should not be extended. Contract law must not trump fair dealing.
- Should **students and teachers be able to study** our culture and ideas without paying huge access fees? Critique and study should not require permission. Fair dealing should permit any education use, including in the classroom.
- Should you **lose your Internet access** when accused of copyright infringement, without a way to ask for proof or appeal? Oppose the “three-strikes” policy and insist on legitimate legal process before punishment.
- Should you **lose your privacy** to spying by your Internet provider? Should speech be censored based on unproven accusations? Support notice-and-notice instead of notice-and-takedown. ISPs should not be liable for the actions of their users.
- Should ordinary people be **bankrupted by huge fines** for copying? The law should differentiate commercial infringement from non-commercial activity.
- Do you think the law should be **simple and easy to understand**?

**Step 3** Sign your email and provide your address.

**Step 4** Email your submission to [info@copyrightconsultation.gc.ca](mailto:info@copyrightconsultation.gc.ca) by **September 13<sup>th</sup>, 2009**. Please email us a copy at [submissions@faircopy.ca](mailto:submissions@faircopy.ca).

### III. Sample Submissions

The following examples show what a submission might look like. They deliberately use simple explanations to show that a submission does not have to be long - but the longer the better. The more you personalize and detail your submission, the more seriously the government will consider your views.

*As an artist who relies on the sale of my work for my livelihood, copyright is very important to me. However, I am extremely concerned that any changes to copyright law truly benefit artists and creativity. We have seen that draconian laws passed in the U.S. and elsewhere have failed to stop infringement. But those laws can limit the ability of artists to create. All artists use existing works for inspiration and source material. The "fair dealing" provisions of Canadian law should be broadened to ensure that creative artistic activity and remixing is permitted. We must also ensure that due process applies to any measures to stop infringement, and that these measures are not used for censorship. Specifically, three-strikes and notice-and-takedown proposals are bad.*

*Notice-and-notice is preferable.*

*- J. Shen, Surrey, BC*

*I love music. I buy many MP3s online. The law should not make it illegal for me to listen to music I have paid for. It should not be illegal to circumvent digital locks for legitimate purposes, and the technology for doing this should not be banned. I am also a student with a high student debt. Education is essential for Canadian innovation and competitiveness. Every year I pay a lot in copyright license fees for photocopied course materials. I believe fair dealing should be expanded to make educational use legal without imposing high costs.*

*- J. Smith, Chilliwack, BC*

*The political party I work for is increasingly using the Internet to distribute campaign materials. I am worried that this new copyright law could be used to censor us. In the election in the U.S., John McCain had a campaign ad pulled from YouTube because of an unfounded copyright complaint. We need to make sure copyright can't be used for censorship without proof that the law is being broken. I am also concerned about the astronomical penalties - over a million dollars! - in some U.S. cases. I teach my kids to respect the law, but I know their friends share music. Even if they do listen to me, what about when my daughter copies a CD to her iPod or her computer? Could our finances be ruined because of a few songs? This law needs to make sense to ordinary people.*

*- J. Singh, Vancouver, BC*

## IV. Glossary

**Digital Locks:** Your cell phone, your computer, your iPod and other such devices contain digital locks (also called DRM). These locks are owned by the manufacturer and they dictate how you can use your technology. They can impose arbitrary rules preventing you from switching cell phone providers, watching films you paid for, or making artistic use of material that is not under copyright. Bill C-61 would have made it illegal to circumvent these digital locks on technology you own.

**Fair Dealing:** Fair Dealing provides exemptions to copyright, for private study, review, criticism, news reporting and research. Broader exemptions in the U.S. allow for classroom use, parody, satire and transformative creativity. Even Jon Stewart's Daily Show could be illegal if produced here. All artists learn by imitation and build on existing material and ideas, creating new works by borrowing and transforming. Classic Disney films, like Sleeping Beauty were based on old fairy tales. Blues and hip-hop music were invented by musicians borrowing tunes and samples from each other. More flexible fair dealing could enhance education and enable valuable creativity.

**Education:** Teachers must get permission before using film, TV, etc. in the classroom. Copyright fees are as high as 25¢ a page. Bill C-61 allowed teachers to use materials without permission, so long as all copies of lessons containing materials were destroyed after a course ended.

**Three Strikes:** Big media is pushing for measures that will cut off Internet access to people they accused three times of copyright infringement. Without any proof or due process, this could deny people of a basic communication tool they need for their education and livelihood - or to participate in this consultation.

**ISP Liability:** ISPs often choose to ban legitimate creativity and speech rather than take the risk of being sued for the actions of users. The new law may exempt them if they take action when notified of infringement by a user. Under notice-and-takedown, they must take material off-line - without proof that it is infringing. In the U.S. this has been used for censorship.

**Copyright Term:** For most works in Canada copyright lasts for life+50 years. Then a work enters the public domain and can be used by artists and others. Shorter terms benefit the public and enable further creativity.

**Lawsuits:** In the U.S., casual file sharers have been hit with penalties as high as \$1.9 million for sharing 24 songs, with no proof of any harm to profits. Penalties originally designed for publishers are now being used against children. Excessive penalties wreck lives while diminishing respect for copyright itself.