

Vancouver Fair Copyright Coalition

Copyright Consultation Made Easy

- A Simple Submission Guide -

I. Introduction

II. Step by Step Guide - Look here to get started right away.

III. Sample Submissions

IV. Glossary

I. Introduction

Copyright is everywhere. Every song you hear, every book you read, every picture you see and every computer program you use is subject to copyright law.

Last year, Canadians across the country rose up in protest when our government threatened 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 will once again introduce a new copyright law, but this time we have a chance to help them get it right.

From now until **September 13th, 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!

For more information or to learn about the Vancouver Fair Copyright Coalition, please visit www.faircopy.ca.

You can find news about the consultation, analysis of the submissions and proposals for a fair law at 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.

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 of your own technology**? Unlock your cell phone? Use your MP3 player? Watch a foreign movie? Ability to circumvent digital locks and obtain circumvention technology are essential for consumers.
- Should students and teachers be able to **critique and study** our culture and ideas without paying huge access fees? Should artists have the **freedom to explore and build** on other works? Fair Dealing needs to be broad and flexible to encourage learning as well as remix, parody, satire and other transformative uses. Shorter copyright terms can also help.
- Should you **lose your Internet access** when accused of copyright infringement, without a way to ask for proof or appeal? We must oppose the “three-strikes” policy and insist on legitimate legal process before punishment.
- Do you value your **privacy**? Should your Internet provider **spy on you without a warrant**? Should speech be censored based on unproven accusations? Support a notice-and-notice regime instead of notice-and-takedown. ISPs should not be held liable for the actions of their users.
- Should ordinary people be **bankrupted by huge fines** for private copying? The law should distinguish between commercial infringement and non-commercial activity.
- Do you think the law should be **simple and easy to understand**?
- Should technical professionals be allowed to make copies? A fair dealing exemption for **reverse engineering** is needed to allow Canadians engaged in research, testing and study to make private copies of copyrighted materials for purposes of developing, administering or implementing new technology.

- Should researchers be allowed examine security systems? A fair dealing exemption is needed for the **security testing** of technological hardware, software and content. Researchers also need to be able to publish their findings without repercussion.
- Do you think technologists should have easy access to the tools needed for their jobs? A fair dealing exemption that allows the creation, procurement and use of **technological tools** is needed to permit the circumvention of technological protections for legitimate purposes.
- Do you think the Internet should remain open and free? A fair dealing exemption is needed to ensure that developers can preserve **system interoperability** between diverse programs, platforms, file formats, and communication protocols and maintain Internet standards that are equally open to both proprietary and open source software. The Internet will work best when we treat all platforms, sites, content and applications equally.

Step 3 Sign your email and provide your address.

Step 4 Email your submission to info@copyrightconsultation.gc.ca by **September 13th, 2009**. You may also email us a copy via submissions@faircopy.ca.

Feel free to share this guide with others who may feel concerned.

III. Sample Submissions

The following are examples to show how a submission may 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 personal and detail your submission, the more seriously the government will consider your views.

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. The government had tried to make it illegal to circumvent these digital locks on technology you own.

Fair Dealing: All artists build on existing material and ideas. They learn through imitation. They create new things by borrowing and transforming. Disney's classic films, like *Sleeping Beauty*, were based on old fair tales. Jazz, blues, rap and hip-hop music were invented by musicians borrowing bits of tunes and samples from each other. Exemptions for such creativity are very narrow under Canadian law. Even Jon Stewart's *Daily Show* would likely be illegal if produced here, as Canada does not exempt parody or satire. Broader exemptions could enable valuable creativity without permitting copying that harms the profits of the original artist.

Three Strikes: Media corporations are 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 – even from participating in this consultation.

ISP Liability: When ISPs are liable for the actions of their users they often choose to ban legitimate creativity and speech rather than take the risk of being sued. The 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: Copyright for most works in Canada lasts for life+50 years. After that, a work enters the public domain and can be used by artists and others without restriction. Shorter terms benefit the public domain and enable further creativity.