

Critics call copyright bill 'half baked'

BY SARAH SCHMIDT AND BAL BRACH , CANWEST NEWS SERVICE NOVEMBER 10, 2008



Canada's Industry Minister Jim Prentice speaks during a news conference on the tabling new copyright legislation, in the foyer of the House of Commons on Parliament Hill in Ottawa June 12, 2008.

Photograph by: Reuters/Chris Wattie, Canwest News Service

through widely used personal video recorders, there is a catch. The bill's anti-circumvention provisions mean that if broadcasters block the ability to digitally record certain shows through digital flags, consumers would not be able to get around that lock legally.

"This bill balances the right of creators on one hand and consumers on the other," the minister added.

The Canadian Music Creators Coalition called the bill an "American-style approach to copyright."

"It's all locks and lawsuits," said CMCC member Safwan Javed.

"Rather than building a made-in-Canada proposal to help musicians get paid, the government has chosen to import American-style legislation that says the solution to the music industry's problems is suing our fans," added Javed, the Canadian drummer for rock band Wide Mouth Mason.

"The question is, who gains from this bill?" demanded Brendan Canning, co-founder of Broken Social Scene. "It's not musicians. . . These aren't the things that help us or our careers."

Prentice was set to table the legislation last December, but pulled it amid concerns the Canadian legislation too closely resembled the U.S. Digital Millennium Copyright Act, recognized as the toughest legislation worldwide. For example, the U.S. law makes all acts of circumvention an infringement unless subject to a specific exception.

Meanwhile, Internet service providers would get a reprieve in the new legislation, an area where Canada deviates from provisions under U.S. law.

The American legislation requires ISPs to block access to allegedly infringing material or remove it from their system when they receive a notification claiming infringement from a copyright holder or their agent.

The Entertainment Software Association of Canada lobbied the government for liability provisions to force ISPs to stop the download of infringing content and block pirated material from moving freely online using peer-to-peer technology.

But observers say an absence of a U.S.-style "notice and takedown" system under Canadian copyright law could be meaningless if

OTTAWA — Liberal critics are calling the federal government's new copyright legislation "half baked" and unclear, questioning how the government would enforce a \$500-fine for anyone caught downloading copyrighted files.

"Are we going to have cyber police now?" demanded Liberal heritage critic Denis Coderre. "How can you manage to enforce that?"

Instead, Coderre said, the government needs to find a way to ensure that content creators receive their fair share of profits in this digital age.

The proposed amendments tabled in the House of Commons Thursday would make it easier to prosecute people who download Internet material illegally. If the bill is approved, anyone caught downloading copyrighted files would be fined \$500.

Shortly after tabling the bill in the House of Commons Thursday, Industry Minister Jim Prentice said it would "improve the protection of cultural and intellectual property in Canada."

"This is a unique, made-in-Canada approach to copyright reform," Prentice told a news conference.

"This is truly a win-win for Canadian consumers who use digital technology and for everyone who creates material that becomes digitally accessible."

While the new bill has been updated from a previous version to make expressly legal the "time shifting" of television programs

Canada signs on to the proposed Anti-Counterfeiting Trade Agreement (ACTA), to be tabled next month at the G8 summit in Japan.

Details of the international deal, recently leaked on the Internet, could require ISPs to filter out pirated material, hand over the identities of customers accused of copyright infringement, and restrict the use of online privacy tools.

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