

Margaret E. I. Kipp  
University of Western Ontario  
<http://publish.uwo.ca/~mkipp/>  
mkipp@uwo.ca

# Canadian Copyright Law: Perceptions of Creators and Users

Connections 2005  
May 14-15  
McGill University

# Copyright in Canada

- legal construct to encourage reasonable payment for creativity/inventiveness
- attempt to balance rights of creators to their creation and free dissemination of knowledge
- term length: life + 50 years
- rights: reproduction, performance, publication, translation, adaptation, broadcasting
- fair dealing: exceptions to copyright for private study, research/education, criticism, review or summary

# Copyright and the Internet

- 1) easy to make multiple copies, piracy is rampant
  - P2P applications make rapid spread of material easy (e.g. Kazaa)
  - material can easily be spread once in digital form
- 2) opportunity to distributed work more cheaply and increase opportunities for compensation of creators
- **How can copyrighted work be protected when it is so easy to copy?**

# Copyright Reform and International Treaties

- World Trade Organization focus on trade in intellectual property including copyrighted material resulted in TRIPS
- Canada signed TRIPS -- still not implemented in copyright law
- Specific issues:
  - technological protection measures (anti circumvention devices)
  - ISP takedown provisions
  - tariffs (fee on blank cassettes and CDs)

# The Copyright Reform Process

- bring Canadian copyright law into compliance with TRIPS provisions:
  - technological protection measures
  - term length (increased to life + 70)
  - ISP takedown provisions
  - tariffs on blank media (e.g. CDs)
- government created draft copyright legislation and started a public consultation process in 2001

# The Study

- examine responses received by public consultation process
- 700 responses received from users, creators, businesses and non-profit organizations
- responses are posted on the government's website ([http://strategis.ic.gc.ca/epic/internet/incrp-prda.nsf/en/h\\_rp01105e.html](http://strategis.ic.gc.ca/epic/internet/incrp-prda.nsf/en/h_rp01105e.html))
- How do Canadians view their relationship to copyright?

# Methodology

- random sample of 55 responses
- content analysis of responses to determine:
  - self identification in a stakeholder group
  - general impressions of draft copyright law
  - opinion on the subject of 1) technological protection measures, 2) ISP notice and takedown schemes, 3) tariffs

# Self Assigned Groups

- User
- Creator
- User/Creator
- Computer Professional
- Linux/BSD user
- Technology Enthusiast
- Education Association
- Software Company
- Creator's Association
- Copyright Owner's Association
- Broadcaster's Association

# Positions

- overall: generally not in favour of draft (only the copyright owners and creators' collectives were in favour, some creators and all users were not in favour)
- TPMs: No (49), Yes (5), N/A (1)
- ISP takedown: No (3), Yes (3), N/A (49)
- tariffs: No (2), Yes (1), N/A (52)
- In general, the responses dealt only with the issue of TPMs especially its effects on fair dealing and computer science research

# Keywords

- Users: freedom of information, balance, freedom of expression, fair dealing, scientific research, users' rights, restrictions, fair compensation, privacy, interoperability
- Copyright Owners: protections, natural right, fair compensation, creators' rights, anti circumvention, control, piracy

# Quotes

The MPAA's position is essentially "Buy one of our licensed DVD players if you want to watch a DVD". Perhaps the next step is to require me to buy MPAA licensed popcorn.

-- Linux user

For example, if I go on holiday to Europe, I can neither expect to play DVDs I might take along on equipment belonging to friends there nor plan to bring home some European films and play them here. Even with DVDs I own, on equipment I or my friends own, I cannot play what I please.

-- Movie fan

Customers who have purchased a product, only to find that the company producing the product has gone out of business, should still have the ability and right to use the product they have legally purchased as they see fit.

-- Programmer

Margaret E. I. Kipp  
University of Western Ontario  
<http://publish.uwo.ca/~mkipp/>  
[mkipp@uwo.ca](mailto:mkipp@uwo.ca)

**Questions?**