



# Policy Laundering + Petition for Users' Rights!

OpenCity 2005: A Festival of Participatory Culture

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# Summary

- Discussion of "Policy Laundering", and where the majority of Bill C-60 really came from
- Discussion of one citizen response: the Petition for Users' Rights
- Over to you...

**Disclaimers: IANAL, TINLA**

**This is politics, so expect emotions...**



# Policy Laundering: "But Dad Said I could"

- 1994-95: USA National Information Infrastructure, and the new vision of Internet (Open infrastructure vs. Delivery mechanism for incumbents)
  - Bruce A. Lehman, Assistant Secretary and Commissioner of Patents and Trademarks: The Report of the Working Group on Intellectual Property Rights
  - NII Copyright Protection Act of 1995 - Did not pass!
- 1996: WIPO Copyright Treaty, WIPO Performances and Phonograms Treaty (they "asked Dad")
- 1998: USA DMCA passed, and came into force in 2000 (software developers arrested...)
- 2001: EU Copyright Directive (EUCD) 2001/29/EC
- 2005-2006: Canada Bill C-60?



# Petition for Users' Rights

**<http://digital-copyright.ca/petition/>**

- Authored as a peer produced project, coordinated by Chris Brand (Burnaby, BC)
- Articulates broad vision, not policy details.  
Aimed to get people to ask how anyone could oppose vision..
- Launched April 23, 2004 (WIPO Intellectual Property Day)
- As of the beginning of this week: 2111 signatures (770 tabled)
  - 187 tabled by Peter Julian (Burnaby--New Westminster) on April 7
  - 583 tabled by David McGuinty (Ottawa South) on May 6.



# Petition for Users' Rights

**<http://digital-copyright.ca/petition/>**

To the House of Commons in Parliament Assembled

We, the undersigned residents of Canada draw attention of the House to the following:

- THAT the Copyright Act is properly recognised as being a careful balance between the rights of creators and the rights of the public (including viewers, readers and listeners);
- THAT the Supreme Court of Canada unanimously affirmed this view in *CCH Canadian Ltd v Law Society of Upper Canada*;



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- THAT digital technologies have recently given copyright holders the ability to upset the balance in the Copyright Act by preventing Canadians from accessing works for purposes that have been legally granted to them;
- THAT the creation of original works is nourished by wide accessibility of earlier works, including a vibrant public domain;



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- THAT dissemination of cultural ideas requires that they be preserved in a form that is accessible to future generations; and
- THAT historically consultations regarding changes to the Copyright Act have mostly taken place with creators, intermediaries and only some special users (such as educators and librarians)



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- THEREFORE, your petitioners call upon Parliament to ensure generally that users are recognised as interested parties and are meaningfully consulted about proposed changes to the Copyright Act and to ensure in particular that any changes at least preserve all existing users' rights, including the right to use copyrighted materials under Fair Dealing and the right to make private copies of audio recordings.

We further call upon Parliament not to extend the term of copyright; and to recognise the right of citizens to personally control their own communication devices.





# Over to you...

What interests you?

- Discussing details of Bill C-60
  - DRM "remedies" - how does this compare to the DMCA?
  - 50+50+50?
  - Photography and "same copyright"?
  - Institutional exceptions - helping or harming?
- How do we get involved in International stage? WIPO Development Agenda, WSIS, etc...
- How to get more people informed about copyright?

**Have you and all you know signed the petition?**