



Copyright act changes both right and wrong

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On the cutting edge - Brian T. D. Bowman

WE live in a period of time that has been referred to as the information age. Information is available on the Internet in ways not dreamed of decades ago.

This past decade, the Canadian government set out and accomplished a commendable task -- to provide Internet access to every school in the nation.

Yet, providing access to the Internet does not necessarily mean providing access to information. That is because information is typically owned, or controlled, by someone else. And that information is now easy to collect, modify and disseminate over the Internet.

This reality is forcing lawmakers to respond with new laws to protect traditionally protected rights, such as copyright. That is why the Canadian government recently introduced Bill C-60, which is intended to amend the Copyright Act for the information age.

The government claims that the Bill will update the Copyright Act to meet the challenges and opportunities of the Internet. Unfortunately, certain provisions in the Bill do not strike a reasonable balance between the legitimate interests of creators and users of copyrighted materials.

The Bill introduces many substantive changes to the Copyright Act that had been demanded by large industry groups. For example, it includes provisions welcomed by the Canadian music recording industry, who sought new protections against music file sharing over the Internet. Essentially, the Bill makes it illegal to place a music file in a "shared folder" on your computer, to which other users of a file sharing program have access. If you are using file sharing programs to exchange music or other types of copyrighted materials over the Internet, you will have increased chances of violating the Copyright Act.

The Bill also introduces requirements for Internet service providers, or ISPs, to notify subscribers of alleged copyright infringements. Nonetheless, the Bill has been welcomed by the cable industry because it also exempts ISPs from copyright infringement where they are simply providing the means for users to transmit copyrighted materials. This makes sense.

But not all of the provisions in the Bill make sense. In fact, some of the provisions will frustrate the efforts of educational institutions to maximize the use of the Internet for valuable public purposes.

Educational institutions delivering online courses using copyrighted materials will, according to the Bill, be exempt from copyright infringement.

However, educational institutions can only rely on this exemption if they comply with several onerous conditions set out in the Bill.

For example, schools must ensure that any copies of the lesson are destroyed within 30 days after the course has ended. Measures must be taken to limit the use or reproduction of the lesson by students after the course has ended. Schools must also retain records for three years that identify the lesson, the dates on which it was placed on a tangible medium and when it was destroyed.

The Bill also frustrates the efforts of libraries, museums and archives to disseminate information over the Internet by requiring them to "take measures that can reasonably be expected to prevent the making of any reproduction of the copy other than a single printing, its communication, or its use for a period of seven days."

If information is power, then the Internet is one of the greatest vehicles for disseminating power to individuals in the information age. Institutions such as schools, libraries, museums and archives -- all of whom seek to serve the public interest by disseminating information for public good -- need to take full advantage of the power of the Internet. Yet, the Bill places obligations on these institutions that may ultimately stifle the dissemination of information.

The interests of large industry groups and creators of copyrighted materials have been better protected in the Bill. But individuals, and arguably the public good, may ultimately pay the price.

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