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C-32 Committee Submissions By Individual/Organization

(as of September 2011)

Individual/Organization	Recommended Changes
Julia Mackay	<ol style="list-style-type: none">1. Digital locks:<ol style="list-style-type: none">a. Link the act of circumvention to the infringementb. Remove ban on circumvention toolsc. Establish a TPM labelling provision
MapleMusic Grant Dexter, Chair, Canadian Independent Music Association	<ol style="list-style-type: none">1. Enablement provision should apply to services primarily operated to enable or induce infringement.2. Remove broadcasters exception – maintain s. 30.9(6)3. Statutory damages:<ol style="list-style-type: none">a. Current caps should apply where infringement is for the defendant's private purpose, however judges should have discretion to lower damages to zero by making private purposes a special case to which s.38.1 (3) appliesb. Remove exclusion of statutory damages for those that enable infringement4. Reproduction for private purposes:<ol style="list-style-type: none">a. Limit private copying to copies of content a person owns or has a license to useb. Limit private copying by individual for his/her purpose or for a member of his/her householdc. Permit circumvention of a copy control TPM of a sound recording that a person has purchased where circumvention doesn't undermine subscription or other agreed to use limitations5. Fixing signals and recording programs for later listening or viewing:<ol style="list-style-type: none">a. Limit copying to sources that are legalb. Limit copying by the individual to his/her purpose of for a member of their householdc. Ensure copies don't undermine subscription markets6. Ensure backup copies are only used for backup purposes

	<ul style="list-style-type: none"> 7. Network services and safe harbor: <ul style="list-style-type: none"> a. Limit the exception to innocent intermediaries by using Supreme Court language 8. Caching safe harbor: <ul style="list-style-type: none"> a. Limit exception to innocent intermediaries who do not enable infringement b. Condition the exception by requiring removal of infringing files from a cache if the provider knows it is infringing 9. Hosting safe harbor <ul style="list-style-type: none"> a. Limit exception to innocent providers who do not enable infringement b. Condition the exception by requiring removal of infringing files from a cache if the provider knows it is infringing 10. Require ISPs to adopt and reasonably implement a policy to prevent use of their services by repeat infringers, and condition safe harbor on this being done 11. Injunctions: <ul style="list-style-type: none"> a. Ensure rights holders are not prevented from seeking injunctions to stop infringements b. Permit courts to order blocking of pirate sites 12. Information location tool safe harbor: <ul style="list-style-type: none"> a. Limit exception to innocent search engines whose dealings with works are fair 13. Making available right: <ul style="list-style-type: none"> a. Add technical amendments to implement WIPO and ensure makers of sound recordings have an exclusive making available right
William McGrath	<ul style="list-style-type: none"> 1. Add fair dealing for personal use of purchased digital content including right to share on limited scale 2. Must be able to circumvent for lawful purposes 3. ISPs should not be liable for client actions 4. Should not be able to monitor Internet files without a court order
Russel McOrmond	<ul style="list-style-type: none"> 1. Anti-circumvention should be tied to infringing activities 2. Fair Dealing: <ul style="list-style-type: none"> a. Include multiple copies for classroom use – the rule should focus on students not institutions b. List should not be exhaustive c. Incorporate Supreme Court factors 3. Exempt private activities (device shifting, creation of mixed tapes etc.)

Don H. Meredith	<ol style="list-style-type: none"> 1. Eliminate fair dealing for education 2. Maintain collective licenses 3. Eliminate UGC exception 4. Eliminate exception for format shifting and private copying
Carl Michal	<ol style="list-style-type: none"> 1. Must be able to circumvent for lawful purposes 2. Must be able to use circumvention tools 3. Ideally, should prohibit use of digital locks
Jason Millar	<ol style="list-style-type: none"> 1. Digital locks should not trump fair dealing 2. Interpret fair dealing for education broadly 3. Copyrights should not be extended
Brendan Moore	<ol style="list-style-type: none"> 1. Must be able to circumvent for lawful activities 2. Fair dealing should not be an exhaustive list 3. Statutory damages: Need clear definition of “commercial infringement”
Heather Morrison	<ol style="list-style-type: none"> 1. Anti-circumvention should be tied to infringing activities 2. Must be able to circumvent for lawful purposes 3. Eliminate automatic copyright (without registration) 4. Eliminate Crown copyright; replace with open-access for Gov-funded work 5. Need shorter copyright periods (14 yrs with one extension which shouldn’t be automatic) 6. Make it possible to place work directly into public domain
Robert Morrow	<ol style="list-style-type: none"> 1. File sharing should not be prohibited – instead extend levies to digital media and high speed Internet service. Under this system, circumventing digital locks would not be illegal.
Dr. Meera Nair	<ol style="list-style-type: none"> 1. Eliminate Crown copyright 2. Maintain current copyright term 3. Revise moral rights – shift onus from creator to person wishing to use the creation 4. Digital locks should not trump fair dealing 5. Shouldn’t minimize right of Fair Dealing through licensing system

National Gallery of Canada	<ol style="list-style-type: none"> 1. The CARFAC/RAAV proposal to remove the effective date of June 7, 1988 for the exhibition right should not be supported 2. Resolve overlap between SAA and Copyright Act by either: <ol style="list-style-type: none"> a. Adding provision stating all matters relating to copyrights should be regulated by provision of Copyright Act, to the exclusion of any SAA application; or b. Removing the Exhibition Right from the Copyright Act (and it would be negotiated under the SAA).
Ryan Nicolson	<ol style="list-style-type: none"> 1. Link anti-circumvention to infringing purpose 2. Must be able to use circumvention tools 3. Fair dealing should not be an exhaustive list 4. Fair dealing should be expanded to include: reporting, time shifting, personal education and criticism i.e. whistle-blowing 5. Digital locks should not trump fair dealing 6. Should not maintain collective licenses for educational institutions 7. Copyright terms should be shortened 8. Minimize the ability of incumbent companies to rely on copyright for anti-competitive purposes i.e. i-phone locked by Rogers and Apple 9. Impose fines on parties who misrepresent copyright law to consumers i.e. CFL prohibits giving accounts of games without express permission (yet giving an account of the game is not a reproduction of the game) 10. Impose fines on parties who issue take down notices to ISPs who are not the copyright holders 11. Damages should be proportionate to scope of infringement 12. Eliminate levy system for media 13. Eliminate Crown copyright
Paul Nijjar	<ol style="list-style-type: none"> 1. Link anti-circumvention to infringement 2. Permit circumventing TPMs for accessing work 3. Eliminate s. 29.21 non-commercial UGC, especially clause c 4. Eliminate legal protection for TPMs 5. Eliminate ss. 41.13.3 and 30.62.c, which require security researchers to inform subjects of their research before conducting research 6. Section 41.12 should explicitly permit the redistribution, possession and use of TPMs that

	<p>permit interoperability, and these protections should be extended to media as well as program interoperability, so long as the use does not infringe copyright otherwise.</p>
James R. O’Hagan	<ol style="list-style-type: none"> 1. Eliminate fair dealing rights
Ole	<ol style="list-style-type: none"> 1. Extend levies to new copying devices including MP3 players 2. Remove broadcasters exception – maintain s. 30.9(6).
Alex Oren	<ol style="list-style-type: none"> 1. Digital locks should not trump fair dealing 2. Allow circumvention for lawful purposes
Art Ortenburger	<ol style="list-style-type: none"> 1. Link anti-circumvention to infringing purpose 2. Eliminate ban on circumvention tools 3. Exclude access controls from definition of TPM 4. Establish impartial review process to add new circumvention rights as necessary 5. Fair dealing should not be an exhaustive list 6. Add Supreme Court’s test for Fair Dealing 7. Copyright terms should not be extended 8. Eliminate Crown copyright 9. Eliminate limitation to private copying in s. 29.22(3) 10. Amend destruction requirement for backup copies in s. 29.24(3) from immediately to “if practical, immediately, otherwise immediately after the retrieval or restoration of a backup”
Outdoor Writers of Canada	<ol style="list-style-type: none"> 1. Eliminate fair dealing for education
Nancy Pardoe	<ol style="list-style-type: none"> 1. Fair dealing should not be an exhaustive list 2. Permit circumvention for non-infringing purpose 3. Delete s. 30.01(5) – destruction requirement for lesson material 4. Should not extend copying levy to other devices
Richard Payne	<ol style="list-style-type: none"> 1. Allow one backup copy of a digital work to be made, regardless of the format or whether an anti-circumvention measure has been employed in making the backup. 2. Allow a digital work to be copied to a digital player for personal, noncommercial use. 3. Should not limit format shifting 4. Delete s. 30.62(c) interoperability research notice requirement to limit anti-competitive behaviour

Carl Plesz	<ol style="list-style-type: none"> 1. Add labeling requirement for digital locks 2. Must be able to circumvent for lawful purposes 3. DRM should be banned 4. DRM should not promote anti-competitive behaviour by extending beyond content to technology i.e. cell phones 5. Should have to prove you are the copyright holder to initiate a take down notice
Professional Writers Association of Canada	<ol style="list-style-type: none"> 1. Use Berne 3 step test for fair dealing 2. Eliminate UGC exception 3. The one-size-fits-all approach to DRM should not be implemented; need individual solutions 4. Need higher statutory damages for corporate infringers 5. Resolve ambiguities in Bill surrounding new exceptions – don't leave it to courts 6. Add compensation provisions to ensure ISP liability – supports graduated response
Project Gutenberg	<ol style="list-style-type: none"> 1. Add "safe harbor" provision for works more than 75 years old where the life dates of the authors are unknown. 2. Do not permit copyright extensions
Provincial Resource Center for the Visually Impaired	<ol style="list-style-type: none"> 1. Render s. 32.1 technology and format neutral 2. Remove references to restoration of TPMs for legitimate means 3. Permit RMI to be altered to recognize the copyright ownership of alternate format producers 4. Clarify the jurisdiction, royalties and reporting requirements for alternate formats related to Collective Societies 5. Remove restrictions, royalties and regulations on sending copies of alternate formats outside Canada. Arrange for reciprocal agreements 6. Ensure that interlibrary loan and resource sharing has no restrictions for people with perceptual disabilities or agencies working on their behalf
Kevin Redick	<ol style="list-style-type: none"> 1. Digital locks should not trump fair dealing
Regroupement des artistes en arts visuels du Quebec	<ol style="list-style-type: none"> 1. Add an artists resale right (share of revenue from resale of their work during duration of copyright term)
Bernadette Renaud	<ol style="list-style-type: none"> 1. Eliminate fair dealing for education and for online materials

Retail Council of Canada	<ol style="list-style-type: none"> 1. Eliminate iPod tax 2. The allowance of parallel imports should not be limited to situation where there was an actual sale abroad 3. Canadian copyright owners should not be able to block parallel imports of a legitimate product made abroad by another copyright owner. Need to resolve ambiguity in terms of which copyright owner must provide 'authorization'. 4. Add exception for the performance of music for the sole purpose of demonstrating consumer electronic devices or selling CDs or DVDs 5. Should be able to circumvent for lawful purposes 6. Should not ban circumvention tools 7. Include exception that immunizes any commercial photo finisher acting in good faith who relies on the written representation that the customer has the right to request the reproduction.
Rosalind Ross	<ol style="list-style-type: none"> 1. Eliminate fair dealing for education
Laurel Russwurm	<ol style="list-style-type: none"> 1. Reduce copyright terms 2. Protect creators' right to share 3. Eliminate Crown copyright 4. Copyright should not be transferable to corporations; at minimum corporations should be limited to licensing copyright for a limited time 5. Digital locks should not fall under copyright jurisdiction 6. It should be illegal for digital locks to impede access to digital material in the public domain 7. All Canadian literature should be placed online 8. Need annual review of Bill C-32 9. Consumers should not have to circumvent digital locks; if locks are applied, the parties holding the keys must guarantee locks will be opened for lawful purposes
Stephen Salomons	<ol style="list-style-type: none"> 1. Should be able to circumvent for lawful purposes 2. Eliminate ban on circumvention tools 3. Identify qualified circumventers to enable those without technical expertise to exercise their rights 4. Remove lock requirements for digital lessons and inter-library loans 5. Establish an impartial review process for new circumvention rights 6. Extend encryption research exception to all research 7. Extend interoperability exception 8. Require rights holders to unlock locked content

	<p>where appropriate</p> <ol style="list-style-type: none"> 9. Establish exception for personal use 10. Establish exception for preservation of digital materials 11. Establish exception for obsolete or broken locks 12. Establish exception for court cases, laws, and government documents 13. Establish exception for public domain works 14. Remove lock requirements on time shifting, format shifting and backup copy provisions 15. Require businesses that use TPMs to include a prominent warning on packaging 16. Remove the destruction and lock requirements for lessons and inter-library loans
Alex Savulescu	<ol style="list-style-type: none"> 1. Allow circumvention for personal use i.e. region coded discs 2. Allow time-shifting without requiring recordings to be deleted later 3. Should not enable walled-garden approach for companies like Apple that dictate what consumers can do with their products
Kevin Schneider	<ol style="list-style-type: none"> 1. Should be able to circumvent for lawful purpose 2. Eliminate private copying levies 3. Copyright terms should have fixed term after publication i.e. 25 yrs. Afterwards, copyright holder would have option to file for an extension, otherwise it would go into public domain 4. Shorten Copyright terms 5. Need safe harbor protection for organizations that are not intentionally infringing copyright
Société des auteurs de radio, télévision et cinéma	<ol style="list-style-type: none"> 1. Extend levies to new media and devices 2. Eliminate exceptions for later viewing and format shifting 3. Eliminate UGC exception 4. Eliminate fair dealing for parody and satire 5. Eliminate fair dealing for education 6. Maintain collective rights societies 7. Allow Copyright Board to continue to set tariffs
Société québécoise de gestion collective des droits de reproduction (COPIBEC)	<ol style="list-style-type: none"> 1. Eliminate fair dealing for education 2. Eliminate UGC exception 3. Eliminate private reproduction exceptions 4. Need higher statutory damages 5. Need to maintain collective societies 6. Apply Berne test for exceptions

<p>Society of Composers Authors and Music Publishers of Canada (SOCAN)</p>	<ol style="list-style-type: none"> 1. Exceptions should not be permitted if carried out with motive of gain, and, therefore, section 29.3 of the <i>Copyright Act</i> should be amended to apply to Bill C-32. 2. Eliminate wholesale exceptions. Any exceptions should be special cases according to Article 10 of the WIPO Treaty. 3. Eliminate fair dealing for education 4. Eliminate fair dealing for parody and satire. 5. Apply Berne test for exceptions 6. If parody and satire are included, Bill must be amended to ensure new exceptions do not facilitate infringement of moral rights. 7. Update Bill to cover new and future private copying technologies 8. Clarify measures against enablers of copyright infringement. Wording “designed primarily” is problematic. 9. Sanctions against enablers should be the same as those against infringers 10. Add requirement that ISPs and network service providers fully comply with “notice and notice” provision to benefit from safe harbor 11. Delete Subsection 2.4(1)(b) provision of the <i>Copyright Act</i> because it is redundant, potentially confusing and could result in litigation. 12. Safe harbor should not apply unless an ISP can prove it had no knowledge that copyright infringement was occurring on its network service. 13. Add provision stating that failure to establish lack of knowledge of copyright infringement, to comply with a notice of copyright infringement or a request to take down the copyright infringing material, may constitute authorization of such infringement, and result in the ISP bearing joint and several liability with the copyright infringer and/or enabler. 14. Amend s. 47 to require ISPs to retain records related to a claimed infringement for minimum 5 years from the date the notice of claimed infringement is received 15. Add measures that limit an infringer’s internet connection speed or capacity or that block access to particular material or sites 16. Review provisions regarding ISPs and other providers of network services or information location tools every 3 years
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	<ol style="list-style-type: none"> 17. Maintain collective licensing system; should not have exceptions in areas already administered by collective societies 18. SOCAN supports the submissions of the Canadian Music Publishers Association and SODRAC 19. If commercial entities like Google and YouTube enable individuals to post UGC that contains copyright protected works, they must be held responsible for infringement if they directly or indirectly benefit from that dissemination. 20. SOCAN supports the amendments proposed by the Canadian Private Copying Collective (the CPCC) with respect to the principle of technological neutrality. 21. Maintain role of Copyright Board in settling copyright royalties
Daniel AJ Sokolov	<ol style="list-style-type: none"> 1. Should be able to circumvent for lawful purposes 2. Eliminate ban on circumvention tools 3. Lower statutory damages for non-commercial infringement to maximum \$1,000 4. Statutory damages should be reviewed every 5 years to increase/decrease by same degree as prices for copyrighted work copies 5. Eliminate ban on services such as Bit-torrent trackers
Steven Splint	<ol style="list-style-type: none"> 1. Should be able to circumvent for lawful purposes 2. Should not ban circumvention tools 3. Digital locks should not trump fair dealing for education 4. Anti-competitive behaviour i.e. vendor lock in through digital locks should not be permitted/needs to be regulated
Jeffrey Streifling	<ol style="list-style-type: none"> 1. Limit TPMs to the first 20 years of the life of a work
Brad Struble	<ol style="list-style-type: none"> 1. Link the prohibition of circumvention to infringement 2. Eliminate ban on circumvention tools 3. Allow qualified circumventers to facilitate legal circumventions 4. Remove explicit anti-circumvention provisions in new exceptions 5. Drop the destruction requirement and lock requirement for lessons and inter-library loans 6. Add an impartial review process to establish new circumvention rights 7. Generalize the encryption research exceptions to all

	<p>research; drop the notice requirement</p> <p>8. Remove the requirement not to unduly impair the TPM from the personal and perceptual disabilities exceptions</p> <p>9. Expand the interoperability exceptions to cover interoperability of all works with devices or technologies</p> <p>10. Add a positive obligation to facilitate circumvention for legal purposes</p> <p>11. Exclude access controls that are unrelated to preventing infringement</p> <p>12. Add exception for circumvention for personal use, for archival purposes and for purposes of protection of minors</p> <p>13. Add exception for filtering software</p> <p>14. Add exception for circumvention of obsolete or malfunctioning technological protection measures</p> <p>15. Add exception for access to government or court documents</p> <p>16. Add exception for works that are substantially in the public domain</p> <p>17. Add labelling requirement to disclose TPMs on consumer goods</p>
Gordon Taylor	<ol style="list-style-type: none"> 1. Should not extend copyright terms 2. Reduce copyright terms (life + 25 years) with a 25 year extension
Tom Trottier	<ol style="list-style-type: none"> 1. Reduce copyright terms (life + 22 years) or maximum 50 years after creation if author's death date is unknown 2. Private copying activities should be permitted 3. Allow copying for archival and educational purposes
Trevor Tye	<ol style="list-style-type: none"> 1. Digital locks should not trump fair dealing 2. Should have right to circumvent for lawful purposes
Council of Ministers of Education Canada	<ol style="list-style-type: none"> 1. Expand fair dealing to include multiple copies for classroom use 2. Delete s. 30.01(5) – destruction requirement for lesson material 3. Delete “course-pack provision” in ss. 30.02, 30.03 4. Must be able to circumvent for lawful purposes 5. Digital locks should not trump fair dealing for education 6. Must be able to use circumvention tools 7. Must be able to use circumvention services 8. Print and perceptually disabled:

	<ul style="list-style-type: none"> a. Need to permit circumvention for print and perceptually disabled (service, device etc.) b. Delete “commercially available” condition in s. 32(3) exception for print and perceptually disabled c. Render s. 32 technologically neutral d. Provide that no royalties are payable for sending a copy of special-format materials for a person with a print disability in another country <p>9. RMI:</p> <ul style="list-style-type: none"> a. Definition of RMI should be limited to information provided by copyright owner or holder b. Removal or alteration of RMI should not be subject to remedies where information interferes unreasonably with an authorized display or reproduction c. State that RMI may not be legally binding in Canada d. Copyright owner/holder should be made subject to the same remedies for knowingly making false or misleading statements in RMI (injunction, damages, accounts, delivery up etc.) <p>10. ISP liability:</p> <ul style="list-style-type: none"> a. Fees to be paid related to notices forwarded by ISPs at request of a rights holder be borne by the rights holder <p>11. Remedies:</p> <ul style="list-style-type: none"> a. No damages should be awarded against educational institutions, teachers, staff, students etc. who, in good faith, engage in fair use copying
James Cooper	<ul style="list-style-type: none"> 1. Copyright terms should be shorter (3-10 yrs) 2. Rights to derivative works should be revoked 3. Allow derivative works that add significant new value and creativity to be made without a license 4. Moral rights should be revoked 5. Add exception for reproduction for private purposes, and thus eliminate the need for the levies for private reproduction, the Fair Dealings exceptions for private study, and the proposed exceptions for time-shifting and format-shifting, and instead make exception for private reproduction in its entirety. 6. Remove levies for private reproduction 7. Do not give TPMs legal enforcement

	<ol style="list-style-type: none"> 8. Must be able to circumvent for lawful purposes 9. If an individual is incapable of disabling a TPM for a lawful purpose, the party that created it must remove it promptly at no cost to the individual 10. Failure to grant lawful access to material under TPM should be punished
Creators Copyright Coalition	<ol style="list-style-type: none"> 1. Extend private copying levies to new media and devices 2. Remove UGC exception 3. Apply Berne test to exceptions 4. Eliminate distinction between commercial and non-commercial infringement, and give courts discretion to reduce damages 5. Do not exempt copyright infringement enablers from statutory damages: delete proposed exemption 38.1(6)(d). 6. Implement graduated response or collaborative system in co-operation with ISPs that relies on educating infringers before more stringent measures are imposed (limiting speed/capacity, blocking access to sites etc.) 7. ISPs and intermediaries should lose immunity if they fail to act reasonably to deter copyright infringement 8. Strengthen licensing collectives 9. Maintain s. 30.9(6)
Joe Crouser	<ol style="list-style-type: none"> 1. Should be able to shift formats etc. for private purposes
Paul Cullum	<ol style="list-style-type: none"> 1. Should be able to circumvent for lawful purposes Digital locks should not trump fair dealings 2. Digital locks should not be given legal protection 3. Locks should not be permitted to restrict competition
Taylor Cutforth	<ol style="list-style-type: none"> 1. Digital locks should have internal expiration date. After expiry, they should unlock or become legal to break. 2. Shorten copyright terms 3. Should obtain revenue from those wishing to have longer locks on their digital properties
Mark Demeny	<ol style="list-style-type: none"> 1. Should be able to circumvent for lawful purposes Should not allow digital locks to restrain competition 2. Digital locks should not trump fair dealings

Cory Doctorow	<ol style="list-style-type: none"> 1. Should be able to circumvent for lawful purposes 2. Distributors should not have the right to place TPMs on works
Documentary Organization of Canada	<ol style="list-style-type: none"> 1. Reinstate public performance royalties provisions 2. Educational institutions should not be able to use publicly available material from Internet without obtaining a public performance license 3. Amend fair dealing for education by requiring due diligence and enforcement mechanisms provisions 4. Digital locks should not trump fair dealings 5. Should not ban circumvention tools 6. Should be able to circumvent for lawful purposes
Bruce Elrick	<ol style="list-style-type: none"> 1. Digital locks should not trump fair dealings 2. Should be able to circumvent for lawful purposes 3. Supports proposals by Michael Geist
Entertainment Software Association of Canada	<ol style="list-style-type: none"> 1. Interoperability exception should be restricted to the act of circumvention – should not apply to trafficking devices and offering services 2. Interoperability exception should not apply if the computer program made interoperable is an infringing copy 3. Amend enabling infringement provision to ensure that it applies to services “designed or operated” primarily to enable infringement 4. Clarify that enabling provision applies to hosting and caching services and that copyright holders can elect to obtain the full range of legal remedies including statutory damages 5. UGC: <ol style="list-style-type: none"> a. Narrow exception for UGG b. Apply secondary infringement standard, and use and dissemination should only be permitted when it does not prejudicially affect the copyright owner 6. Fair dealing: <ol style="list-style-type: none"> a. Limit factors such as “fairness” factors under fair dealing b. Add a requirement that the new work should be “transformative” 7. Private purposes exceptions: <ol style="list-style-type: none"> a. Narrow private copying by defining “private purpose” to restrict methods of transfer (selling, leasing, renting, lending etc.) b. Eliminate backup copying exception 8. Statutory damages: <ol style="list-style-type: none"> a. Eliminate distinction between commercial and

	<p>non-commercial tiers. Place emphasis on factors courts consider to determine award.</p> <ul style="list-style-type: none"> b. If there is a cap, it should only apply to individuals who infringe for personal purposes c. Apply the damage award on a per infringement basis
Canadian Association of Research Libraries	<ol style="list-style-type: none"> 1. Statutory damages: Limit legal penalties for a library, archive, museum or educational institution, or a staff member or student in such an institution, who reasonably believes that the use of a work is in compliance with copyright law, and discovers after the fact that they have unintentionally infringed. 2. Should be able to circumvent for lawful purposes 3. Digital locks should not trump fair dealings 4. Interlibrary loans: Should be able to use the digital copy for an unlimited period, rather than just for five days from first use 5. Persons with print disabilities: libraries and educational institutions must be able to convert work into large-print books 6. Allow libraries to circumvent for preservation purposes 7. State that particular exceptions are not intended to limit fair dealings rights
Canadian Association of University Teachers	<ol style="list-style-type: none"> 1. Should be able to circumvent for lawful purposes 2. Should be able to use circumvention tools 3. Digital locks should not trump fair dealings 4. Fair dealing should not be an exhaustive list 5. Remove destruction requirements for digitally loaned copies of distance learning materials 6. Limit statutory damages to instances of commercial infringement
Canadian Bar Association (CBA)	<p>In lieu of specific recommendations, the Working Group identified potential issues with each provision:</p> <ol style="list-style-type: none"> 1. The Act should include provisions concerning the circumvention of TPMs in order to ratify the WIPO Internet Treaties 2. The scope of TPM exceptions merits close review to ensure they will operate as intended and are not unduly complex or under-inclusive 3. Clarify whether compensation is required for commercial use of a work that is the subject of a satire or parody 4. Clarify education exception and address internal inconsistencies within the Act <p>*Issues have not been included in chart below</p>

Canadian Civil Liberties Association	<ol style="list-style-type: none"> 1. Fair dealing should not be an exhaustive list 2. Clarify education exception to include multiple copies for classroom use 3. Educational institutions should be immunized from statutory damages if acting in good faith 4. Eliminate s. 30.04 exception for educational institutions using publicly available material on the Internet 5. Digital Locks should not trump fair dealings 6. Should be able to circumvent for lawful purposes 7. Should be able to use circumvention tools/services 8. Perceptual disabilities – amend s. 41.16 by removing the word “unduly” 9. Privacy - persons must be permitted to take steps, provide services, or make or import and sell products primarily intended for the protection of personal information. 10. Limit Crown copyright - add a provision that would state that any Crown copyright in Right of Canada in respect of enactments and consolidations of enactments of the Government of Canada, and decisions and reasons for decisions of federally-constituted courts and administrative tribunals, is limited solely to ensuring accuracy and the use of disclaimer of official status.
Canadian Council of Archives	<ol style="list-style-type: none"> 1. Archival issues: <ol style="list-style-type: none"> a. Should not amend law so that photographer is uniformly the copyright owner are the same b. Should not make the term of copyright protection for photographs longer c. Need to be able to make “orphan works” available online despite not knowing name and

	<p>year of death of creator</p> <ol style="list-style-type: none"> 2. Should be able to circumvent for lawful purposes 3. Must be able to use circumvention tools/services 4. Only an injunction should be available against an archive that circumvents a TPM and has reasonable grounds to believe that their circumvention was not prohibited. 5. RMI: <ol style="list-style-type: none"> a. The removal or alteration of RMI should not be subject to remedies where the information interferes unreasonably with an authorized display reproduction b. Clarify that RMI may not be legally binding in Canada c. The definition of RMI should include only information provided by the copyright owner or holder 6. The copyright owner or holder should be made subject to the same remedies (injunction, damages, accounts, delivery up and otherwise that are or may be conferred by law) for knowingly making false or misleading statements in electronic form. 7. Archives acting as service providers need legal protection similar to that already given under the law to “common carriers,” such as telephone companies, for infringements committed by their subscribers.
<p>Canadian Federation for the Humanities and Social Sciences</p>	<ol style="list-style-type: none"> 1. Fair dealing should not be an exhaustive list 2. Should be able to circumvent for lawful purposes 3. Libraries, archives and museums should be allowed to retain intermediate copies for the purpose of maintenance 4. Libraries, archives and museums should be allowed to copy items licensed for individual use for the purpose of preservation 5. Constraints on interlibrary loans should be removed 6. Impairment of a TPM should be allowed to adapt works in any format or medium for persons with perceptual disabilities 7. Eliminate destruction requirement for course materials 8. Eliminate requirements for control and monitoring of digital teaching materials 9. Amend phrase ‘has a repographic reproduction license’ to ‘has an agreement with the relevant rights holder or has a digital reproduction license’

	<ol style="list-style-type: none"> 10. Private educational institutions and their associated libraries, archives and museums should be included within the definition of “educational institution” and “library, archive or museum” 11. State that private study involves ‘performing’ or otherwise displaying or using copies in presence of others 12. Include general research exception to anti-circumvention provisions 13. Anti-circumvention provisions should be accompanied by stipulations concerning feasibility of circumvention options 14. Need visibility of notices regarding TPMs 15. Eliminate Crown copyright
Canadian Federation of Musicians	<ol style="list-style-type: none"> 1. Incorporate Berne test in <i>Act</i> 2. A new private copying collective regime must be established to ensure royalties are adequately distributed 3. Eliminate UGC exception 4. Narrow and clarify reproduction for private purposes based on current royalty systems 5. Maintain s. 30.9(6) ephemeral recordings 6. Statutory damages – eliminate distinction between commercial and non-commercial infringement 7. Distributors should have the right to employ TPMs 8. ISP liability - Replace “notice and notice” system with Graduated Response system 9. Eliminate fair dealing for education, parody, satire
Canadian Federation of Students	<ol style="list-style-type: none"> 1. Fair dealing should not be an exhaustive list 2. Replace special exception for the digital delivery of education with an amendment to the definition of “premise” of an educational institution 3. Remove exceptions for digital licensing and the use of Internet materials in educational institutions 4. Remove requirement that libraries, archives and museums place TPMs on materials loaned in a digital fashion 5. Digital Locks: <ol style="list-style-type: none"> a. Should be able to circumvent for lawful purposes b. Eliminate ban on circumvention tools/services c. Restrict application of TPMs - include a prohibition on applying a TPM to a work that would hinder its non-infringing use, or hinder the free use of a work on which copyright has ceased to subsist d. Include obligation for rights holders to facilitate

	circumvention
Canadian Home and School Federation	<ol style="list-style-type: none"> 1. Fair Dealing: <ol style="list-style-type: none"> a. Clarify that specific user rights are not intended to limit or alter scope of fair dealing b. Clarify education exception to include multiple copies for classroom use c. Apply SCC test d. Education exception should not be limited to structured environment settings 2. TPMs: <ol style="list-style-type: none"> a. Digital locks should not trump fair dealings b. Should be able to circumvent for lawful purposes c. Should not ban circumvention devices/services 3. Educational institutions: <ol style="list-style-type: none"> a. Reproduction for instruction – make it technologically neutral b. Amend s. 30.04(5) – it is not an infringement for an educational institution to use works available online unless it “knew or could reasonably have been expected to know...” c. Eliminate s.30.01 destruction requirement for recordings of online lessons d. Eliminate s.30.02 digital reproduction of works by educational institutions e. Eliminate s.30.03 digital reproduction royalties for educational institutions f. Eliminate course-pack provision 4. Perceptual disabilities: <ol style="list-style-type: none"> a. Supports changes contained in “Consortium” Recommendations related to print and perceptually disabled b. Delete “commercially available” condition c. Make s.32 technologically neutral d. No royalties should be payable for sending a copy of special-format materials for a person with a print disability to another country 5. Remedies: <ol style="list-style-type: none"> a. Need remedies for removal/alteration of RMI b. Need remedy if distribution is done with knowledge RMI has been removed/altere c. If library, archive, museum or educational institution did not know and could not reasonably be expected to know that it contravened ss. 29,

	<p>29.1, 29.2 or 41.1, the plaintiff is not entitled to any remedy other than an injunction</p> <p>d. Supports recommendations by Education Copyright Consortium</p> <p>6. RMI:</p> <p>a. Protection for RMI should not extend beyond what is provided by copyright owner</p> <p>b. Copyright owner should be responsible for the same remedies for false/misleading statements contained in RMI</p> <p>c. Supports recommendations of the Education Copyright Consortium regarding RMI</p> <p>7. ISP liability:</p> <p>a. Extend ISP protections to libraries and educational facilities when acting as ISPs</p>
Canadian Library Association	<p>1. Fair Dealing:</p> <p>a. Fair dealing should not be an exhaustive list</p> <p>b. Move ss. 29.21 and 29.24 to a different sub-heading so that they are not read as substitutive rather than additive to fair dealing rights</p> <p>2. Digital locks:</p> <p>a. Digital locks should not trump fair dealing</p> <p>b. Should be able to circumvent for lawful purposes</p> <p>3. Print and perceptual disabilities:</p> <p>a. Remove condition “to not unduly impair” TPM</p> <p>b. Render s.32 technologically neutral</p> <p>4. Educational institutions:</p> <p>a. Broaden s.2 to encompass all educational institutions, libraries, archives and museums, both public and private, and regardless of whether they hold a collection open to researchers or the public.</p> <p>b. Educational exceptions should apply to all educational institutions</p> <p>c. Oppose ss.30.01, 30.02, 30.03 and 30.04</p>
Canadian Museums Association (CMA)	<p>The CMA noted ‘areas of interest’ but did not offer specific recommendations.</p> <p>*Areas of interest have not been included in chart</p>
Canadian National Institute for the Blind	<p>1. Amend s. 32 to allow importing/exporting of accessible materials</p> <p>2. Must be able to circumvent for lawful purposes</p> <p>3. Digital locks should not override exceptions</p> <p>4. Must be able to use circumvention tools</p>
Canadian Private Copying Collective	<p>1. Extend private copying levy to new devices</p>

Canadian School Boards Association	<ol style="list-style-type: none"> 1. Education: <ol style="list-style-type: none"> a. Amend s.30.04(5) to state that subsection 1 does not apply if the educational institution or person acting under its authority “knew or could reasonably have been expected to know”... b. Should not limit education exceptions to “structured environments” c. Eliminate destruction requirement for lessons under s.30.01(5) 2. Fair Dealing: <ol style="list-style-type: none"> a. Clarify that fair dealing rights are not limited by specific user rights b. Fair dealing for education should include multiple copies for classroom use
Pascale Chapdelaine	<ol style="list-style-type: none"> 1. Private purposes: <ol style="list-style-type: none"> a. Language of s.29.22 should allow other individuals of same household to perform the same act b. Consumers should be able to lend copies to a friend or extended family member c. Need to clarify whether s.29.22 confirms an enforceable reproduction right of individual consumers, or a privilege granted by copyright owners 2. UGG: <ol style="list-style-type: none"> a. Clarify instances where the creative acts in s. 29.21 will be deemed not to be infringing the moral rights of the author b. Consider narrowing how the copies of copyrighted works need to be accessed to be eligible copies for the creation of new works to individual user-creators, i.e. that the copy be non-infringing or the existing copy be lawfully acquired 3. Exceptions: <ol style="list-style-type: none"> a. Add provision confirming the exceptions cannot be overridden by contract or otherwise b. Clarify that first sale provision cover dissemination of online work (ss.4, 9(1), and 11(1))
Canadian Educational Resources Council	<ol style="list-style-type: none"> 1. Eliminate fair dealing for education 2. Maintain collective licensing regime
Canadian Teachers Federation	<ol style="list-style-type: none"> 1. Include multiple copies for classroom use under fair dealing for education 2. Eliminate destruction requirement for lessons s. 30.01

	<p>3. Should be able to circumvent for lawful purposes</p>
<p>CMRRA-SODRAC INC.</p>	<ol style="list-style-type: none"> 1. Maintain s. 30.9(6) - ephemeral recordings 2. Temporary reproductions for technological processes s. 30.71: <ol style="list-style-type: none"> a. Eliminate s. 30.71 b. At minimum, amend s. 30.71(b) by adding “and the reproduction itself has no significant economic value” c. Amend s. 30.71(c) by replacing the words “the duration of the technological process” with “no more than transitory” d. State that this section does not apply to reproductions made by or under the authority of a “programming undertaking” as defined in s. 30.8(11), or a “broadcasting undertaking” as defined in s. 30.9(7) 3. Backup copies: <ol style="list-style-type: none"> a. Only one backup copy should be permitted b. Exception should never apply where the making of such copies is covered by a contract, license, tariff or existing statutory scheme, including Part VIII c. Exception should not apply to programming or broadcasting undertakings d. Where a license exists and neither permits nor expressly prohibits the making of backup copies, the license should be required to comply fully with all other contractual terms in order to benefit from exception 4. Fixing signals and recording programs for later listening or viewing: <ol style="list-style-type: none"> a. Revise s. 29.23(1)(e) to prohibit the sale, rental or other distribution of copies – rather than merely “giving them away” b. Revise s. 29.23(1)(f) to require that the copies be only for the “private use” of those who make them c. Expand s. 29.23(2) to exclude programs transmitted by “subscription services” defined to include any service that provides programs in exchange for a fee or other valuable consideration, as well as by on-demand services d. Revise the definition of “program” to ensure that

	<p>it does not apply to single works, which would create a serious risk of eroding the market for digital downloads of musical and audiovisual works</p> <ol style="list-style-type: none"> 5. UGC: <ol style="list-style-type: none"> a. Limit exception to online dissemination in digital format, not on any physical media b. Require that any existing works or other subject-matter used in the creation are obtained legally c. Apply Berne test d. Provide that the exception is either not available to intermediaries at all, or that it is not available if a license for the dissemination of the existing works, or their reproduction for the purposes of dissemination is available from a collective society e. Limit the exception so that intermediaries are not able to benefit from “hosting” exception in s. 31.1(6) f. Clarify meaning and application of “non-commercial” including its use in the Act alongside terms “private use” and “private purposes”
Coalition of Internet music rights holders (CAMI)	<ol style="list-style-type: none"> 1. Hold ISPs accountable for illegal content 2. Extend private copying regime to current and future digital audio platforms 3. Eliminate s. 30.71 under temporary reproduction for technological processes 4. Maintain s. 30.9(6) ephemeral recordings 5. Eliminate UGC exception 6. Eliminate fair dealing for education
Union des artistes, the Quebec Musicians’ Guild and Artisti	<ol style="list-style-type: none"> 1. Eliminate exceptions for private copying and recording for later viewing 2. Create incentives to make the use of TPMs effective 3. Maintain s. 30.9(6) ephemeral recordings 4. Exclusive reproduction rights should be extended to work recorded on a medium that includes a visual component 5. Moral rights should be extended to audiovisual and cinematographic work 6. Eliminate provision that artists may be led to waive their moral rights with respect to a vocal performance or an artist’s image 7. Include transitional measures similar to s. 58.1 of the Act amending the Copyright Act, 1997 8. ISPs should compensate rights holders for

	infringement losses through royalties
Union des consommateurs	<ol style="list-style-type: none"> 1. Establish a general royalty regime for private copies 2. Eliminate private reproduction exception 3. Apply Berne test to exceptions 4. Amend s. 29.22(c) to state: “for the reproduction of works for private purposes, the authors, performers and makers are entitled to remuneration from the manufacturer or importer of the medium or device, under the terms of section 82 and subsequent sections of the <i>Copyright Act</i>.” 5. Fixing signals and recording programs for later viewing: remove s. 29.23 6. Backup copies: Eliminate s. 29.24 exception 7. Add to s. 29 a clause stating that users cannot waive the rights conferred onto them by the <i>Act</i> through exceptions 8. ISPs should not be required to block services that could potentially lead to copyright violations in order to be shielded from liability 9. Establish a method of compensating authors that is based on the collective management of the availability of creative works. Users wanting access to creative works online could obtain a license through their Internet account. An additional fee, set by the Copyright Commissioner, would be charged by the ISP and paid by the user. The fee would then be forwarded to the agency that would manage the licenses and the redistribution of the monies collected. <p>*First 19 pages of submission are missing and not included</p>
Union des écrivains québécois	<ol style="list-style-type: none"> 1. Fair Dealing: <ol style="list-style-type: none"> a. Eliminate fair dealing for education b. Restrict fair dealing for parody and satire to ensure moral rights are respected 2. Eliminate UGC exception 3. Eliminate reproduction for private study and research exception s. 29.22 4. Eliminate backup copy exception s. 29.24 5. Eliminate communication of a work by telecommunication by an educational institution for distance education purposes s. 30.01 6. Redraft s. 30.02 to distinguish between digital

	<p>reproduction and print reproduction, and adjust compensation accordingly</p> <ol style="list-style-type: none"> 7. Repeal s. 30.04 work available through Internet for educational institutions 8. Implement notice and take down system 9. Maintain statutory damages in current <i>Act</i> 10. Levies for private copying: <ol style="list-style-type: none"> a. Amend s. 79 of current <i>Act</i> to include authors of works of all categories and define digital memory along with blank audio recording medium b. Amend s. 80 of the current <i>Act</i> to include all categories of works and digital memory c. Amend s. 81 of the current <i>Act</i> to include authors of all categories of works, works of all categories and digital memory d. Amend s. 82 of the current <i>Act</i> to include digital memory
Nicole Vachon	<ol style="list-style-type: none"> 1. Eliminate fair dealing for education, parody, satire 2. Eliminate s. 30.04 reproduction of work available on Internet for education 3. Documents on loan through a library or used by an educational institution should not be allowed to be copied unless authors are compensated 4. ISPs should have an obligation to filter illegal activities or retain information 5. Launch a campaign on the Internet and TV to increase awareness of copyright protection
Visual Education Centre Limited	<ol style="list-style-type: none"> 1. Should not lower statutory damages 2. Opposes references to “training” which may open the door to “educational” copyright exemptions for training in the private sector 3. Eliminate UGC exception 4. Eliminate right to store reproduction for private purpose in digital memory s. 29.22.2 5. Eliminate s. 29.2.3 which allows users to make a copy or reproduce copyrighted works provided the signal was received legally and the recording is made for private purposes 6. Opposes exempting schools from record keeping responsibilities 7. Opposes exemption for classroom material broadcast over the Internet for training purposes 8. Opposes reverse onus provision by which copyright owners have to monitor and enforce educational violations

	<ol style="list-style-type: none"> 9. Eliminate s. 29.5 exemption for “cinematographic performance” 10. Opposes that libraries, archives and museums receive exemptions but do not have to keep records
Don Walsh	<ol style="list-style-type: none"> 1. Should be able to circumvent for lawful purposes 2. Allow content creators to authorize removal of digital locks 3. Fair dealing should not be an exhaustive list 4. Need periodic review and modification of <i>Act</i>
Barbara Watson	<ol style="list-style-type: none"> 1. Should not extend copyrights 2. Add a safe harbor provision for works more than 75 years old where the life dates of the authors are not known 3. Supports proposals by the Saskatchewan Archives Board
Bill Wharrie	<ol style="list-style-type: none"> 1. Should be able to circumvent for lawful purposes 2. Should be able to format shift 3. Should be able to make backup copies 4. Should be able to time-shift
Ian Williams	<ol style="list-style-type: none"> 1. Supports proposals by Michael Geist, Mark Akrigg, and Dr. Meerna Nair 2. Must be able to circumvent for lawful purposes 3. Should be able to time shift, format shift 4. Opposes enablement provision holding ISPs accountable 5. Digital locks should not trump rights
Grant Willison	<ol style="list-style-type: none"> 1. All media must allow for creation of a personal archival copy, without being bound by technological restrictions 2. Any copyright protection must fully comply with current Canadian privacy law 3. In disagreements between the proposed copyright Act and a contract which limits the production, the Act shall prevail
Tamara Winegust & Rachel Gold	<ol style="list-style-type: none"> 1. Should be able to circumvent for lawful purposes 2. Should be able to use circumvention devices 3. Should be able to use circumvention services 4. Digital locks should not trump fair dealing and other exceptions
‘Writers on Bill C-32’ (coalition of English-language national writers’ organizations, including the Canadian Authors Association and the Canadian Society of Children's Authors, Illustrators and	<ol style="list-style-type: none"> 1. Eliminate fair dealing for education 2. Eliminate UGC provision 3. Eliminate the interlibrary loan exception that permits direct digital delivery to library patrons 4. Maintain collective societies 5. Eliminate broad exception for private purposes that includes format shifting

Performers, the League of Canadian Poets, the Literary Translators' Association of Canada, the Playwrights Guild of Canada, the Professional Writers Association of Canada and The Writers' Union of Canada)	6. Consider a copyright levy on ISP accounts
Writers Union of Canada	<ol style="list-style-type: none"> 1. Eliminate Fair Dealing for education 2. Eliminate exception for UGC 3. Eliminate digital delivery by libraries 4. Eliminate reproduction for private purposes 5. Maintain collectives 6. Use Berne test 7. Statutory damages: 8. Damages for non-commercial infringement should only benefit individuals, not corporate/institutional infringers 9. Add statutory damages for ISP enablers
Artists' Legal Outreach and Education Society	1. Need to provide education on copyright
Association des producteurs de films et de television du Quebec	<ol style="list-style-type: none"> 1. ISPs: <ol style="list-style-type: none"> a. Prohibit services "especially designed or used" to enable infringement if another person commits such a violation on the Internet or any other digital network while using that service b. ISPs should be made subject to commercial penalties c. ISPs should be required to monitor and report copyright violations 2. Narrow private purposes: <ol style="list-style-type: none"> a. Ensure reproduction is used for "private use" b. Require the person who does the copying to be the owner of the original copy or have a license allowing him to reproduce the work for private use c. The copy must be made on a medium or piece of equipment that belongs to him or to someone who is a member of his household d. Ensure that the individual does not give any reproductions away, and does not perform any other action that the copyright owner is entitled to perform i.e. selling, renting, distributing, telecommunicating, or placing at public disposal for the purposes of gaining access to reproducing it

	<ul style="list-style-type: none"> e. Narrow exceptions to ensure they apply only to the acts and individuals intended 3. Create system of digital cultural content use 4. Rights holders rights: <ul style="list-style-type: none"> a. The maker of a cinematographic work should be the first owner of the rights to a cinematographic work b. Bring section into line with the WPPT and its non-application to audiovisual works
Association of Canadian Advertisers	<ul style="list-style-type: none"> 1. Instead of inserting s. 7 revoking subsection 13 (2) of the <i>Act</i>, add a provision exempting commercial photography for the purposes of advertising in 13 (2).
Association of Canadian Community Colleges	<ul style="list-style-type: none"> 1. Education: <ul style="list-style-type: none"> a. Amend s. 30.04(5) by stating: (5) Subsection (1) does not apply if the educational institution or a person acting under its authority “knew or could reasonably have been expected to know”... b. Delete destruction of lessons requirement in s. 30.01(5) c. Eliminate section s. 30.02 d. Eliminate s. 30.03 2. State that fair dealing is not limited by specific user rights 3. Digital locks: <ul style="list-style-type: none"> a. Should be able to circumvent for lawful purposes b. Should be able to use circumvention services c. Should be able to use circumvention devices 4. RMI: <ul style="list-style-type: none"> a. Amend definition of “technological measure” in section 41 to state: <i>“technological measure” means any technology, device, or component that, in the ordinary course of its operation, restricts the doing — in respect of a material form of a work, a performer’s performance fixed in a sound recording, or a sound recording — of any act that is mentioned in sections 3, 15, or 18 or that could constitute an infringement of any applicable moral rights</i> 5. Remedies: <ul style="list-style-type: none"> a. Rights holders must be able to seek the full range of damages from a person who offers or provides a service to circumvent, remove, or render ineffective a TPM protecting a material form of the work, the performer’s performance, or the sound recording and “knew or could reasonably

	<p>be expected to know” that providing the service will result in an infringement of the copyright or moral rights.</p> <p>6. Perceptual disabilities:</p> <ul style="list-style-type: none"> a. Eliminate the “commercially availability” condition in section 32(3) b. Provide that no royalties are payable for sending a copy of special-format materials for a person with a print disability to another country <p>7. RMI:</p> <ul style="list-style-type: none"> a. Amend definition of RMI to only include information that the copyright owner or the holder of any right under copyright has attached b. The owner of copyright in a work... is entitled to all remedies against a person who removes RMI and “knows, or ought to know” that the removal or alteration will facilitate or conceal any infringement of the owner’s copyright c. The owner of copyright has the same remedies against a person who, without the owner’s consent, knowingly: sells, rents, distributes it to such an extent as to prejudicially affect the owner of the copyright; by way of trade, distributes, exposes, or offers it for sale or rental or exhibits it in public; imports it into Canada for the purpose of doing any of the prohibited acts; or communicates it to the public by telecommunication. d. The owner of copyright in a work is subject to all remedies available for making false or misleading statements about RMI e. The removal or alteration of RMI is not an infringement of copyright where such information interferes unreasonably with the authorized display or reproduction of a copyright work or other subject matter. f. State that RMI may not be legally binding in Canada <p>8. Provide that fees to be paid related to notices forwarded by ISPs at the request of a rights holder be borne by the rights holder</p> <p>9. Only an injunction should be available against a defendant that is a library, archive, museum, or</p>
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	educational institution, or that is employed by or is a student or patron of such an institution
Association of Canadian Publishers	<ol style="list-style-type: none"> 1. Fair Dealing: <ol style="list-style-type: none"> a. Narrow fair dealing for education to “structured contexts” b. Market damage and harm to the legitimate rights holder must be given priority as a limitation to the fair dealing exception for education c. The existence of a license should be considered in determining whether a dealing is fair d. Maintain collective licenses e. Digital interlibrary loans should be considered beyond the scope of fair dealing, and should be subjected to a license administered by Access Copyright or Copibec
Association of Universities and Colleges of Canada	<ol style="list-style-type: none"> 1. Eliminate destruction of lesson requirement in s. 30.01 2. Limit remedies to an injunction where a library, archive, museum, educational institution, or staff member or student in an institution, has reasonable grounds to believe that his or her use of a copyright work is fair dealing and unintentionally infringes copyright 3. Permit a recipient of an inter-library loan copy to retain a copy in digital format indefinitely 4. Add SCC test for fair dealing 5. Link fair dealing for education to “educational institution” 6. Digital locks: <ol style="list-style-type: none"> a. Should be able to circumvent for lawful purposes b. Should be able to use circumvention tools c. Should be able to use circumvention services
The Association pour l’avancement des sciences et des techniques de la documentation (ASTED)	<ol style="list-style-type: none"> 1. Should be able to circumvent for lawful purposes 2. Remove destruction requirement for inter-library loans 3. Remove inter-library loan requirements in ss. 30.2(2), 30.2(3) and 30.2(5) of the current <i>Act</i>
Audio Ciné Films Inc.	<ol style="list-style-type: none"> 1. Eliminate exception for cinematographic works under fair dealing for education s. 29.5 2. Eliminate or narrow fair dealing for education
Jonathan Bagg	<ol style="list-style-type: none"> 1. Must be able to circumvent for lawful purposes 2. Digital locks should not trump fair dealing 3. Must be able to use circumvention tools

Scott Barker	<ol style="list-style-type: none"> 1. Prohibit digital locks 2. At minimum, should be able to circumvent for lawful purposes
Barreau du Quebec	<ol style="list-style-type: none"> 1. Apply Berne test for exceptions 2. Clause 4 is problematic because of lack of consistency in the use of the principle of international exhaustion (depending on whether copyright or industrial property rights are at issue) 3. Clause 10 moral rights is problematic because it is inconsistent with the law governing personality in the <i>Civil Code of Quebec</i> 4. ISPs: <ol style="list-style-type: none"> a. Need to clarify ISP liability b. Clarify what onus of proof is required for ISPs to be liable under s. 27.2(3) c. Need to define the different kinds of suppliers offering services 5. Narrow fair dealing for education 6. Maintain collectives
John Barry	<ol style="list-style-type: none"> 1. Should be able to circumvent for lawful purposes 2. Digital locks should not trump consumer rights/exceptions 3. Eliminate destruction requirement for lesson material
BattleGoat Studios	<ol style="list-style-type: none"> 1. Digital locks should not trump fair dealings and exceptions 2. Should be able to circumvent for non-infringing purpose 3. Must be able to access and use circumvention tools 4. Need circumvention exception for Digital Archiving by libraries 5. Need circumvention exception for archiving personal material (backup, format shifting)
Jesse Betteridge	<ol style="list-style-type: none"> 1. Digital locks should not trump fair dealings 2. Should be able to circumvent for non-infringing purpose 3. Review digital locks provisions every 2-3 years
Wayne Borean	<p>General opposition to collective societies and distribution models</p> <p>*Not included in chart</p>
Chris Brand	<ol style="list-style-type: none"> 1. Make the Bill more clear to ensure ordinary citizens understand what behaviour is permissible & prohibited 4. Digital locks: <ol style="list-style-type: none"> a. Digital locks should not trump fair dealing/exceptions

	<ul style="list-style-type: none"> b. Must be able to circumvent for lawful purposes c. Must be able to access/use circumvention tools d. TPMs should not be given legal protection <p>5. Eliminate new rules for photographers</p>
<p>Business Coalition for Balanced Copyright</p>	<ul style="list-style-type: none"> 1. ISPs: <ul style="list-style-type: none"> a. Modify enabler provisions to protect innocent actors including search engines from unintentional liability b. Clarify ISP requirements under “notice and notice” system c. ISP obligations should come into force at the same time as their ability to recover the costs of those obligations d. Give judges discretion to impose damages for failure of ISPs to comply with “notice and notice” system e. Hosting provisions need to be amended to make it clear that providers of remote storage do not violate copyright law when they transmit stored files back to the individuals who are allowed to access them f. Modify safe harbor provisions so that an ISP or operator of an information location tool is not required to prove each time that it is not an “enabler” 2. Ensure consistency between personal use exceptions and anti-circumvention provisions – make personal exceptions available where a copy control measure has been circumvented, but not where an access control measure has been circumvented 3. Extend radio broadcasters exception to ephemeral reproductions made by TV broadcasters 4. Cloud computing and network PVR services should not be required to pay additional copyright charges 5. Digital locks should not trump new exceptions 6. Specify that the injunctive relief available against information location tools should be limited to the removal of the allegedly infringing content from their services 7. Amend s.2.4 (1.1) to distinguish the sale of reproductions online from other forms of communication, such as streaming. The “making available” of reproductions would be covered under the existing reproduction right, while other acts of “making available” would be covered under the right to communicate to the public by

	telecommunication.
Canadian Artists' Representation	1. Add an artist's resale right to entitle artists to receive royalties from subsequent public sales of their work through an auction house or commercial gallery
Canadian Association of Disability Service Providers in Post-Secondary Education	<ol style="list-style-type: none"> 1. Require publishers to make texts and materials readily available to students with disabilities i.e. students should be able to purchase structured, alternate format texts from bookstores in the same manner other students purchase print texts. 2. Require publishers and producers of print and non-print instructional materials sold and used in Canadian institutions of postsecondary education to provide structured e-text files of those instructional materials to institutions upon request and in a timely manner.
Canadian Association of Law Libraries	<ol style="list-style-type: none"> 1. Fair dealing should be a right, not an exception 2. Fair dealing for education should be given a broad and liberal interpretation 3. Eliminate Crown copyright 4. There should be unrestricted access to all materials produced by the government such as bills, by-laws, proclamations, parliamentary papers, and reports of commissions. 5. Digital locks should not trump fair dealing; vendors should not be permitted to make fair dealings effectively illegal 6. Fair dealings should not be subjected to anti-circumvention prohibitions
Canadian Association of Broadcasters	Supports Hayes eLaw LLP submission in respect of proposed technical amendments to s. 30.9 to ensure that radio broadcasters will not be required to compensate copyright owners for technical transfers of format.
Michael Geist & Keith Rose	<ol style="list-style-type: none"> 1. Link the prohibition of circumvention to infringement by either: <ol style="list-style-type: none"> i. Adding infringing purpose requirement to prohibition of circumvention; or ii. Adding an exception for circumvention for lawful purposes 2. Eliminate the ban on devices or technologies 3. Add provision to allow "qualified circumventers" to facilitate legal circumventions 4. Eliminate explicit anti-circumvention provisions in new exceptions <ul style="list-style-type: none"> • Drop 29.22(c), 29.23(b), 29.24(c)

	<ul style="list-style-type: none"> • Retain 30.04(3), 30.04(4) which excludes material subject to access controls from the exception for educational use of material available on the Internet <ol style="list-style-type: none"> 5. Eliminate the destruction requirement for “lessons” and inter-library loans 6. Eliminate the lock requirement for “lessons” and inter-library loans 7. Add an impartial review process for establishing new circumvention rights 8. Generalize the encryption research exceptions to all research; drop the notice requirement 9. Remove the requirement not to “unduly impair” the TPM from the Personal Information exception 10. Remove the requirement not to “unduly impair” the TPM from the Persons with perceptual disabilities exception 11. Expand the interoperability exceptions to cover interoperability of all works with devices or technologies 12. Add a positive obligation to facilitate circumvention for legal purposes 13. Exclude access controls that are unrelated to preventing infringement 14. Add an exception for circumvention for personal use 15. Add an exception for circumvention for archival purposes 16. Add an exception for circumvention for purposes of protection of minors 17. Add an exception for filtering software 18. Add an exception for circumvention of obsolete or malfunctioning TPMs 19. Add an exception for circumvention for access to government or court documents 20. Add an exception for circumvention for works that are substantially in the public domain 21. Add a labeling requirement to disclose the use of TPMs on consumer goods
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