



Alan Hawrylyshen

HOME

1827 - 29th Ave SW
Calgary, Alberta T2T 1M9

PHONE

+1.403.561.7313

FAX

+1.403.770.8527

EMAIL

alan@polyphase.ca

WEB

<http://polyphase.ca/>

December 13, 2007
Mr. Lee Richardson
House of Commons
Parliament Buildings
Ottawa, Ontario K1A 0A6
(CCs - at terminus)

Dear Mr. Richardson,

I am a professional software architect involved intimately in the creation of new, mobile technologies in the telecommunications and internet sectors. I manage the architecture and design of a number of telecommunications products that use the internet for voice and video communications. I also represent my firm at a number of international standards bodies (including the Internet Engineering Task Force, recently held in Vancouver BC) and am responsible for setting our approach to rich media technologies on the internet. I am also the author of numerous documents that deal with content distribution technologies over the internet. As such, I feel that I am a constituent who is **very qualified** to offer my opinion on the dangers or challenges that lie ahead for Canada if we pursue copyright reform in a manner that emulates or capitulates to the desires of lobbyists, large industries or foreign governments.

I am a constituent who cares about Canada's cultural policy, and I am writing in regard to legislative proposals for "*copyright reform*." During the last Parliament, Bill C-60 provided some very sensible approaches to this complicated topic, but it also left room for improvement. As you consider the issue of copyright reform, I hope that you will work to ensure that any new legislation is not a regression from the sensible policies set out in Bill C-60.

In particular, I do not believe that "*digital rights management*" (DRM) technologies should stop the public from making lawful uses of their legitimately acquired media. Publishers using DRM push aside the delicate balance between copyright and the rights of the public - a balance set according to an assessment of the public interest by legislators - and replace it with one-sided rules that reflect publishers' private interests. Even artists disagree with publishers' anti-consumer use of DRM, as evidenced by the recently formed Canadian Music Creators Coalition. Therefore, as in Bill C-60, new copyright reform legislation should not make it illegal to circumvent DRM for lawful purposes.

Care must also be taken to avoid introducing legislation that has the side-effect of marginalizing innovation or creativity in Canadian individuals or corporations, whether they are creating new content from published works or discovering how an existing technology works and attempting to enhance or extend it. Legislation that cripples innovation and preserves a stale business model is not good for Canadians. The evolution of technology can threaten businesses by shaking their core assumptions about marketplaces - when this happens, the best response is to innovate and get out in front of the product life cycle curve again - creating renewed wealth for the businesses and evolutionary experiences for consumers in the marketplace. Forcing the continuance of a threatened business through legislation does not help the businesses in the long term and it harms consumers in the short term. We don't have any laws on the books that blindly favor horses over automobiles, nor do we aggressively favor railways over airplanes. The evolution of content distribution and management is a similar problem, and a pressing problem for the 21st century.

Consumer backlash in the United States against the DMCA bill is strong and legendary. The subject of much discussion in the media around the world.

Why would Canadians presume that this is a model we want to follow? As Canadians, we should evaluate the lessons learned in the United States and globally in the last ten years and consider how to improve on the copyright models that are currently proposed and in existence.

I am also concerned that the use of DRM can threaten computer security and consumer privacy, as in the recent Sony-BMG "Rootkit" fiasco. When content companies routinely use technological measures to control how people enjoy entertainment in the privacy of their own homes, I think we need protection **from** DRM more than we need protection **for** it.

These concerns are shared by a substantial and growing number of informed Canadian citizens. I hope that you will take them into account when considering any changes to Canadian copyright law. Thanks very much for your time.

If you would like to discuss any of the points that I make above, in a professional capacity, I am at your service. I feel it is critical that we all understand the balance of the issues and therefore can act with our country's best interests in mind.

Sincerely yours,

Alan Hawrylyshen

cc:

The Honourable Jim Prentice P.C., M.P.
5th floor, West Tower
C.D. Howe Building
235 Queen St.
Ottawa, Ontario K1A 0H5

The Honourable Josée Verner, P.C., M.P.
Minister of Canadian Heritage
25 Eddy Street
Gatineau, Quebec K1A 0M5