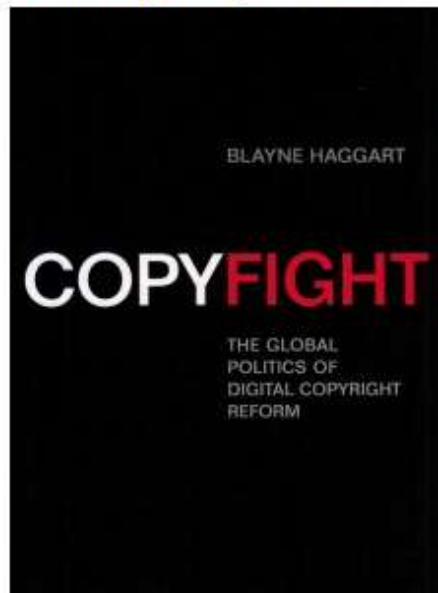




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## Review: When There Are No Police To Call

Copyright law has been around for 300 years and follows the Ten Commandments, yet many Canadians – including government agencies – barely comprehend intellectual property rights. There are no copyright police or courts, and even public agencies steal others' work. It is no exaggeration that copyright owners enjoy less protection from theft than the night manager eyeing shoplifters at a Quickie Mart.

“Studying copyright, especially if you’re not a lawyer, is akin to stepping into a madhouse where things barely adhere to any internal logic,” writes Prof. Blayne Haggart in *Copyfight*.

An example: Geophysical Service Incorporated, a Calgary firm that licenses underwater seismic maps for use by oil and gas companies. The company is now in constant litigation after discovering federal agencies were distributing copies of its maps for free. The Department of Natural Resources was even cited for concealing documents in the case. “There are no police to call,” Paul Einarsson, the company chair and COO, said in an earlier interview; “It’s unbelievable to me this is going on in Canada.”

Prof. Haggart of Brock University attempts to make sense of the mess. “Copyright law has a deserved reputation for being ridiculously complex, but at heart it is simply a way in which governments regulate the market in creative works.”

Canada’s copyright tradition is weak; Mexico has more vigorous protection for owners, and Parliament tried and failed three times in ten years to pass a copyright reform bill. Why are we ineffectual? “Canada was, and remains, a net importer of copyrighted works,” writes Haggart. “This state of affairs helps to explain at least partly why stronger copyright traditionally has not been high on the Canadian policy agenda.”

This is key. Since many Canadians do not produce any novel, photo, song, phrase or any other creation worthy of copyright, and don’t know anybody who does, comprehension of creators’ rights is weak even by those who should know better – like the Department of Natural Resources.

*Copyright* is an eloquent primer on the whole concept of the capitalist hybrid of “individuality and private property”, as Haggart puts it. The research is fascinating. Readers will learn that copyright law dates from Britain’s 1709 Statute of Anne; and that piano roll companies lobbied for a 1911 amendment to the *Copyright Act* to halt theft of their works by musical bootleggers.

*Copyright* recounts Parliament’s tortured attempts to update the law, and the ridiculous over-reach of some corporate rights holders in limiting theft. Haggart cites the “Rootkit” fiasco of 2005 in which Sony Corporation sold CDs equipped with hidden software that installed itself on user’s Windows operating systems, preventing CD dubs and, oh, contacting Sony every time a customer played a CD and, uh-oh, allowing hackers to access the computers of Sony clients.

“Computers and the internet function by making copies of files,” *Copyright* explains. “This poses a challenge for copyright law, which is based on the assumption that copying should be controlled.”

Yet there are times when the issue seems deliberately confused by copyright thieves with a misguided claim to “users’ rights”. The fact remains in 21<sup>st</sup> century Canada that shoplifting a \$4 magazine from Quickie Mart is a prosecutable crime; and stealing a \$4 million map from a resource company is an argument.

By Holly Doan

*Copyright: The Global Politics of Digital Copyright Reform*, by Blayne Haggart; University of Toronto Press; 348 pages; ISBN 9781-4426-14543; \$37.95 📖📖