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## Cabinet Sued In Copyright Case: “It’s Unbelievable”

Natural Resources Minister Joe Oliver is being sued by a federal agency for concealing records that may confirm his department violated the *Copyright Act*.

The lawsuit follows complaints from an Alberta resources company that Oliver’s department distributed proprietary data, then invoked claims of privacy in refusing to divulge records that would prove the fact.

“It’s unbelievable to me this is going on in Canada,” said Paul Einarsson, president of [Geophysical Service Inc.](#), the Calgary-based firm that originally filed a complaint with the Department of Natural Resources. “The government is supporting piracy over copyright law. They are destroying my business.”

Oliver did not take *Blacklock’s* questions.

Einarsson’s company, the largest owner of marine seismic data in Canada, was required to submit copies of its research to federal agencies as a condition of permits to map the ocean floor. However, Einarsson said he discovered that agencies subsequently distributed the data without his knowledge or permission in violation of copyright, in some cases providing it to competitors.

“This is millions of dollars’ worth of data we provide to clients under license,” Einarsson said. “We found a number of circumstances where we had competitors actually reselling our data.”

When Einarsson filed a June 7, 2010 *Access to Information* request that the department disclose all records of what it did with his company's surveys, Natural Resources refused to divulge who was on its mailing list as "personal information".

"This is brazen," said Einarsson. "They are having us chase our tails; there are no police to call; and they have obstructed us every step of the way."

"When they released our copyright information, there was no concept it was a trade secret provided to our customers under license," Einarsson continued. "Yet when we tried to find out who is violating our copyright, they decided that was confidential."

The [Office of Information Commissioner](#) Suzanne Legault agreed, ruling that Einarsson's complaint was "well-founded" and that Natural Resources misapplied the *Access to Information Act* in concealing its records from Einarsson.

In an application filed in Ottawa court, the commissioner asked that a federal judge compel Oliver's department to release the information to Einarsson. Legal counsel for the commissioner did not comment on details of the case.

In separate actions, Geophysical Service Inc. has filed legal claims against the National Energy Board, the Canada-Newfoundland Offshore Petroleum Board and Canada-Nova Scotia Offshore Petroleum Board for distributing its surveys without license or permission.

By Tom Korsi 