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A Canada Copyright Court?

Parliament should create special courts to settle intellectual property disputes, says a contractor who's spent years in litigation with federal agencies.

Geophysical Service Incorporated, creator of the largest collection of marine seismic data in Canada, urged that MPs follow an earlier recommendation to establish courts to hear copyright, patent and trademark disputes over copyright protection.

"This is absolutely necessary," said Paul Einarsson, chair and COO of the Calgary-based firm. "We really need judges and courts with a rudimentary understanding of intellectual property rights."

Einarsson has pursued Natural Resources Canada and numerous federal agencies for distributing copyright data without permission. Under regulations Geophysical Service is obliged to deposit its seismic surveys with regulators that subsequently gave away the material to rivals and competitors, he said.

"Hundreds of millions of dollars' worth of our data has been stolen and distributed who knows where," said Einarsson. "It's no different than licensing Microsoft for one computer; you can't run the software to fifteen computers around the building. Everyone understands that."

The Office of the Information Commissioner last July sued Natural Resources Minister Joe Oliver in Federal Court for concealing records that would divulge what his department did with Geophysical Service's maps. And the [Canada-Nova Scotia Offshore Petroleum Board](#) in September apologized for violating the *Access to Information Act* in attempting to withhold records from Einarsson.

Geophysical Service has also filed claims in Alberta and Newfoundland & Labrador, where it's accused Crown-owned [Nalcor Energy Inc.](#) and the Canada-Newfoundland Offshore Petroleum Board of distributing its surveys in violation of the *Copyright Act*.

Nalcor refused to comply with an *Access to Information* request on whether it obtained or distributed Einarsson's surveys. The Supreme Court of Newfoundland stayed an appeal in the dispute pending the outcome of other litigation.

“If this is the legal system we have, boy, am I ever worried,” Einarsson said in an interview. “They always try to paint Geophysical Service as a litigious bully; nothing could be further from the truth. It is these giant government agencies with huge resources that have damaged our company terribly.”

The Commons industry committee earlier heard appeals to establish specialized intellectual property courts mandated to hear such appeals.

The [Canadian International Council](#), a Toronto-based policy group, in a 2012 submission said existing courts are often overwhelmed by intellectual property disputes.

“I think it’s important for MPs to understand what is happening in this complex field,” said Karen Mazurkewich, the council’s director of intellectual property.

By Tom Korsi  
