

International  
Copyright Law: Canada

CFP 2005

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## overview

p2p litigation: BMG v. Doe

legislative reform

## BMG v. Doe

17 recording companies (CRIA)  
29 John and Jane Does  
5 ISPs  
2 interveners- CIPPIC & EFC

## BMG v. Doe

MediaSentry investigation  
IP address and time  
no test for disclosure in  
privacy law

## BMG v. Doe

### evidentiary problems

nobody listened to the songs

hearsay

no link p2p to IP address

MediaDecoy files

IP address only gets ISP

subscriber

## BMG v. Doe

### privacy

- important value
- privacy outweighs other issues here
- future case may be different

### copyright

- downloading is legal (personal copy)
- 'uploading' is legal (distribution/authorization)

## BMG v. Doe

### result

- appeal hearing April 20-21
- intensified CRIA lobbying
- legislative reform pushed ahead

# legislative reform

## timeline:

process began in 2002

huge public response

Heritage and Industry Canada file

BMG v. Doe decision March 2004

Heritage recommendations May 2004

March 24, 2005 proposals issued

## main proposals

WIPO "implementation"

ISP liability

educational issues

photography issues

## WIPO "implementation"

making available right

anti-circumvention and RMI

for the purpose of infringement  
devices? - facilitating and  
enabling

no private copying

security research, reverse eng.  
and privacy protected

## ISP liability

no liability as intermediary

notice and notice system

need court order for take-down

data retention requirement

reimbursement

# educational issues

remote access and electronic  
delivery

library electronic delivery

BUT schools and libraries **must use**  
**effective safeguards**

# photography issues

term extension for corporations  
commissioned photos

## what's missing?

licensing the Internet

private copying regime

dealing with statutory damages

## the road ahead

BMG v. Doe appeal

legislative reform:

draft bill in June

more consultations in Fall

net licensing

private copying

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on the identity trail

cippic

[www.anonequity.org](http://www.anonequity.org)

[www.cippic.ca](http://www.cippic.ca)