

# Corcoran's no capitalist

## Financial Post

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Re: A bill to save kill bill rights, June 13.

As usual, when Terence Corcoran doesn't understand the issue, he retreats to name-calling. Bill C-61 is a fundamentally flawed piece of legislation that is completely undemocratic and in fact anti-capitalist.

Mr. Prentice would have you believe that the bill is "reasonable" and won't penalize Canadians for reasonable things like time-shifting TV programs, copying songs they've purchased onto portable music players, and so on.

In fact, Section 41 of the bill completely undermines the rest of the bill. It prohibits Canadians from breaking technical measures used to protect content, even if the purpose of breaking those measures is to enjoy rights specifically granted under other sections of the bill. Essentially, the bill allows content distributors to take away rights you'd normally have, and it penalizes you if you try to exercise those rights.

This is not just a theoretical problem. I own a number of legally-purchased DVDs. I watch them on my legally-purchased laptop. But I run Linux (for purely capitalist reasons: It's better and cheaper than the alternatives) so my DVD-playing software is open-source and must (of necessity) break the DVD encryption scheme for me to watch my DVDs.

Bill C-61 would make me a criminal for merely possessing the software, let alone for watching the DVDs I paid for.

Copyright law should be designed to penalize the unauthorized transfer of a work from one person to another. It should not have anything to say about how one person uses a work he has purchased legally. Just so long as I don't sell or give away copies of my DVDs, I should be allowed to do what I like with them.

If companies want to prevent you from breaking their technological measures, they should ask you to sign a contract up front, and then use normal contract law to prosecute violators. The problem is that in the free market, such contracts would be very unpopular and noone would sign them. So instead, the industry wants the government to force something on people that they otherwise would never buy. Hmmm... government interference in the free market... who are the anti-capitalists now?

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