Protecting ourselves to death: Canada, copyright, and the Internet

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Abstract

Canada is at a critical stage in the development of its copyright law: it has not yet ratified the 1996 World Intellectual Property Organization "Internet Treaties," but it is poised to do so. This article analyses the rhetoric of "protection" ubiquitous in Canadian discussions of copyright policy, and identifies among the various uses of the term both a problematic assumption that protection is or should be the primary function of copyright, and overblown claims about copyright's power to protect Canadian culture and creators. These "common sense" ideas, fostered by rights–holder lobbies, emerge out of a peculiar Canadian history of cultural nationalism(s), but they may not promote the interests of Canadians. Ironically, while professing fear for their cultural sovereignty, and following the paths of their own internal political, bureaucratic, and rhetorical culture, Canadians appear to be constructing a copyright policy in complete harmony with the needs of American and international capital. I explore a proposal to license educational Internet use, endorsed by parliamentary committee, as one example of the relationship between protection rhetoric and policy development. By casting the Internet as more of a threat than an opportunity, copyright policy developers in Canada are gravely misunderstanding and threatening Canadians' use of this medium. The participation of Canadians in national and global interaction is crucial to the Canadian public interest, and must not be forgotten in the rush to protection. Beyond its analysis of this specific proposal, this paper calls for a copyright policy in line with the Canadian tradition of balancing private and public interests.

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