

# Contents

## **Introduction** 1

Michael Geist

## **Part One — Context** 15

### **1 Copyright: Characteristics of Canadian Reform** 17

Sara Bannerman

### **2 North American Digital Copyright, Regional Governance, and the Potential for Variation** 45

Blayne Haggart

### **3 History in the Balance: Copyright and Access to Knowledge** 69

Myra Tawfik

### **4 Fair Dealing at a Crossroads** 90

Meera Nair

### **5 The Art of Selling Chocolate: Remarks on Copyright's Domain** 121

Abraham Drassinower

### **6 Réforme du droit d'auteur et interprétation judiciaire** 151

Mistrale Goudreau

## **Part Two — Technology** 175

### **7 Locking Out Lawful Users: Fair Dealing and Anti-Circumvention in Bill C-32** 177

Carys Craig

### **8 The Case for Flexibility in Implementing the WIPO Internet Treaties: An Examination of the Anti-Circumvention Requirements** 204

Michael Geist

### **9 Digital Locks and the Automation of Virtue** 247

Ian Kerr

### **10 The Protection of Rights Management Information: Modernization or Cup Half Full?** 304

Mark Perry

- 11 How Virtue Ethics Might Help Erase C-32's Conceptual Incoherence** 327  
David Lametti
- Part Three — Creativity** 359
- 12 “Modernizing” ISP Copyright Liability** 361  
Gregory R. Hagen
- 13 Towards a Right to Engage in the Fair Transformative Use of Copyright-Protected Expression** 395  
Graham Reynolds
- 14 An “Independent” View of Bill C-32's Copyright Reform** 423  
Tina Piper
- 15 User-Generated Content and Music File-Sharing: A Look at Some of the More Interesting Aspects of Bill C-32** 447  
Daniel Gervais
- 16 Culture Matters: Why Canada's Proposed Amendments to its Copyright Law Should Revisit Moral Rights** 476  
Mira T. Sundara Rajan
- Part Four — Education** 501
- 17 Copyright, Collectives, and Contracts: New Math for Educational Institutions and Libraries** 503  
Margaret Ann Wilkinson
- 18 Bill C-32 and the Educational Sector: Overcoming Impediments to Fair Dealing** 541  
Samuel E. Trosow
- Part Five — Access** 569
- 19 Copyright Reform and Fact-Based Works** 571  
Teresa Scassa
- 20 Enabling Access and Reuse of Public Sector Information in Canada: Crown Commons Licenses, Copyright, and Public Sector Information** 598  
Elizabeth F. Judge
- About the Contributors** 643