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### Announcements



CIPPIC is again offering this year a **Summer Internship Program**, from May 12 – August 1, 2008. The program is open to graduate and undergraduate law students. The **deadline for application** is **February 14, 2008**. For details, see [www.cippic.ca](http://www.cippic.ca)

The Canadian government is expected to introduce **copyright legislation** modeled on the controversial American *Digital Millennium Copyright Act*. How will this affect Canadians' everyday life? To explain this issue, CIPPIC has produced a **short movie**, soon to be released on the [CIPPIC website](http://www.cippic.ca).



### Publications



### **Digital Rights Management and Consumer Privacy: An Assessment of DRM Applications under Canadian Privacy Law** (September 2007)

This [study](#), funded by the contributions program of the Office of the Privacy Commissioner of Canada, investigates DRM used in 16 different digital products and services. The study concludes that many DRM technologies pose threats to privacy and that organizations using those technologies often fail to comply with basic requirements of Canadian privacy law.

## Recent Advocacy



### **CIPPIC asks PrivComm to audit Google & DoubleClick**



In September 2007, CIPPIC filed a [formal request](#) with the Canadian Privacy Commissioner, asking her to initiate an audit of Google and DoubleClick pursuant to her powers under the *Personal Information Protection and Electronic Documents Act*.

CIPPIC's letter sets out a number of ways in which Google and DoubleClick may be violating the law already, and expresses concern about even more serious and widespread privacy invasions if internet behemoth Google is permitted to acquire DoubleClick, the industry leader in targeted advertising online. CIPPIC's request follows similar actions taken by public interest organizations in the U.S. and Europe.

### **Civil Society groups call for stronger privacy protections worldwide**

In September 2007, CIPPIC joined dozens of other civil society groups from around the world in a [Declaration](#) calling on Privacy Commissioners to take more aggressive action to protect individual privacy vis-à-vis the state and commercial entities, in light of "the creation of an unprecedented infrastructure for the global surveillance of individuals and groups" and the failure of legal systems to keep pace with new technologies. The Privacy Commissioners were gathered in Montreal, Quebec for their [annual conference](#).

### **CIPPIC critiques proposal for police access to subscriber data**

In October 2007, CIPPIC filed [comments](#) in response to a [Consultation](#) by Public Safety Canada on proposals for expanded police access to customer name and address "CNA" information from telecommunications service providers. In keeping with its [past comments](#) on this issue, CIPPIC argued that the proposal is over-broad and unlikely to pass a *Charter* test, given the sensitivity of CNA information in a digital world.

### **CIPPIC calls for independent, effective telecom complaints body**

In a hearing before the Canadian Radio-Television and Telecommunications Commission (CRTC) last November, [CIPPIC argued](#) that the industry-designed [Commissioner for Complaints for Telecommunications Services](#) ("CCTS") is seriously flawed in a number of respects and does not meet the government's clear direction for an independent, effective body with the mandate to investigate and report on systemic issues as well as individual complaints. CIPPIC welcomed the CRTC's [December 2007 decision](#), which ordered a number of changes to the industry model, in keeping with CIPPIC's suggestions.

### **New ID Theft Offences good, but not enough, says CIPPIC**

In November 2007, the federal government introduced legislation (Bill C-27) to criminalize certain activities associated with identity theft. CIPPIC welcomed the new initiative to crack down on identity thieves, but [warned](#) that it addresses only one piece of a much larger puzzle of factors contributing to the problem and called on the government to address enforcement of data protection laws as well as corporate practices that facilitate ID fraud, consumer protection and victim assistance measures.

### **CIPPIC Calls for Copyright Consultation**

After a public uprising in opposition to expected copyright legislation in December 2007, CIPPIC sent a [letter](#) to Industry Minister Jim Prentice and Heritage Minister Josée Verner calling for wide consultation on copyright legislation. Noting that copyright is a regulatory law with implications for innovation, privacy, security, education, trade, culture and consumer policy, CIPPIC observed that "the events of December, 2007 demonstrate that Canadians are alive to these issues and will demand copyright policies that are fair and attentive to Canada's interests."

### **CIPPIC calls for public registry of data breaches and limits on kids' data mining**

In response to the [federal government's consultation on PIPEDA reforms](#), CIPPIC is calling for a centralized, publicly available, electronic registry of

data breaches, in addition to mandatory notification to affected individuals. [CIPPIC's submission](#), filed January 15, 2008, also calls for absolute limits on the collection and use of kids' data for targeted marketing purposes, and more effective enforcement mechanisms for PIPEDA violations including class actions.

## **Current Projects and Cases**



### **Canada's Privacy Community Releases Open Letter on Copyright**

Last January, [Canada's Privacy Community](#) has released an [open letter](#) calling on Canada's minister responsible for Canadian copyright policy to consult widely with privacy experts prior to introducing copyright legislation. The letter follows [correspondence from the Privacy Commissioner of Canada](#) identifying some of the privacy interests implicated by proposed digital copyright laws.

### **Copyright Law Reform**

CIPPIC is assisting a number of stakeholders in current copyright policy debates, with a view to ensuring that all important public interests are well-represented and heard by policy-makers and legislators considering new copyright laws for Canada.

### **Online Privacy Threats**

With funding from the Office of the Privacy Commissioner of Canada, CIPPIC is studying persistent and emerging threats to privacy in the online environment. We expect to issue a report on this subject in spring 2008.

### **Legal & Policy Approaches to Identity Theft**

With funding from ORNEC, CIPPIC continues its research on legal and policy approaches to identity theft. We are currently reviewing and analysing various law reform proposals as well as corporate practices, and intend to publish a White Paper with policy recommendations by June 2008.

## **Unfair Terms & Practices in Consumer E-Contracts**

Also with funding from ORNEC, CIPPIC is researching and analyzing legislative approaches to a variety of common practices and terms in consumer electronic contracting. We expect to publish a report on this issue by Spring 2008.

## **Making Privacy Laws Work**

CIPPIC continues to examine corporate data management practices with a view to ensuring that they comply with privacy legislation. We tend to focus on large companies with an online presence, whose practices raise privacy concerns on the part of consumers and users, and who are setting a precedent for the marketplace.

## **Anti-Spyware Coalition**

CIPPIC continues to participate in the Anti-Spyware Coalition, assisting in revision to its Definitions, Glossary and Risk Model documents, and participating in the planning of the Coalition's third public workshop. Present and future work of the Coalition focuses on the status and adequacy of American safe harbour legislation for protecting the activities of anti-spyware researchers. Canada lacks equivalent protections, and CIPPIC will be considering the need to address that lack.

## **Lawful Access & National Security**

CIPPIC continues to monitor and work with other civil society organizations on responses to legislative proposals and policy developments that threaten individual privacy and civil liberties while purporting to enhance the security of Canadians.

## **OECD Ministerial on the Future of the Internet – [The Public Voice](#)**

CIPPIC is working with other civil society advocates worldwide to ensure that the public interest is well-represented in the upcoming [OECD Ministerial on "The Future of the Internet"](#), to be held in Korea in June 2008.

## **IP Justice Cyberlaw Clinic Initiative**

Through this initiative of [IP Justice](#), CIPPIC is working in tandem with other cyberlaw clinics worldwide to ensure that the public interest is well-

represented in ICANN (Internet Corporation for Assigned Names and Numbers) policy-making. CIPPIC's focus is policies governing domain name WHOIS databases, which enable to search for information involved with administering the Domain Name Service.

### Client advice and assistance

Over the past six months, CIPPIC has assisted a number of clients on such issues as intermediary liability, privacy rights, copyright infringement, trademark infringement, and online fraud. Among recent client files, CIPPIC has: prepared a mechanical license for sale of music via digital downloads; prepared a governance agreement for a non-profit health-care venture; assisted an alumnus with a domain name dispute; assisted the author of a parody fend of a cease and desist letter; advised a non-profit movie festival on copyright clearance issues; and assisted a parodist in settling a trademark infringement action in the Federal Court of Canada.



### Events and Presentations

CIPPIC staff members have participated in numerous **conferences and workshops** over the past six months.

Philippa Lawson:

- ♦ Speaker, International Privacy, EPIC Privacy Coalition Annual Meeting (Wash.D.C., Jan.24-25, 2008)
- ♦ Moderator: "Privacy Implications of Public Policy" (Oct.25th); [intercepted I](#) (Oct.27th) "[The Revealed "I": Conference on privacy and identity](#)" (Ottawa, ON : October 25-27, 2007)
- ♦ "[New Technologies in the Workplace: Privacy Issues](#)" [Ontario Human Resources Professionals Association Dinner Series](#) (Ottawa, ON : October 23, 2007)
- ♦ Panel Chair: "Data Mining" [Terra Incognita: 29<sup>th</sup> International Conference of Data Protection and Privacy Commissioners](#) (Montreal, Qc: Sept. 28, 2007)
- ♦ Panel Moderator: "A New Paradigm in Privacy Law for the 21st Century?" [Civil Society Privacy Rights Workshop](#) (Montreal, Qc: September 25, 2007)

- ♦ "[Stakeholder Roles in the APEC Pathfinder & Beyond](#)" APEC Data Privacy Seminar (Vancouver, BC: September 22-23, 2007)
- ♦ "[Holding Your Feet to the Fire: the Value of Privacy Advocates in the Marketplace](#)" Private Sector Privacy in a Changing World (Vancouver, BC: Sept. 21, 2007)

David Fewer:

- ♦ Panelist: "Making P2P Pay" [Ontario Council of Folk Festivals 2007 Conference](#) (London, ON : October 11-14, 2007)
- ♦ "[Privacy and the Right to Know: Rights, Complications and Limitations](#)" [Right to Know Week](#), University of Regina (Regina, Saskatchewan: October 4, 2007)
- ♦ Panelist: "Characterizing the Audience(s) for Academic Writing" [The Canadian Intellectual Property Academy: Outreach and Audience](#) (London, ON: September 19-21, 2007)

#### Canadian Internet Policy and Public Interest Clinic

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