

Jack Layton

NDP  **NPD**

300 – 279 Laurier West/Ouest
Ottawa, ON K1P 5J9

Tel: 613-236-3613

Fax: 613-230-9950

1-866-525-2555

June 17, 2004

RE: CANADIAN INTERNET POLICY AND PUBLIC INTEREST CLINIC

Attached please find the response of the New Democratic Party to your 2004 Election Survey. It is the policy of our party to respond to surveys on behalf of all New Democratic candidates.

Thank you for your interest in the views of the New Democratic Party on the critical issues facing Canadians.

We appreciate your efforts to help voters make an informed decision on voting day.

Sincerely,

Jack Layton



Leader of today's NDP

get involved www.ndp.ca
participez www.npd.ca

New energy. A positive choice.
Une force nouvelle. Un choix positif.



1. Music File-sharing: What is your position on the issue of file-sharing in Canada--should it be illegal?

The NDP supports measures that protect the rights of creators, and ensure that their work is valued and compensated, whether it appears on the radio, in print media, on the internet or elsewhere.

Any copyright legislation needs to balance the rights of creators, users and distributors. Creators must be fairly compensated for their work, and only a creator can waive that right. At the same time, users need fair access, in order to encourage a vital Canadian culture. We would support legislative measures that involve a careful balancing of all of these factors.

2. Technological Protection of Copyrighted Materials: What is your position on using legislation to prohibit circumvention of TPMs?

The NDP endorses the recommendations of the Standing Committee on Canadian Heritage in relation to the immediate ratification of the World Intellectual Property Organization (WIPO) treaties.

In particular, we support the introduction of implementing legislation for the WIPO treaties, to provide Canadians with an opportunity to see how the government might balance the rights of creators and cultural distributors with the needs of users in all respects.

3. Educational Use of Internet Materials: Do you support an amendment to the Copyright Act to allow for the use of freely available materials on the Internet by participants in an educational program?

Our representative to the Standing Committee on Canadian Heritage, Wendy Lill, supported the recommendations of the Committee in this regard. The Committee recommended that a regime of extended collective licensing be put in place to ensure that educational institutions' use of information and communications technologies to deliver copyright protected works can be more efficiently licensed. It noted that this licensing scheme must also recognize that a fee should not be applied to publicly available material.

4. ISP Liability for copyright infringement: Should ISPs be protected from liability for copyright infringement when others merely transmit copyrighted materials over their Facilities, or when others post copyrighted works on websites that the ISP merely hosts?

The NDP supported the recommendation of the Standing Committee on Canadian Heritage in this regard: that while the Copyright Act should be amended to provide for liability for ISPs with respect to copyrighted material on their facilities, ISPs should be exempt from liability if they act as true "intermediaries," without actual or constructive knowledge of the transmitted content, and where they meet certain prescribed conditions.

5. What is your position on the Standing Committee on Canadian Heritage's proposed "notice and takedown" scheme requiring ISPs to remove content on the sole basis of alleged copyright infringement?

The NDP supports the proposed "notice and takedown" scheme, bearing in mind that the Committee called for a system that would comply with the Canadian Charter of Rights and

Freedoms. Indeed, it was our member on the Standing Committee, Wendy Lill, who fought hard to ensure that the importance of compliance with the Charter was included in the Committee's recommendation regarding notice and takedown.

6. Open Source Software: What is your position on increasing or mandating the use of open source software in government operations?

We are aware that the government is presently considering this issue. Our party has not yet taken a position on this matter.

7. Spam: How do you propose to approach the problem of spam?

The NDP is eager to see what measures industry and software developers are able to develop with respect to this issue.

8. National ID cards: What is your position on National ID cards?

The NDP has opposed the introduction of National ID cards. Our concerns about such cards focus on the following issues:

- Privacy: national ID cards could provide the potential for greater monitoring of the movement of citizens by various state institutions
- The potential for abuse: in particular, we are concerned about the possibility of racial profiling and harassment of minorities by state agents, and about potential for more intrusive searches
- Access to confidential information on the card: there are serious concerns about the implications of information sharing between Canadian authorities in other countries