
Brenda Wallace -Submission on the draft copyright Code of Practice for S92A

Education

The ongoing theme/goal of this debacle is "education" of Copyright Infringers. Many professional educators will tell you that you can't teach by saying "Don't do that" and expect someone to just stop. For example, you can try telling a child to "Stop running" but you'll have much greater success if you tell the child to "Walk, don't run." Instead of saying: "Stop eating with your hands", you ought to say "Use your knife and fork".

The same holds for "education notices". Don't say "Stop downloading Regina Spektor", but instead say "Go buy Regina Spektor's music on CDbaby.com, emusic.com, audiogalaxy.com, or Apple iTunes".

Once you have positive actions included, then the notice actually becomes a "education notice".

False accusations

It has been suggested that those that make false accusations of copyright infringement (repeatedly) should get their internet cut off -- i propose a compromise -- if a issuer of infringement accusations is shown to make a false accusations, they must lose their right to make further accusations.

This is inline with the intent of the copyright act, because it would be completely unreasonable to cut off someone based on the accusations of someone who has been proven to not be careful in their accusations.

Copyright Adjudicator

Copyright infringement accusation are often disputed. The SCO claiming copyright on the Linux Operating system is foremost in my mind. Who would judge the merits of the accusation? It would need to be someone who understand copyright, doesn't have a stake in the outcome, and can defer unclear cases to the courts without fear of retribution (aka lawsuits from rights holders).

ISPs can't be the judge of the merits of an accusation -- the accuser certainly cannot be the final judge of the quality of a the rebuttal. What does that leave us?

An independant forum, run experts in copyright law, are the best place to resolve disputes. (Norway proposed this last year.).