



Navigating Copyright in a Digital World



Standards Council of Canada
Conseil canadien des normes

Canada

New technology can be daunting, and in the case of the Internet, the rapid pace of development has added several new layers of complexity including some unique ethical and legal fog patches. Particularly challenging in this Digital Age is the navigation of copyright on a largely unmonitored World Wide Web.

Top of mind in relation to copyright abuse on the Web, is the subject of music downloading. The entertainment industry's high profile legal battle with Internet piracy has made headlines around the world. Less well known however is the effect copyright infringement is having on other industries and sectors, *including the standards business*.

While the factors contributing to copyright violations differ from case to case, a universal challenge faced by those trying to protect intellectual property on the Internet is addressing the attitudes of individuals who intentionally disregard copyright laws.

Do any of these comments sound familiar?

- "But everyone is doing it!"
- "If it is illegal, why is it so easy?"
- "Who am I hurting? It's not a real crime."

Chances are, you have also heard counter-arguments from groups trying to protect copyright:

- "Theft is wrong, whether it's from the corner store or the Internet!"
- "Internet piracy will stunt creativity and innovation."
- "We tell our children it is wrong to cheat in school, but disregard copyright laws at work..."

Discussions about the implications of copyright infringement often draw attention to the need for a better understanding of the facts. Raising the bar on copyright protection is dependent on the collaborative efforts of many players and is one that starts with increasing general awareness.

The Standards Council of Canada (SCC) supports the protection of copyright online and elsewhere. It is committed to promoting the importance of this topic and to doing its part to ensure that the integrity of all types of created works is upheld.

Standards, copyright and the SCC



Whether intentionally or unknowingly, a significant number of standards users are breaking copyright laws by reproducing and/or redistributing standards. Contributing to the violation of copyright not only results in lost revenue for the authorized sellers of those standards, it also jeopardizes the standards themselves by putting them at risk for tampering and/or inadvertent modifications.

As Canada's national standards body, the Standards Council of Canada (SCC) is licensed to sell international standards developed by the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC). Online sales of these standards are administered by Information Handling System (IHS Canada), on behalf of the SCC.

Like most bodies involved in selling standards, the SCC introduced online sales several years ago in response to client demand for fast and convenient access to standards. Unfortunately along with ease of access, Internet sales have also increased the potential for standards to be obtained or distributed illegally. This has forced licensed distributors of standards to seriously weigh the pros and cons of offering their services online.

The SCC relies in part on revenues from standards sales to offset the costs associated with national and international standardization activities. It also uses these funds to support the National Standards System (NSS), Canada's voluntary and consensus-based network of people and organizations involved in the development, promotion and implementation of standards and conformity assessment. Protection of copyright is, on many levels, fundamental to the sustainability of the NSS and to its ability to contribute to, and advance, the social and economic well being of Canadians.

Putting copyright into context

To fully grasp the importance of copyright and the need to protect it, it is essential to understand the main concepts and terminology:

So what is Copyright?

Copyright is defined in the Concise Oxford Dictionary as: *“the exclusive legal right, given to the originator or his or her assignee for a fixed number of years, to print publish, perform, film, or record literary, artistic or musical material, and to authorize others to do the same”.*

Simply put, copyright protects the ownership and identity of the work of its creator, which may be otherwise known as Intellectual Property.

The World Intellectual Property Organization defines intellectual property as any creations of the mind; inventions, literary and artistic works, and symbols, names, images and designs used in commerce.

Copyright infringement occurs when intellectual property is reproduced, performed, broadcast, translated or adapted without the express permission of the creator or the group/individual licensed to handle the material in question.

Unlike a patent, which must be applied for in order to register an invention, all original creations are considered protected by copyright as soon as they come into being. However, most countries have national copyright offices that can register copyright. This provides the creator with documented proof of copyright.

In Canada, the Copyright Act is the federal legislation governing copyright. Canada is a signatory of the Berne Convention, an international treaty recognizing the copyright laws of all other signatories. The agency responsible for registering copyrights is the Copyright Office. It maintains the Register of Copyrights, a record of all registrations, assignments and licences for public use. It is also responsible for providing information to the public about the registration process. The Copyright Office is overseen by the Canadian Intellectual Property Office, a division of Industry Canada, which is responsible for all intellectual property laws.



The boundaries

One of the reasons that copyright is so difficult to enforce on the Web is because there are so many different ways that the rules can be broken – knowingly or by accident.

While the music industry's copyright battle has put the spotlight on peer-to-peer sharing technologies, there are numerous other ways that the integrity of intellectual property can be compromised. In the case of standards some of the most common methods include:

- Password Abuse – sharing passwords that have been issued to a single user for use on a specific site that sells standards
- Illegal distribution of copies of standards – either by mass e-mailing or circulating paper photocopies of the purchased standard

- Uploading purchased standards – either onto a publicly accessible Internet site or onto an organizational Intranet, making it available to a wide group of users



Measures of prevention

The sheer size of the Web makes it virtually impossible to track down everyone who is accessing illegal versions of standards, but a number of different techniques have proven effective in deterring illegal sharing or reproduction of standards. National standards bodies and standards development organizations are:

- **Raising Awareness** – The simplest and most effective method being used by the standards community to minimize copyright abuse on standards is to ensure that stakeholders know the facts about copyright and understand the consequences of copyright infringement.
- **Enforcing the Law** – Given the cost and time necessary to actively track down all, or even a portion of the individuals abusing standards copyright, a full-scale enforcement strategy is unrealistic. However, wherever cases are identified, a number of steps are being taken to inform the individual of the situation, to communicate any related consequences and limit further abuse.
- **Creating Incentives to abide by Copyright** – Making the legitimate versions of standards more desirable and useful than copies is a relatively new method being employed by some standards sellers. Some examples of this technique include creating online standards that allow users to directly input information and perform related calculations within the document.
- **Digital Rights Management (DRM)** – Limiting the standards users' ability to commit copyright abuse through technology is a mechanism increasingly being employed by standards sellers. There are currently a number of different DRM techniques in use to protect Standards from copyright abuse.



Some examples of how DRM techniques are being used include:

- Restricting the use of digital files by limiting the number of times a file can be opened and/or the length of time allowed for file viewing
- Preventing files from being: altered, shared, copied, printed or saved
- Embedding digital watermarks that include identification information in the file

DRM can be contained within an operating system, program software or the actual hardware of the device. Although DRM can be effective in limiting the inappropriate or illegal use of files, it is not foolproof in preventing copyright infringement and there are some drawbacks associated with its use, including concerns about privacy as well as the high costs of implementing and maintaining these technologies.

Longer term goals

Much like protecting the vision and creative work of an artist or entertainer, safeguarding the efforts of our standardization community by protecting the copyright of standards and standards-related information, is a necessary part of ensuring that innovation is nurtured and continues to grow.

In the years ahead, as global and business paradigms continue to shift, the development of new technologies and better tools will be an important driver of change to copyright protection techniques.

Despite the many layers of complexity that may be added, a multifaceted approach that seeks to educate and inform will surely be pivotal to navigating the ever-changing dynamics of a digital world.

Getting more information

The following Web sites offer more information about copyright issues in general:

- World Intellectual Property Organization (WIPO): <http://www.wipo.int>

WIPO is a specialized United Nations agency that promotes the use and protection of intellectual properties.

- Canadian Intellectual Property Office (CIPO): http://strategis.ic.gc.ca/sc_mrksv/cipo/welcome/welcom-e.html

CIPO is the federal agency responsible for the administration of intellectual property laws. The Copyright Office is part of CIPO.

- Copyright Board of Canada: <http://www.cb-cda.gc.ca>

This tribunal reviews and approves tariffs and fees for intellectual property and sets royalties when asked by either a collective or a user of a collective repertoire.

About the SCC

The Standards Council of Canada (SCC) is a federal Crown corporation with the mandate to promote efficient and effective standardization. It reports to Parliament through the Minister of Industry and oversees Canada's National Standards System.

The Standards Council carries out a variety of functions intended to ensure the effective and coordinated operation of standardization in Canada. It also represents Canada's interests in standards-related matters in foreign and international forums.

To find out more about the SCC programs and services or about the National Standards System, contact:

Standards Council of Canada

200-270 Albert Street

Ottawa, ON K1P 6N7

Tel: 613-238-3222

Fax: 613-569-7808

Web: <http://www.scc.ca>

E-mail: info@scc.ca

