



Matt Hatfield, Campaigns Director, OpenMedia

House Committee of Industry and Technology
Re: Bill C-244, an amendment to the Copyright Act

Monday, December 5, 2022

Opening Remarks (Check against delivery):

Good afternoon. I'm Matt Hatfield, and I'm the Campaigns Director of OpenMedia, a grassroots community of nearly 300,000 people in Canada that work together for an open, accessible and surveillance-free Internet. I am speaking to you from the unceded territory of the Sto:lo, Tseil-Waututh, Squamish and Musqueam Nations.

I am thrilled to be here to tell you that Copyright Act amendment Bill C-244 is critical and common sense legislation you should pass immediately. Canadians need full ownership of the products we buy. And that means being able to get them diagnosed and appropriately fixed by anyone we chose, including ourselves. Bill C-244 will help us do this.

Digital technology is increasingly built into everything. Not just computers and phones, but cars, appliances, and even clothing are now digitally 'intelligent' and connected. We're seeing the birth of the Internet of Things - a world in which everything we own can digitally communicate.

If we can make citizens and consumers the full owners and primary beneficiaries of that world, we're looking at a very exciting future. But if we allow the Internet of Things to wrest control of our possessions from us, leaving us surrounded by fridges, farming equipment and everything else that requires constant approval from the original manufacturer's data centres to perform their basic functions, we're on the threshold of a nightmare. Sound rights-reinforcing legislation like Bill C-244 will make the difference in what comes next.

In the pre-digital world, producing an excellent product and selling lots of it once was considered good business. In the digital world, a lot of companies see that as a fool's game. Why charge a one time price when you can transform your product into a service, and collect perpetual fees for the life of the consumer? Some ways of doing that are relatively benign and consumer friendly, like most streaming services, but some are plainly unfair and parasitic. The digital locks that C-244 will prevent are a clear example of parasitic abuse of power by manufacturing companies.

Digital locks force consumers out of the competitive market and into a monopoly market, in which the manufacturer sets the costs of repair parts and services. Sometimes they even lock customers into a repair market that no longer exists, as the manufacturer goes out of business or stops supporting their device well ahead of schedule.

Unsurprisingly, customers often find that repairs in this system somehow cost nearly as much as a new device, and wind up buying a new product rather than repairing the otherwise functional device they have. A public survey we commissioned in 2019 showed that 76% of Canadians had thrown out a digital device that could be repaired to be fully functional, due to fixable problems like dead batteries, cracked screens, or lack of security software updates. Electronic devices frequently contain rare minerals and compounds, some toxic, and represent a spiralling share of our societal waste, with estimates that net e-waste globally is growing by 3-4% a year.

That's bad for the consumer, bad for society at large, bad for the environment - bad for everyone except the manufacturing company in question. Preventing a net social loss due to bad incentives is exactly the kind of problem where we need the government to intervene.

Bill C-244 isn't going to get us all the way there by itself. I hope our government will also adopt the interoperability changes in Bill C-294, and introduce full right to repair legislation soon thereafter.

Big picture, it isn't enough to stop manufacturers from suing repairers or customers who break their software locks to repair our devices. Much more is needed to right the growing imbalance between what manufacturers choose to provide, and what Canadians need for an affordable green future. To name just two common sense changes: I hope we will soon see an obligation for manufacturers to provide replacement parts, instructions and software security upgrades for their products for a healthy five to ten years after purchase, as exists in the EU. And I hope that we will see legislation requiring products display a repairability score on purchase, so that manufacturers are incentivized to compete on durability and long-term performance, not just initial price.

I was privileged this year to work with the environmental nonprofit Equiterre on a deeply thoughtful [report](#) studying how to implement the right to repair in Québec and Canada. I encourage all of you who want to see this right fully implemented give it a close read.

OpenMedia has collected nearly 20,000 petition signatures from our community asking you to fully legislate the Right to Repair. Passing C-244 is a critical and necessary step to fulfilling that request. We have been truly heartened by the level of bipartisan consensus shown around C-244 to date. It proves that the wheels of democracy continue to turn, and you, our representatives, can still come together to support measures that are plainly in the public interest. We hope to see that consensus continue moving forward, both on C-244 and on passing full right to repair legislation very soon.

Thank you and I look forward to your questions.