



**Copyright Commentary: The Uproar over UBB Means  
the Copyright Wars Will Linger**

March 28, 2011 by Bob Tarantino

The good folks at the Lawyers Weekly published an op-ed piece of mine last week (in their March 21, 2011 issue) - the full text of the article can be accessed here, and the opening paragraphs are below:

An arcane CRTC decision in February on “usage-based billing” among Internet service providers prompted an explosion of public anger. When the federal government voiced almost immediate concessions to the rage, at least one conclusion became inescapable: the copyright wars are not going to end any time soon.

Two assumptions underlie the struggle among content creators, distributors and users to re-orient the hoary copyright regime to better account for the realities of digital technology. First, that someone will eventually figure out a mechanism to easily and transparently facilitate payments for authorized online uses; second, that people who access content online will prove willing to pay in accordance with that mechanism. The public and government reaction to “usage-based billing” indicates those assumptions may not be tenable, at least not in a way that ensures the survival of the entertainment industries in their current forms.

Copyrighted entertainment products — songs, movies, TV shows, books — comprise many of the materials shuttling through the digital connections of the Internet. Traditionally, copyright ensured that access to entertainment products required, somewhere along the line, payment. That prospect of payment helped ensure that products were created and distributed on a commercial level. As the Internet has enabled widespread dissemination without multiple intermediaries between creator and consumer, and has made unauthorized consumption of content easier, the critical payment element in the creation and distribution calculus has been eroded. How do the entertainment industries recover that lost revenue?

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