



Protecting ideas, innovations vital to our economic growth

Canada's laws must be updated and toughened to combat piracy of intellectual property

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Intellectual property is an essential element to the continued evolution of product development and business innovation.

It is a key factor in promoting investments in research and innovation, international trade and investment, consumer protection and overall economic growth.

In a rapidly evolving global economy, protecting intellectual property is critical to ensuring a competitive Canada.

It is vital that Canada update its current intellectual property protection regime. In response to Canada's poor record of intellectual property protection, the Canadian Chamber of Commerce launched the Canadian Intellectual Property Council on May 26.

This coalition will promote the need for an improved environment in Canada for businesses engaged in research and innovation by raising the profile of intellectual property rights among key policy-makers and, in turn, transform Canada's reputation on intellectual property rights and position our country as a world leader in this critical area.

Canadian businesses currently face major challenges in protecting their rights. Although Canada has recognized and enshrined intellectual property rights since Confederation, we have fallen behind in recent years.

In modern, developed nations such as Canada, where services and innovation have become key economic drivers, the protection of intellectual property rights is essential to continued growth.

The Canadian Intellectual Property Council will press for changes to legislation to increase intellectual property rights protection in Canada and push for much needed resources to fight counterfeiting and piracy and grey-market goods, especially at Canada's border points and over the Internet.

Canadian businesses are not alone in their concern about Canada's current approach to intellectual property rights. Evidence shows that Canadians support a strong, innovative business environment.

A national survey conducted by Nanos Research in April indicated that 80 per cent of Canadians polled supported strong protection for individuals and companies making discoveries, inventions or creating new products.

More specifically, 74.5 per cent of respondents support protection for inventions related to high-tech products; more than 73 per cent support protection for discoveries of new medicines; 67 per cent support protection on copyrights of music; and 68 per cent of those polled support protection on copyrights of software.

These results are indicative of the value Canadians place on innovation and creative activity on the part of individuals and companies.

One year ago, two House of Commons parliamentary committees issued unanimous, all-party reports that painted a

bleak picture of the intellectual property rights situation in Canada. They called on the government to urgently address the alarming and growing problem of intellectual property rights theft in this country and to put in place a stronger legislative framework and adequate financial and human resources to address the threat.

It is essential that the federal government strengthen the current legislative framework by clearly stipulating trademark counterfeiting as a specific criminal offence under the Trademarks Act; amending the Criminal Code to criminalize intentional possession of counterfeit goods for the purpose of sale; imposing severe penalties to deter offenders; and allowing police to seize income and property derived from copyright piracy.

Law enforcement agencies and prosecutors need better laws that provide a greater ability to combat product counterfeiting and piracy. Customs officials need to have new powers, and the associated additional resources, to search suspected shipments for counterfeit goods at the border and to communicate with intellectual property rights holders to allow for effective criminal, civil and/or administrative enforcement and deterrence against distribution of counterfeit and pirated products.

It is also imperative for the government to introduce long-anticipated copyright legislation and implement the World Intellectual Property Organization treaties that will bring Canada's Internet rules up to international standards.

Tougher laws and enforcement against counterfeiting and piracy will not only protect consumers from shoddy and often dangerous products such as knock-off electrical cords, batteries and medicine, but will also make it more difficult for criminal syndicates to profit from their sale.

While the passage of Bill C-59 (An Act to Amend the Criminal Code – unauthorized recording of a movie) was a first step toward protecting IP, we need decisive, broad-based measures

to restore an orderly, legal and safe marketplace.

We were also encouraged by the continued co-operation on the protection of intellectual property rights with our industry and government counterparts in the U.S. and Mexico through the Security Prosperity Partnership.

The three leaders reiterated their support for an intellectual property rights action plan as a priority item for all three governments at last month's leaders' meeting in New Orleans and we look forward to working with them to ensure it is implemented.

Other nations are taking charge and effecting global changes. If Canada does not follow suit, Canadian businesses will be left at the periphery of the global economy. Not only will Canadians lose by our failure to protect their creations, but we will also pay a severe price as investments that would have been made in this country go elsewhere.

It is time for the government to respond to the growing consensus among Canadians and Canadian businesses that protection of intellectual property rights is a critical issue that must be addressed much more effectively. The current regime is severely lacking and negatively impacting Canada's reputation.

The Canadian Intellectual Property Council will ensure that Canadian intellectual property rights legislation is not only benefiting Canadian companies, but also protecting the health and safety of all individuals.

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