



THE VANC

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SERIOUS

Not Just a Holocaust Museum

BY HYPOCKRAZY

CELEBRATING CIVILISING

NIPEG - The board of the Aspertron which has spearheaded the creation of a Canadian Museum for Human Rights in Winnipeg has recommended that the name of the proposed institution be changed to the Canadian Museum of Rights and Not Just a Holocaust Museum.

Foundation has entered into contracts over the new name with the government which recently paid \$100 million dollars to build jets "set in motion by CanWest mogul Israel Asper who dreamed up a Holocaust museum built in it," according to CTV News. At a news conference, Foundation chair Asper said the board wanted me to reflect the priorities of seum. She was worried that too confusion had been created in cis's mind by the myth that the undated national institution was Holocaust museum. Exhibit designer Ralph Appelbaum of the *National Pulp*, one of the main themes is that "the idea of human rights emerged since the Holocaust" — so this is not just about the Holocaust, affirmed.


tion to a floor called "Lessons of the Holocaust" with permanent exhibits such as "Tracing the Roots of the Holocaust," "The Holocaust in the World," and "The Holocaust in the United States" (which would constitute "the largest Holocaust museum in the world" according to the Jerusalem-based organization). The museum would also have rotating exhibits at the museum's 10 regional offices, including the one in Chicago, perhaps including the one of Aboriginal children who survived at residential schools, for example. So it is not surprising that a Holocaust museum, led by this level of the Museum is not due to the world's response to the Holocaust, but to the Jewish people's rights movement and the promulgating of the United Declaration of "Human Rights," according to Appelbaum. "It's not just a matter about the Holocaust," Appelbaum said. "It's an openness for the Asper Foundation Holocaust Studies and Humanism Center to express the Jewish people's desire to establish a sacred trust and to keep safe from groups such as the neo-Nazi International of the United Nations, the International of the United Nations, the International of the United Nations of Israel's wrongdoers in Palestine, the ban on or verminable laundry of the UN Security Council resolutions and the ban on the Holocaust. It's not just a matter about the Holocaust, but to the Jewish people's rights movement and the promulgating of the United Declaration of "Human Rights," according to Appelbaum.



Israeli military bulldozer brings the many gifts of civilisation to a primitive

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Study Shows Truth

By CYN SORSHEEP

ASPERVILLE — A ground-breaking new academic study has revealed that truth is inherently biased against Israel. "We expected, or at least hoped that the Truth would be fair and balanced — like *Fox News*," said lead researcher Dr. Ignorance, "but we were sadly disappointed — anti-Israel bias was endemic."

Professor Norance, director of the Asper School of Business Information at the University of Winnipeg, said the study was the largest academic analysis of the Truth ever undertaken. "In most subject areas we studied, the Truth proved to be objective but it was shockingly hostile to the actions of the state of Israel."

When the subject of Israel was investigated by researchers, the Truth would shamelessly spew anti-Israeli facts such as "Israel's military killed 20 times more Palestinian civilians in 2006 than Israeli

As a doubly-blind expert on control, researchers used Canadian media coverage of Israel. "We found that Canadian media portrayed the conflict much better than the Truth and Reconciliation Commission noted."

Researchers confronted the pictures of Israeli children killed by Palestinian suicide bombers. They suddenly replied that "In the last 10 years the Israeli army killed more than 1,000 Palestinian children while Palestinians did not kill a single Israeli child." In September 2000, 825 Palestinian

But shouldn't Israel be allowed to build a fence to protect itself?

See You in Court:

Can Canadians Practice Parody?

BY LAURA J. MURRAY AND CRAIG BERGGOLD

In Canada, where a handful of corporations own the majority of media outlets, alternate analyses of news — especially in the form of satire and parody — are being attacked under the guise of protecting trademark and copyright.

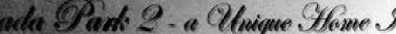
Parody is a topical mode for political discussion although its roots go back at least to Aristophanes. There is an equally long history of the rich and powerful being unamused at parodies and seeking to punish their creators (Aristophanes was prosecuted by the demagogue Cleon). In Vancouver, visual artist Carel Moiseiwitsch and writer Gordon Murray are being sued by media giant Canwest for “conspiring” to produce a 2007 newspaper parody of the Vancouver Sun that satirized owner Canwest’s well-documented pro-Israel bias.

In November 2006, Murray and Moiseiwitsch traveled to Nablus, in the occupied West Bank, to assist with the Palestinian olive harvest. Some of the olive groves had not been picked for many years because of violence and intimidation from Israeli settlers and soldiers. They also documented the aftermath of several Israeli army invasions of the Nablus refugee camps, including wanton property destruction and the killing of Palestinian youths.

When they returned to their hometown of Vancouver, Murray and Moiseiwitsch orga-

nized an exhibit of Moiseiwitsch's photographs at the InterUrban Gallery, called *The Walls of Nablus*, which revealed a narrative of occupation in layered images of Roman walls, bullet holes, intifada graffiti and martyr posters. In a more recent show titled *A-POK-A-LIPS — Signs and Portents in the Mass Media*, Moiseiwitsch's drawings, paintings and assemblages referenced images and video clips from the mainstream media's "shock and awe" war coverage. "The facile lure of electronic media encourages and assumes passive consumption, dehumanizing both the subject and the voyeur," state the exhibition notes. In contrast, Moiseiwitsch's handmade images invite participation and contemplation.

Moiseiwitsch and Murray's experiences in the Occupied Palestinian Territories not only focused their personal art practice but also heightened their awareness to the bias of the Vancouver media. In "Canwest huffs and puffs while free speech burns," their statement published in *The Georgia Straight*, Murray and Moiseiwitsch outline the Vancouver media landscape. "Canwest dominates the news market through ownership of the Vancouver Sun, the Province, the



Canada Park 2 - a Unique Home Invest

Enjoy exceptional Jewish-only lifestyles in Canada Park II, the West Bank's newest gated community. Breathtaking views overlooking the National Fund's Park with its lush greenery and

Carel Moiseiwitsch
and Gordon Murray.
The Vancouver Sun
Parody, 2008.
Courtesy: the artists.

MEDIA MAKES THE MAN

YOU ARE WHAT YOU READ, SO FIND OUT WHO OWNS YOU AND YOUR PAPER. ARTS & LIFE, A2



israel
Apartheid
inside

WHAT'S INSIDE YOUR COMPUTER?

THE NEW INTEL CHIPS COME WITH SOME EXCITING FEATURES: ACCELERATED APARTHEID SEGREGATED GRAPHICS, PHYSICAL AND VIRTUAL LAND GRABBERS, AND BLEEDING-EDGE BANTUSTAN BENCHMARKS. INTEL—POWERED BY ISRAELI APARTHEID, PRODUCED IN A DEPOPULATED PALESTINIAN VILLAGE. HI-TECH, C1

THE VANCOUVER SUN

rsun.7p.com SERIOUSLY ZIONIST SINCE 2001 OCCUPATIONDAY, JUNE, 2007

CELEBRATING 40 YEARS OF CIVILISING THE WEST BANK



ary bulldozer brings the many gifts of civilisation to a primitive resident of Nablus in the West Bank.

The Israeli military has had an impact on the Occupied Territories – but it is all positive

By P. RUPA GHANDA

OTTAWA – Israeli Foreign Minister Tzipi Livni was in Canada today for bilateral meetings with Prime Minister Stephen Harper. The two politicians held a joint news conference at Canadian Forces Base (CFB) Trenton to celebrate 40 years of Israel bringing civilisation to the West Bank, Gaza Strip, Golan Heights and East Jerusalem.

"When the Israeli Occupation Forces (IOF) arrived in June 1967, these areas were backward and underdeveloped," said Livni. The residents were still living off the land with a few sheep and olive trees as they had barely subsisted for, like, thousands of years, she noted.

Prime Minister Harper noted that thanks to the advanced military technology of the IOF, hundreds of unsanitary medieval villages have been demolished and replaced by large modern housing developments with bright kitchens and spotless bathrooms. "No different from homes you would find in Calgary or Mississauga," he said.

"Yes, we've managed to bomb these territories out of the stone age," Livni quipped. But we couldn't have succeeded without the continual acquiescence of the international community and active assistance of great friends like Canada, she added. Livni bragged that ancient, hand-scrubbed olive and fruit groves have now been superseded by hi-tech industrial parks and fully automated greenhouses that grow lush fruit, vegetables and flowers for export to Europe and the world.

Livni thanked Harper for Canada's many contributions to the civilisation of the West Bank. "The government of Canada's tax deductions were especially helpful in establishing 'Canada Park,'" she said. A beautiful verdant green family recreation area has replaced three ugly



Harper and Livni enjoy military war games at CFB Trenton

and unkempt old villages that were a blight on the landscape before 1967.

She also noted that Canada's Indian act and reserve system inspired Israel to create designated enclaves for some of the territory's Arab residents that were hopelessly anti-progress and were fighting tooth and nail against the civilisation that is blooming in their midst.

Harper replied that he wished Canada had shown Israel's foresight to build a

10-metre-high concrete wall, sniper towers and electrified fences around its usually native villages. "We could have stopped recent outrages such as Oka, Burnt Church and Ipperwash before they even got

started," he opined. Technology transfer is one reason the government of Canada is providing funding for Israel to help build fortified border posts in the wall to keep the locals in line, he explained.

Livni pledged that Israel would stay the course and not allow a few luddites and NIMBY naysayers to halt the march of modernisation and prosperity. We will continue bringing the light of civilisation to these blighted lands until there are new red-roofed, gated Jewish communities with manicured lawns stretching from the Mediterranean Sea to the Jordan River, she said.

Harper applauded Israel for its administrative innovations for such as non-violent crowd control with Apache attack helicopters and combat tanks, policing and pacification operations employing fighter jets, heat-seeking missiles and one-ton bombs, as well as incarcerating thousands of dissidents without trial while forcefully persuading them to provide information.

These techniques have been successfully transferred to Iraq and Afghanistan, and God willing we will bring them home to Canada in time for the 2010 Olympics," Harper sermonised.

SEE MILITARY SOLUTIONS A3

National Post, Global TV, the Vancouver Courier, the North Shore News, and the Now community newspaper chain," they note. "With so few news sources to provide alternative views, we concluded that a newspaper parody would be the best method to point out Canwest's extreme anti-Palestinian bias."

They also note that "a study released in 2006 by the Near East Cultural and Educational Foundation of Canada has quantified the shocking bias we perceived in Canwest news. The study found that during 2004, Canwest's flagship National Post was 83 times more likely to report an Israeli child's death than a Palestinian child's death in its news articles' headlines or first paragraphs."

Murray and Moiseiwitsch formed the Palestine Media Collective and, in June 2007, produced 12,000 copies of a four-page parody issue of the Canwest-owned *Vancouver Sun* to highlight its pro-Israel bias. With other activists, they handed the paper out to morning commuters on the 40th anniversary of Israel's military occupation of the West Bank, Gaza Strip, East Jerusalem and Golan Heights.

Study Shows Truth Biased Against Israel

BY GYN SORSHEEP

TITLE – A ground-breaking mic study has revealed that severely biased against Israel. It is the fair and balanced – like – said lead researcher Dr. Ig but we were sadly disappointed: Israel bias was endemic. r Norance, director of the 301 of Business Information iversity of Winnipeg, said was the largest academic 'the Truth ever undertaken, subject areas we studied, the ed to be objective but it was hostile to the actions of the el." e subject of Israel was investigated, the Truth would y spew anti-Israeli facts such military killed 20 times more civilians in 2006 than Israeli

civilians were killed by Palestinians" or "Israel continues to occupy and colonise the Palestinian lands it took by force in 1967 in defiance of international law and 32 UN security council resolutions."

As a doubly-blind experimental control, researchers used Canadian media coverage of Israel. "We found that Canadian media portrayed Israel much better than the Truth did," Dr. Norance noted.

Researchers confronted the truth with pictures of Israeli children killed by Palestinian suicide bombers. The Truth sullenly replied that "In the last year, the Israeli army killed more than 130 Palestinian children while Palestinians did not kill a single Israeli child. Since September 2000, 825 Palestinian children have been killed by Israeli soldiers and settlers while 120 Israeli children have been killed by Palestinians."

But shouldn't Israel be allowed to build a fence to protect itself from ter-

rorists, the researchers demanded of the Truth. The Truth could only respond "Israel's 700 km long 'security' wall is being built 80% on Palestinian territory, and will trap more than 50,000 Palestinians in 'no mans land' on the 'Israeli' side of the wall. According to the International Court of Justice the wall is illegal and should be dismantled immediately."

The researchers were initially puzzled by the Truth's intransigent anti-Israeli stance. "We realised we were witnessing a new kind of New Anti-Semitism – where Truth and the facts overwhelmingly condemn Israeli actions," said Norance. "I think it is vital that the Truth be treated with mistrust and handled with care on the question of Israel."

Leonard Asper, CEO of CanWest/Global said he was not personally surprised at the findings. "This confirms my suspicion that the Truth is fanatically anti-Israel, and vindicates our vigilance

in managing the Truth about Israel's activities in all our converged media assets," he said.

Norance suggested that all media organisations should take similar steps so that truthful anti-Israeli bias didn't poison their coverage and subject them to accusations of New New-Anti-Semitism. "We are not recommending outright lying," Norance explained "just selective presentation of the Truth that is most balanced."

As an example, he cited the common media practice of ignoring the vast majority of Palestinian civilian deaths while reporting every Israeli casualty – often without specifying if they are civilians or soldiers. "This creates the carefully balanced impression that Israelis and Palestinians civilians are dying in roughly equal numbers in this conflict despite the rabid anti-Israeli nature of the truth of the matter."

SEE VANISHING VERITAS A3

Israel's sincere desire for peace

The only thing Israel asks for in order to end the state of apartheid with the Palestinians and its Arab neighbours, is that they recognise Israel's right to exist as a racist state that discriminates by law against Palestinians and grants differential legal rights and privileges to its own Jewish citizens and to all other Jews anywhere. A5



- a Unique Home Investment in the Holy Land

exceptional only lifestyles la Park II, the 's newest gated

Breathtaking views overlooking the Jewish National Fund's serene Canada Park with its tranquil streams, lush greenery and picturesque

A 10-metre high concrete wall with sniper towers and electrified fences protects your family from unwanted annoyances and provides

A partnership of GreenPark Homes, the Jewish National Fund, Caterpillar and the Government of Canada.

Now you can have Greenpark quality in the Holy Land. Demolition and dispossession by

I rob the bank compulsively, I cut up, rearrange, subvert, recontextualize, deconstruct, reconstruct, debunk, rethink, recombine, sort out, untangle, and give back the pictures, the meanings, the sounds, the music, that are taken from us every moment of our days and nights. — Helen de Michiel, media artist.

While in appearance their paper mimics the masthead, layout, ads and general format of the Sun, the parody is not subtle: its main headline is “Celebrating 40 Years of Civilizing the West Bank,” and the main photo, a man in a headscarf facing a towering bulldozer, is captioned “Israeli military bulldozer brings the many gifts of civilization to a primitive resident of Nablus in the West Bank.” A front-page advertisement extols the virtues of “Canada Park 2 – A Unique Home Investment In The Holy Land” with “breathtaking views overlooking the picturesque ruins of the former Palestinian villages of Imwas, Yalu and Bayt Nuba. A 10-metre-high concrete wall with sniper towers and electrified fences protects your family from unwanted annoyances and provides peace of mind. And the Government of Canada provides a tax deduction.” On the inside pages, the paper documents the bias of Canwest’s coverage of the Middle East, and argues that the high media concentration in Canada, particularly in the Vancouver market, is depriving Canadians of the truth about this violent and entrenched conflict.

Some months after the distribution of the paper, Murray and Moiseiwitsch found themselves served with a lawsuit — along with Mordecai Briemberg, who had handed out a few copies of the paper and Horizon Publications, which had printed it (Briemberg has since been dropped from the lawsuit). Canwest Mediaworks Inc., the owner of both daily Vancouver papers and many

other newspapers and TV stations across Canada, apparently took the parody personally, claiming that “the sole, or predominant, intention of the defendants in entering into the conspiracy was to embarrass or to injure the plaintiff in its business.” In an internal memo, the Sun’s publisher wrote that “The people behind this identity theft went to great lengths to distribute thousands of copies of the counterfeit newspaper to unknowing Vancouver Sun customers... It was a cowardly act of public deception.”

Indeed, the “fake newspaper,” as Canwest calls the parody, did specifically take the Asper family, majority owners of Canwest, to task. Quoting Izzy Asper’s proud claims that his papers were vehemently pro-Israel, they pointed out that 70% of the Vancouver news market was dominated by this one company. So, yes, Murray and Moiseiwitsch may have embarrassed Canwest, but their “predominant intention” was to point out its biased coverage of Israel and Palestine and to criticize Canadian government policy that allows such a high degree of media concentration.

So far, the Seriously Free Speech Committee has been successfully raising funds for their legal defense, but the case could take years, and the experience has been alarming and exhausting. As Moiseiwitsch says, “the effects are amazingly subtle, like water in an old house... it just gets to you.”

Murray is shocked that there hasn’t been more media coverage of the lawsuit and its threat to freedom of expression, given that many reporters and producers have expressed interest in the story. It’s not surprising that Canwest outlets haven’t

wanted to touch it, but almost all of Canada's mainstream media have been avoiding the story. For example, when CBC's Jian Ghomeshi interviewed Andy Bichlbaum, one of the creators of *The Yes Men* about a recent parody issue of the *New York Times*, he pointedly ignored Bichlbaum's mention of the *Sun* parody (Ghomeshi writes a column in the Canwest-owned *National Post*). While it's disturbing, Murray points out that the overall media silence does prove the point about the negative effects of media concentration on free speech.

Analysing the charges

However it goes in the end, this case raises a slew of questions for activists and artists who practice parody and satire in Canada. Murray and Moiseiwitsch were sued on three counts: passing off and injurious falsehood, trademark infringement and copyright infringement. Any of these could appear in cases against other parodists, so they're worth reviewing one by one.

Passing off and injurious falsehood

Calling the parody a "fake paper," Canwest charges that it was in essence a forgery, a counterfeit, and that Murray and Moiseiwitsch were "leading the public to believe there was an association between the plaintiff and the fake newspaper." Similarly, Canwest claims that Murray and Moiseiwitsch perpetrated the tort of injurious falsehood by making their work look like the *Sun* when it wasn't. It would seem difficult to make these charges stick: surely if they had wanted to make a fake *Vancouver Sun*, Murray and Moiseiwitsch wouldn't have listed its price as "minimal value outside lower mainland but we gouge

you anyway," or listed features titled CEO Ass Kissing and Right-Wingnut Rant. This is no imitation. After the first few seconds, no reasonable reader would fail to distinguish between the "real thing" and the "fake." As Murray puts it, "people have to have the idea of the *Vancouver Sun* in their head while they are reading it, but we weren't trying to fool people into thinking it was the *Vancouver Sun*."

Trademark infringement

Canwest has registered trademark in the logo and masthead of the *Sun*. But trademark law doesn't prevent reproduction of all trademarked materials, only those that damage reputation and goodwill and confuse customers. Two 2006 Supreme Court cases confirmed this. In one, the Court concluded that a hamburger shop called "Barbie's" did not infringe Mattel's trademark, because it wasn't selling dolls, and in the other, it decided that a clothing store named *Clicquot* did not infringe the champagne-maker's trademark. So the Court here will have to decide whether Murray and Moiseiwitsch were essentially in the same business as Canwest, or in some way damaged the value of the *Vancouver Sun* by parodying it. It's interesting to consider that, when the American prankster artists *The Yes Men* produced the anti-war parody of the *New York Times*, the *Times* apparently considered this a confirmation or augmentation of its reputation — imitation, after all, being the sincerest form of flattery. On its website, the *Times* quoted an academic (and former *Times* reporter) saying, "I consider this a gigantic compliment to the *Times*." Instead of suing, the *Times* acted like a newspaper: it covered the story.

Copyright infringement

While trademark has to be registered and/or defended in order to exist, any image including a logo is automatically, upon its creation, protected by copyright. So copyright comes into this case too — again over the logo and design, since Murray and Moiseiwitsch didn't reproduce any text from the *Sun*. The general rule is that any reproduction of a substantial part of a work without permission constitutes infringement. But then there's "fair dealing," an exception in Canadian law that can apply to criticism, review, research, private study or news reporting. For these purposes, "fair" reproductions may be made without permission. So the first question for the court will be, does this "fake newspaper" constitute criticism? It's hard to imagine that it doesn't, especially since the Supreme Court said in 2004 that the fair dealing categories ought to be interpreted broadly. If the court considers the parody to be criticism, it will then weigh a number of factors in order to determine fairness. Did it cause financial harm to its target? Was it necessary to reproduce as much copyrighted material as was used? Why this particular target in order to make the point about Israel and Palestine? No one factor here is decisive; the court will have to decide on the overall fairness, taking these and other factors into account as it sees fit. It will be hard for Canwest to prove financial harm. The fact that they have complained about Murray and Moiseiwitsch's animus against the Asper family would seem to confirm that the choice of a Canwest paper was integral to the point being made.

Despite the fact that, on a review of Canwest's claims, Murray and Moiseiwitsch have a number of factors in their favour, a pre-

trial ruling in the case in November 2008 denied their request for Canwest documents, finding that “freedom of expression is not a defense to copyright or trademark infringement” and “parody is not a defense to a copyright claim.” That ruling is currently being appealed (citing the *CCH v. LSUC* case of 2004).

Because leaving freedom of speech in the hands of individual judges and lawyers is expensive and exceedingly uncertain, Canadians need to become aware of how the law could be reformed. We need greater certainty for artists and activists who reproduce the work of others in order to express their views about the world we live in. Canada is the only G8 country that doesn’t have protection for the user’s right of parody in its intellectual property regime.

On a general level, provinces could introduce legislation preventing malicious lawsuits put forth to intimidate and harass citizens engaging in public dissent or resistance. “SLAPP” suits (Strategic Lawsuit Against Public Participation) are illegal in many US jurisdictions. Legal advice is extremely expensive, and in a world where only corporations can afford it, anti-SLAPP legislation is necessary to protect citizens’ ability to defend themselves on a range of issues. For example, a community group defending itself against a toxic-waste-spewing factory could be completely destroyed by a lawsuit claiming interference with the company’s business interests. Artists or activists who use parody to criticize the powerful might be protected by anti-SLAPP legislation.

Copyright law is another area that begs for legislative reform. In public statements and warnings at the beginning of DVDs,

corporations have portrayed copyright law as a one-way tool to protect the economic rights of copyright holders. But, historically, copyright legislation has been understood as a balance between owners’ rights and the public’s right to access and reinvent culture. For example, the copyright holders’ monopoly has time limits after which the work enters the public domain. Limitations to owners’ rights also include “fair dealing” (“fair use” is the corresponding American provision).

The Canadian Copyright Act absolutely needs an expanded definition of fair dealing. The Supreme Court has paved the way in the *CCH Canadian Ltd. v. Law Society of Upper Canada* case of 2004 (for example, the Court said that “the fair dealing exception, like other exceptions in the Copyright Act, is a user’s right. In order to maintain the proper balance between the rights of a copyright owner and users’ interests, it must not be interpreted restrictively.”) The current list of acceptable purposes for fair dealing is too prescriptive, and will not cover many common artistic practices. Building the set of factors that determine “fairness” into the act would flesh fair dealing out for ordinary people to understand. Augmenting the Act’s laconic fair dealing clauses would bolster and confirm the prevalent idea in recent Supreme Court decisions that copyright is a balance between owners’ rights and users’ rights.

This direction is exactly opposite to what we saw in the Conservatives’ Bill C-61, a copyright reform act introduced in June 2008, which died on the order paper when an election was called, but which will likely be re-introduced during a future legislative session. That bill said nothing about fair

dealing, but featured provisions for the protection of digital locks that would effectively have made fair dealing impossible when it came to digital materials. If we are not allowed to circumvent technological protections, as that law would have it, we cannot then practice fair dealing — for example, we can’t take clips of DVDs for the purpose of criticism or research. The Liberals’ Bill C-60, abandoned in 2005 at another election, was not quite so outrageous, but still didn’t affirm fair dealing. So whoever is driving the bus in Ottawa, it will be imperative to demand the fortification of fair dealing from them.

It is important to wait and watch for new copyright legislation, and to speak out if it doesn’t contain protections for users of copyrighted material. Canadians need more flexible and emphatically technology-neutral fair dealing provisions to allow for freedom of expression and common artistic practices. But it also wouldn’t hurt to contact your MP now to tell them that this is what you’ll expect from future legislation. □

Donate to the legal defense of Murray and Moiseiwitsch at seriouslyfreespeech.ca

View art works of Caryl Moiseiwitsch at freexero.com/

LAURA J. MURRAY is Associate Professor of English at Queen’s University, proprietor of www.faircopyright.ca and author with Samuel E. Trosow of *Canadian Copyright: A Citizen’s Guide* (Between the Lines, 2007).

CRAIG BERGGOLD is a media artist living in Vancouver.