

# U.S. groups slam anti-piracy accord's draft text

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WASHINGTON - U.S. digital rights advocates and a computer industry trade group on Wednesday criticized the newly released draft text of an international agreement to toughen penalties for copyright theft.

"Substantively, we remain concerned that this proposal lacks the balance that we find in U.S. copyright law, while attempting to export a regulatory regime that favors big media companies at the expense of consumers and innovators," Gigi Sohn, president of Public Knowledge, a digital rights group, said in a statement.

The European Union's executive branch and the U.S. Trade Representative's office on Wednesday both posted texts of the proposed Anti-Counterfeiting Trade Agreement (ACTA) on their websites, years after groups first requested to view the language under negotiation.

"As we feared, ACTA will worsen the trend of international courts penalizing U.S. companies for products and services that are perfectly legal here," said Ed Black, president of the Computer and Communications Industry Association.

"This agreement exports the strong penalties found in U.S. copyright law without also exporting those essential protections like fair use that provide much-needed balance. An agreement that says, 'Please punish our tech companies' will not be good for U.S. trade," Black said.

Opponents noted there was no provision in the ACTA text similar to the principle established in a 1984 case involving Sony Betamax video tapes. That case established that recording TV shows for personal use did not constitute copyright infringement, and that manufacturers of home recording devices cannot be held liable for copyright infringement by others.

## BEHIND CLOSED DOORS

Democratic Senator Ron Wyden praised the decision to publicly release the text, but warned that "a poorly constructed agreement could be harmful to consumers' ability to use the Internet and could stifle the type of innovation needed to create new American jobs."

ACTA is a proposed trade agreement between nearly a dozen governments or authorities aimed at improving standards in the enforcement of intellectual property rights and curtailing trade in fake or pirated goods, such as music, movies and pharmaceuticals.

Because the agreement has been drawn up behind closed doors, rights advocates feared it might contain overly tight or harmful clauses.

Critics say the proposed deal could allow customs agents to confiscate laptops and music devices such as iPods and MP3 players if they suspected they contained illegal downloads. Others worry it could restrict sales of generic drugs.

But the European Commission said the agreement's main target was "large-scale infringements of intellectual property rights which have a significant economic impact," the European Commission said in a statement.

"ACTA will by no means lead to a limitation of civil liberties or to 'harassment' of consumers," the EU executive branch said.

It also said no party to the proposed deal had suggested that governments should introduce a compulsory "three strikes" rule to fight copyright infringement and Internet piracy.

Digital rights groups have been worried that ACTA could lead to some users being banned from the Internet.

The United States, the European Commission, Switzerland and Japan began negotiations over ACTA in 2007. Since then, countries including Australia, Canada, Morocco, New Zealand, Korea, Singapore, and the United Arab Emirates have joined.

The draft is available at the website [www.ustr.gov/acta](http://www.ustr.gov/acta)

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