

# Ending Secrecy, U.S. Releases Draft of ACTA

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After months of public outcry in the U.S. and Europe, the U.S. Trade Representative last week released a draft of the Anti-Counterfeiting Trade Agreement (ACTA), a treaty critics say would improperly expand or create new copyright and intellectual property law without public input. The release comes just as the latest round of negotiations wrapped up on April 16 in Wellington, New Zealand, and with another round of talks scheduled for early June.

Canadian copyright expert Michael Geist, a leading critic of ACTA's Internet-related policy proposals as well the secrecy under which the deal is being negotiated, lauded release of the draft language, saying the disclosure highlighted the value of public pressure. "As politicians and the public demanded greater transparency, the negotiating countries presumably concluded that [secrecy] was becoming a major impediment to concluding an agreement," Geist blogged. A draft of the treaty was also recently leaked.

ACTA has been largely supported and pushed forward by the American entertainment industry lobby, including the Motion Picture Association of America, and the Recording Industry Association of America, but it is also supported by the Association of American Publishers and individual publishers such as Reed Elsevier in hopes it will aid in the fight against digital piracy. Opponents, however, fear the treaty would have major implications for individual Internet users, who could face stiff penalties, such as losing Internet access for alleged piracy, and for ISPs, which could be forced to filter their networks and adopt mandatory, DMCA-like "notice-and-takedown" procedures.

Gigi Sohn, president of the Washington, D.C., nonprofit Public Knowledge, maintains that ACTA is not an agreement designed to combat counterfeiting, but is intellectual property policy disguised as "a trade agreement in order to get secrecy and protection that trade agreements normally get." Sohn told NPR that the provisions in ACTA would affect free speech on the Internet. "People are using blogs now to comment on movies and books and music," Sohn says. "You can't determine just by a dumb filter whether something is a lawful use or not."

Public Knowledge attorney Rashmi Rangath blogged that release of the draft text was a positive development but added that more needs to be done. "The release of the text was a first step in the right direction," Rangath wrote. For the draft release to be "a meaningful

step," she added, "the USTR has to follow up this release with a period of public comment, and that public comment must be able to influence the final text."