

Ten Point Plan on ACTA

What is ACTA?

ACTA = Anti-Counterfeiting Trade Agreement. ACTA is a treaty and it has not as yet been ratified!

Doha Declaration on the TRIPS Agreement and Public Health, was adopted on 14 November 2001, at the Fourth WTO Ministerial Conference and ACTA provisions relating to pharmaceutical medicines seem to be read subject to these provisions.

The Stated Aims of ACTA do not stand up to scrutiny

The idea is to protect intellectual property

Prevent the production of counterfeit goods

Prevent the misuse of Trade Marks

It will safeguard research investments and developments of products

It's supposed to protect medical patents and pharmaceutical products

It's also supposed to support journalists, musicians and artists to produce HQ work and to harmonise international copyright laws (See Treaty)

The Oxford Dictionary defines "counterfeit" as "a fraudulent imitation of something else" BUT when a file is copied on the internet it is EXACTLY the same as the original, so it is NOT an IMITATION nor is it STOLEN since the original is NOT removed! The information is simply being shared free of charge, so counterfeiting has nothing to do with this!

Theft has a precise meaning in law: Animus furandi and asportation are the necessary ingredients. That is to say, there must be an intention to permanently deprive the owner of possession of the object, coupled with a taking and carrying away. The former is known as "animus furandi" while the latter is known as "asportation". The intellectual property that is copied is neither removed with the intention of permanently depriving the owner of possession, nor is it carried away, it still remains in their possession, so neither copying nor file sharing constitutes theft!

There's an excellent video on ACTA on YouTube

See: **What is ACTA ?**

http://www.youtube.com/watch?v=N8Xg_C2YmG0&feature=player_embedded

There is no necessity for ACTA as there are already remedies available

Already remedies in place to stop breach of Copyright and misuse of Trade Marks – we do not need to concentrate power in the hands of the Globalists to stop these actions. Very large sledgehammer to crack a very small nut! The scope of the treaty is manifestly excessive!

One thing that those who whine about the loss of revenue should bear in mind is that there is already legislation in existence to combat violations of copyright and that those who claim that copyright has been violated can have recourse to the courts, they do not need to take away our future, our children's future, it has the potential to kill off generic

medicines and introduce draconian regimes to regulate our food production to protect their out-of-date business models.

What will ACTA do?

If you think that ACTA also covers food, seed patents and things like complimentary medicines. “Worse, it appears to go much further than the internet, cracking down on generic drugs and making food patents even more radical than they are by enforcing a global standard on seed patents that threatens local farmers and food independence across the developed world.” ACTA will force GMO’s on you through seed patents.

<http://www.forbes.com/sites/erikkain/2012/01/23/if-you-thought-sopa-was-bad-just-wait-until-you-meet-acta/>

Here are some of the problems associated with ACTA: -

- ACTA, contains global IP provisions as restrictive, as, or worse than anything contained in SOPA and PIPA.
- ACTA, spans virtually all, of the developed world, threatening the freedom of the internet as well as access to medication and food in some countries. The threat is every bit as real for those countries not involved in the process as the signatories themselves.
- ACTA has already been signed by many countries including the US, but requires ratification in the EU parliament.
- ACTA was written and hammered out behind closed doors. While some of the provisions have been taken out of the final US draft, plenty of unknowns still exist. It’s not nearly clear enough how the agreement will affect laws of the countries who signed the agreement.

See: Forbes Magazine ibid

<http://www.forbes.com/sites/erikkain/2012/01/23/if-you-thought-sopa-was-bad-just-wait-until-you-meet-acta/>

The Principle of Excessive Surveillance

Under ACTA all communication will be monitored – your family and your friends will be observed just in case! See ACTA **Section 5: Enforcement of Intellectual Property Rights in the Digital Environment Article 27 Provisions 1 and 2**

Let’s see how the principle will be applied to the internet: If it appears that you have breached copyright then information about the copyrighted material that you disseminated will be sent to the publisher and based on their claims, you could be fined or sent to prison.

ISPs will also be required to check that no copyright or leads to copyright material are found on their servers: This would be fatal for any site that held any user-generated content, like music or videos! YouTube and Twitter won’t be able to work under a law like that!

ACTA will not benefit the copy holders only the “Content Mafia”

Note that the money made from all of this doesn't benefit authors, artists, journalists etc – they all lose because they are all held by the same restrictive rules! Protected ideas can no longer be re-used or refined further. Even sentences could be restricted and protected by copyright!

The only people who this benefits are a small part of the industry – the so-called "Content Mafia" – media publishing companies like the media publishing companies for example RIAA, or the MPAA – they are trying to solve the internet problem that threatens their obsolete business model.

ACTA is the result of them lobbying within the governments that participated in the negotiations. The latest leaks indicate that techniques that attempt to bypass the content filter will be made illegal. This is all done in secret! This is a great tool for information suppression. Once this legislation is in place virtually any material can be claimed to be copyright and suppressed.

ACTA will make criminals out of 25% of Net users

An estimated 25% of internet users engage in file sharing according to the Copyright protection lobby. See:

[Playing With Numbers: Why SOPA Still Won't Solve Internet Piracy](#)

By [Clarissa Ramon](#) | December 02, 2011

Policy Blog

Most recent activity:

[SOPA](#)

<http://www.publicknowledge.org/blog/playing-numbers-why-sopa-still-wont-solve-int>

Date Accessed: 31.1.12

The Claims about Net Piracy Are Flawed

Electronic Frontiers Australia ("EFA") has treated the claims of the Copyright lobby that the downloading of films is costing the industry over a billion dollars per year with skepticism. The reasoning behind this claim is flawed according to Colin Jacobs from EFA: There are many factors they don't take into account. Treating downloads as lost economic activity is flawed, and downloaders are actually some of the entertainment industry's best customers. The study also ignores the effects to the wider economy of money being spent elsewhere at Australian-owned businesses."

"EFA also questions the industry's ongoing strategy of trying to defend their old business model without adapting to the realities of the digital age."

"Instead of waging war against their customers - and trying to get government help to do so - the movie industry should focus on improving its own offering, and give customers a better alternative to the peer-to-peer networks," said Jacobs. "History shows that customers are happy to pay a fair price for a good product and a good service."

See: **EFA Urges Scepticism on Net Piracy Claims**

EFA website

<http://www.efa.org.au/2011/02/18/efa-urges-skepticism-on-copyright-claims/>

Date Accessed: 31.1.12

The industry could have made a fortune through responding to consumers' wishes concerning music, but they continued to follow the same old top-down marketing model that ignores what consumers want in favour of deciding what the manufacturers want to sell. The whole file sharing thing started because consumers wanted to listen to golden oldies but the record companies decided that they were only going to produce "Top 40" music. Had the industry sold digital copies of the music that consumers wanted to buy online, they could have made a fortune through charging consumers \$3 per song. The Copyright lobby wants to support an out-of-date marketing model and for this they are prepared to compromise freedom of speech and make criminals of, on their estimates 25% of net users.

The Entertainment Industry wants to make criminals out of their customers rather than change their out-dated top-down marketing model. The Copyright lobby estimate that 25% of internet users engage in file sharing. The provisions will make criminals out of 25% of internet users.

ACTA makes it possible to bypass the judicial system

The worst part of ACTA is that it allows those who accuse others of copyright violation to totally bypass any sort of judicial review.

See: Article 9: Provisional Measures where the *inaudita altera parte* provisions apply – this enables the matter to be heard in the absence of one party and consequently allows for the bypassing of the judicial process, for example in extradition provisions.

What if a warrant is issued against someone in your household?

Every computer in the place will be seized – how do you think you will get along then? Worse still you could lose your house if a member of your household engages in file sharing as there could be claims for massive lost profits under Article 9: Damages.

Article 9 Provision 2 – the parties judicial authorities have the power to order the infringer to pay the right holder the infringer's profits. How are these to be calculated?

Please note that Provision 4 excuses the officials of a party to the agreement from liability for damages that they claim, say in the event that the claim!

Under Article 6 Provision 3 cautions on the need to take into account the need for proportionality between the seriousness of the infringement, the interests of third parties, and the applicable measures, remedies and penalties.

If you want to gain some idea of the avarice to which these people in the copyright lobby will go, try the following:

RIAA sues computer-less family, 234 others, for file sharing

By [anders bylund](#) | Published 5 years ago
ars technica

<http://arstechnica.com/old/content/2006/04/6662.ars>

Date Accessed: 31.1.12

Jammie Rasset Thomas is being sued for \$US 1.9 million for downloading 24 songs! Richard O'Dwyer a 23 year old British student is facing extradition proceedings over linking copyright material on his website! If you think these people are not extreme – think again! What Mr O'Dwyer did is not illegal in the UK!

See: <http://www.youtube.com/watch?v=xPR7fv8fjJc&feature=related>

I don't think anyone should take too much comfort from these provisions!

We do not know how foreign law is to apply as regards extradition?

Extradition provisions are of particular concern – if foreign law applies, will the alleged offender be extradited or will they stand trial here under foreign rather than domestic law – huge inroads into national sovereignty.

Other consequences of ACTA

Supposing your fourteen year old son or daughter is accused of having a link on their Facebook page that relates to material that is copyright in China, then, it is perfectly possible as the ACTA Treaty stands that your child may be extradited to stand trial under Chinese law for something that is not an offence in this jurisdiction. Please don't think that this is the only consequence you will face because it is very likely that if one of your children is extradited to stand trial in China that Child Services in your State will add insult to injury by removing your other children on the ground that you are a bad parent for allowing one of your children to break the law.

There is also an attempt to make it a criminal act to bypass filters. In order for this provision in ACTA to work it will necessitate the same sort of police state surveillance and brutality as is to be found in China: This provisions is s to be found in **Section 5: Enforcement of Intellectual Property Rights in the Digital Environment Article 6**

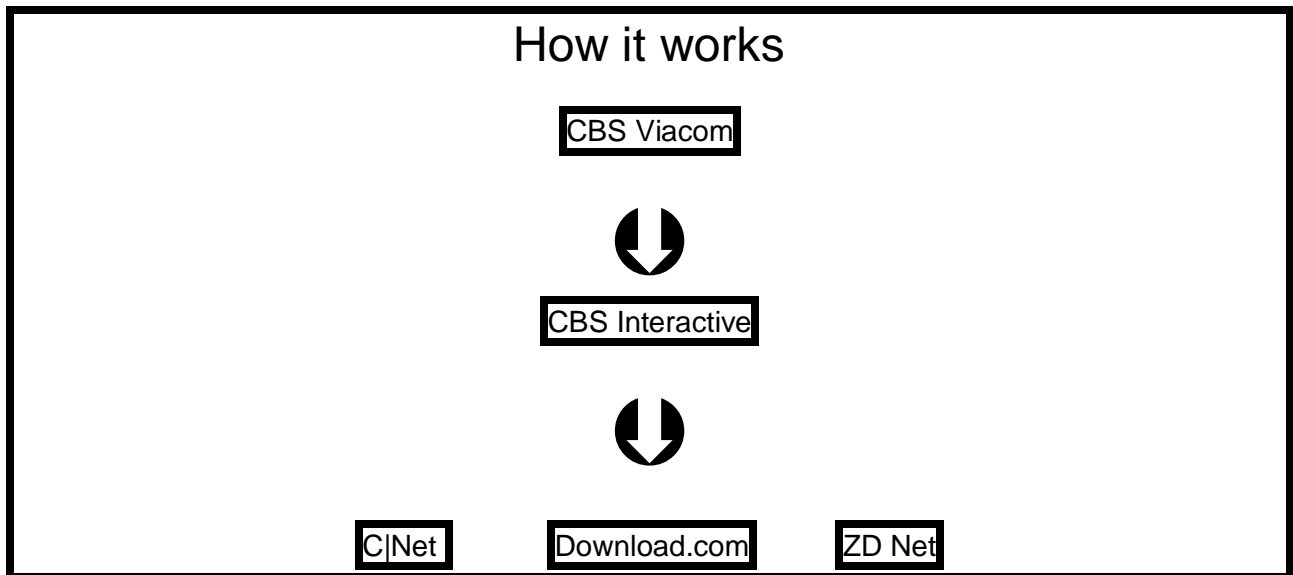
A Dirty Secret of the Copyright Lobby

See:

<http://www.youtube.com/watch?v=xPR7fv8fjJc&feature=related>

Mike Mozart's video has gone viral – there is a dark secret and that is that the very people who are trying to make criminals of those who upload or download copyright material are the very same people who have made a fortune out of file sharing software! They're the people who profited from the sale of the software and then sued people for billions of dollars.

Now, guess who distributed all of the tools to enable this online piracy – CBS Television the C|Net division of CBS have almost exclusive distribution of Limewire, Kazaa, Morpheus, Bit Torrent, Azurius, Booze.



These companies made hundreds of millions of dollars promoting and selling the very same file sharing software. Do you really want your Representatives signing away your life and your children's lives to these evil foreign interests?

Your child can go to jail in China for having a link to another website or Facebook that they claim hosts copyright infringing material.

Article 2: Nature and Scope of Obligations

Then your child can be extradited and jailed in China with no recourse to the courts of this country!

Article 6: General Obligations with Respect to Enforcement: Provisions 1

China would just have to make the accusation they do not have to prove it under ACTA!

Article 12: Provisional Measures: Provision 2 inaudita altera parte provisions means no necessity to prove claim!

How do you think your child will go in a Chinese re-education camp, especially if the government decides to harvest their organs so that some \$300 million CEO in America's wife can have them?

Why would anyone in their right mind trust governments?

ACTA, confers excessive powers on governments and on right holders. It is a huge mistake to trust governments with excessive powers, as the government of today may not abuse power but the government of tomorrow may well be tyrannical. The Germans made this mistake with Hitler. It was stated that ordinary Germans had no need to fear Hitler and that it was only criminals who should be worried, yet Hitler killed around 200,000 ordinary German citizens. Similarly, one should never rely on the judiciary be the guardians of your civil liberties as, for example, the High Court of Australia may well be constituted by individuals who are on the whole reasonable today and safeguard your civil liberties, but the High Court Bench of tomorrow may be populated with jurist like Roland Freisler, who sentenced at least 72 juveniles to death under Hitler's reign.

http://en.wikipedia.org/wiki/Roland_Freisler

Governments shouldn't be trusted since they were the leading cause of unnatural death in 20th century.

See: *Death by Government*
Rummel, RJ

New Brunswick, NJ

Transaction Publishers, 1994

<http://www.hawaii.edu/powerkills/20TH.HTM>

Date Accessed: 5.1.12

ACTA was negotiated in secret with public consultation [Stop ACTA: secretive treaty will bring in the worst of SOPA through trade obligations](#)

By [Cory Doctorow](#) at 12:24 am Thursday, Jan 26 via **SUBMITTERATOR**

<http://boingboing.net/2012/01/26/stop-acta-secretive-treaty-wi.html>

ACTA, the Anti-Counterfeiting Trade Agreement, is the notorious, unprecedented secret copyright treaty that was negotiated by industry representatives and government trade reps, without any access by elected representatives, independent business, the press, public interest groups, legal scholars, independent economists and so on. Time and again, the world's richest governmental administrations (only rich countries were in the negotiation) told their own parliaments and congresses that they could not see what was in the treaty, nor know the details of the discussion.

The European Parliament was one of the bodies that asked its administration to share the treaty discussions with the elected members, only to be turned down. Cables in the Wikileaks dumps showed US officials orchestrating this secrecy because they knew how unpopular this one-sided, heavy-handed copyright treaty would be. Freedom of Information requests to the Obama administration confirmed that the reason for the secrecy was the experience in transparent negotiation at the UN, which resulted in an uprising by developing nations, who saw stricter, more expansive copyrights as a means of extracting rents from the world's poorest people.

Now the European Parliament is being arm-twisted into ratifying ACTA, which contains many of the worst provisions that Americans rejected in SOPA and PIPA. We need your help and input to resist this terrible, dirty, punishing treaty from coming to Europe.

ACTA may well prevent you getting the vitamins, minerals and alternative medicine you want

It remains open to rights' holders to argue that other brands constitute a breach of copyright and this can be used to prevent you accessing the complimentary medicines of your choice!

ACTA may well prevent you watching sport when you want to watch sport

Recall that there is no such thing as a same day download available of a lot of television programmes, despite the fact that consumers have indicated that they want this, so they go in for file sharing. If rights holders don't want people to engage in file sharing then they should provide a better service rather than making criminals out of their customers.

We will gain nothing! We must oppose the ratification of this agreement while there is still time!

What we can and must do about ACTA!

"A nation of sheep will beget a government of wolves" - Edward R. Morrow (1908-1965)

When Injustice Becomes Law, Resistance Becomes Duty - Thomas Jefferson

We need a new approach, whereby we take back government from the elite's stooges and appointees – grassroots campaigns whereby we go to visit our Local Members with a carefully prepared plan, limited to a maximum of ten point plan to tell them why we find something unacceptable. What I mean is don't go in with voluminous documents except as reference documents. Let the politicians know that this reference material is not part of the presentation.

The most effective strategy is to actually visit your Local MP in person to make representations as to why we should not ratify ACTA!

How to find your Local Federal MP

If you are unsure in which electorate you reside, then, try visiting the Australian Electoral Commission Website at <http://apps.aec.gov.au/esearch/> in order to ascertain this information.

You can also make an appointment to see the Senators for your State when Parliament is in recess – I suggest that you do this!

What to do about getting an appointment

Ring your Local Federal MP's office and make an appointment to see them. Suppose that you are told that they are unable to see you, then, don't be deterred, ask to see the appropriate member of their staff.

Prepare a Ten Point Plan

Do not go into visit your Local MP with a voluminous document complaining about ACTA because it will not be read! Instead prepare a careful ten point plan that sets out the problems with ACTA in summary but do make sure that you reference every point and do take in the reference material with you. If your MP, or their staff member asks for a copy of this or access to this reference material, then, give them a copy.

Do be polite but let your Local Member know that you are very concerned about the impact that ACTA will have on our society and that you are only prepared to support a candidate who will vote against ACTA being implemented.

Politics is a numbers' game!

If every electorate in Australia receives ten visits, then, that will be sufficient to let our politicians know that we don't want ACTA ratified. Not many politicians have a death

wish and visits of this magnitude will convince them that the policy is not only unpopular but that supporting it is political suicide. Get your friends to do likewise. Make this information go viral! Urge everyone on your email contacts' list to do the same.

The worst case scenario

What if you see your Local Member to advise them of the problems associated with ACTA and they tell you that they will support it anyway? Suppose that you approach the Opposition and they tell you that they support ACTA too – what do you do then? In this case, you will need to hold public meetings in your electorate and field your own Independent candidate.

The next most effective strategy if you don't visit

Use Snail Mail as it works better than email. It's a matter of you showing the level of commitment by writing a letter because more work is involved in writing a letter than an email. They attach more importance to a letter because it takes more work and that speaks volumes about your level of commitment. If you take all that trouble to write that letter then they know that you are serious!

Note that there are far more of us than them! They no longer control the flow of information now that we have the Internet at this point but ACTA will allow them to restrict freedom of speech and communication, so please take action while there is still time.

Sign up for all the media sites like Digg and Readit and publish it there and then make a copy and that makes it almost impossible to erase. Write a blog post about it. Either copy the post from the original site or the major points from it and write a post about it and include a link back to the post.

Write a comment about it and please post it in the other video sharing sites.

Go viral with this information!

What we need to do is go to see our Local Members to remind them that we exist. It's our fault that our politicians do the bidding of the global elite in a way because they don't very often hear from us except at election time, via the ballot box. In the meantime they're hearing from lobbyists who are representing the New World Order. It is incumbent upon us if we want to stop the New World Order to go to see our politicians and put the alternative point of view. Edmund Burke had his moment of wisdom when he said

“All it takes for evil to triumph is for good men to do nothing.” There is very little else that Burke said, with which I agree. I think the point here is that if you're going to be a mushroom than you and others are going to become victims.

If you can do nothing else, then send an email protesting or make a telephone call to your Local MP's office to protest

One thing that you should understand is that when you send an email, it goes to someone, who is a long way down the food chain. There is a very real chance that it will not be read! Telephone calls lack permanency and staff can forget the content of the call.

Contact the artists directly

We need to do something about this now as regards the industry. What we need to do is to contact the artists to advise them that we wish to purchase their work but that we oppose the tactics of the Copyright protection lobby, especially the drastic effects that ACTA and associated instruments will have on free speech, internet freedom, our food supply, seed patents and generic medicines. Advise them that we would be very pleased to purchase a digital copy of their work from them directly and that we intend to boycott the industry that is trying to implement a global police state.

This says it all!

Ye are many - they are few

Freedom of speech – how will this be safeguarded? Will it be subsidiary to profits?
You could lose your house on the basis of false claims of breach of Copyright
Extradition can be commenced on the say-so of one party – bypasses the judicial process

Attempts to bypass filters – make it a criminal action – this necessitates a police state apparatus like China, so it will be “goodbye human rights!”

Approach artists and offer to buy directly

Child Services in your jurisdiction may snatch your other children, if you have any under the age of majority on the grounds that you allowed one of your children to engage in unlawful activity

"If you will not fight for the right, when you can easily win without bloodshed, if you will not fight when your victory will be sure and not so costly, you may come to the moment when you will have to fight with all the odds against you and only a precarious chance for survival. There may be a worse case. You may have to fight when there is no chance of victory, because it is better to perish, than to live as slaves."

Winston Churchill