

ACTA

What is ACTA?

ACTA = Anti-Counterfeiting Trade Agreement. You should note that there are two stages to a treaty, one is the signing and the other is the Act of Parliament that adopts that treaty as part of the law of the country. I am pleased to inform you that the Act of Parliament has not yet been passed, so that ACTA is not as yet formally part of the law of our country, so we can stop it in its tracks! There is still time to give our politicians the message: Hands off the Internet!

It will kill YouTube, Twitter and Facebook!

See:

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

The Stated Aims of ACTA

The idea is to protect intellectual property

Prevent to 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

How the Stated Aims do not Stand Up to Scrutiny

But 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!

Intellectual Property is not defined by ACTA – it could be Trade Marks or any idea or information which later could be copyrighted, restricted and criminalized: This vagueness will have a huge effect on the Internet as we know it!

A Hypothetical Analogy

A hypothetical analogy – person does a cookery course and then shows husband/wife how to make a recipe from that course – ACTA makes both of them criminals! Only one person has paid to learn this information, so they're not allowed to share it with anyone else for free! The consequences are clear under ACTA – depending on the country in which you live, you will be barred from doing any further courses, fined or sent to prison.

The Principle of Excessive Surveillance

Surely nobody would find out that you have shared this information in your own home, well they wouldn't under current law but ACTA deals with this by excessive surveillance – all communication will be monitored – your family and your friends will be observed just in case!

Let's see how the principle will be applied to the internet: Think of your computer with its internet connection as being a two-way conveyor belt with packages of information coming in and going out, under ACTA, your ISP will be forced to open up and inspect every single data package that you send for copyrighted information. It is not clear that the three strikes rule doesn't apply here – so if you send or receive copyrighted information several times you may be disconnected from the internet permanently or face criminal charges! This sort of draconian action would apply if you simply videoed a party that played copyrighted music! There is more – 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!

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 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.

The consequences of ACTA are: –

Internet censorship

Restricted freedom of speech

Loss of net neutrality due to the restriction of certain protocols

Total surveillance of all of your online activities

Loss of freedoms and restriction of civil rights

Punishment like losing your internet access

If you think that ACTA just regulates the internet, think again, because it also covers food, seed patents and generic 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.”

<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 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. 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 US laws.

See: Forbes Magazine ibid

There is even more bad news, I'm afraid and that is that those who oppose freedom of the internet and of speech have another nasty piece of legislation up their sleeves in case ACTA fails. “Nor is this the only international agreement in the works.”

“According to the Electronic Frontier Foundation, there are “other plurilateral agreements, such as the [Trans Pacific Partnership Agreement](#) (TPP), which contains a chapter on IP enforcement that would have state signatories adopt even more restrictive copyright measures than ACTA. Similarly, negotiations over TPP are also held in secret and with little oversight by the public or civil society. These initiatives, negotiated without participation from civil society or the public, are an affront to a democratic world order. EFF will remain vigilant against these international initiatives that threaten to choke off creativity,

innovation, and free speech, and will stand with EDRI, FFII, La Quadrature du Net and our other EU fellow traveller organizations in their campaign to defeat ACTA in the European Parliament in January.”

See: Forbes Magazine ibid

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

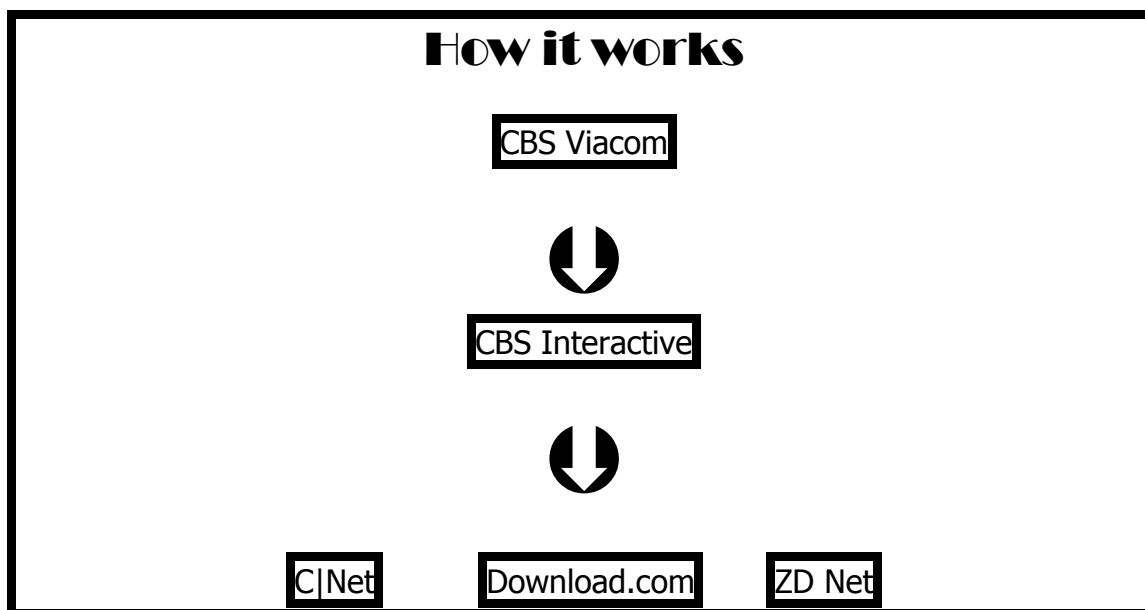
A Dirty Secret of the Copyright Lobby

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. Then your child can be extradited and jailed in China with no recourse to the courts of this country! China would just have to make the accusation they do not have to prove it under ACTA! 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?

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>

The Current Situation in Australia with ACTA

I talked to Kimberley Heitman, who is the Secretary of Electronic Frontiers Australia, of which I am a member about the ACTA Treaty. You see, as I mentioned previously, there are two stages with treaties, one the signing and two the adoption of the law embodied in the treaty via an Act of Parliament. Acts of Parliament can sometimes be very difficult to find as their name is not always a guide to their actions or intentions. It turns out that no formal legislative provisions have been put in place as yet however, the Australian Government has adopted the view that no formal legislative changes are necessary for its adoption. Kim pointed out that the last round of changes to the *Copyright Act* after the US-Australia Free Trade Agreement (which, among other things, criminalised non-commercial copying and made digital locks paramount over fair use rights) certainly allowed criminal sanctions. If, for example, the High Court took a very broad view of "authorising infringements", then the content owners would currently be able to prosecute websites and end-users with the full force of Copyright law. Kim said he'd expect Patent and Trademark law to similarly trump small-company innovation and freedom of expression. There is good news and that is that the signatories to the agreement may withdraw both from ACTA as well as the US-Australia Free Trade Agreement, so the signing is not irreversible at this stage: Both the Democrats and the Greens argue that we should follow this course of action in relation to the latter.

See: http://en.wikipedia.org/wiki/US-Australia_Free_Trade_Agreement#Ratification_of_the_FTA

Article 41: Withdrawal from ACTA

Signatories may withdraw by submitting written notification to the Depositary.

These negotiations to make consumers into criminals were undertaken without any informed public discussion, nor were the consequences spelt out, especially those involving extradition. These actions are to be condemned!

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

Your Parliamentarians need to be made aware that they are making 25% of their users into criminals by adopting ACTA and that they are acting on the advice of shadowy individuals who do not have the best interests of the public at heart!

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:

"The industry has a habit of crying wolf with these sorts of numbers, trying to drum up support for tougher laws. But 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 worst part of ACTA is that it allows those who accuse others of copyright violation to totally bypass any sort of judicial review. 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, kill off generic medicines and introduce draconian regimes to regulate our food production to protect their out-of-date business models.

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.

Parents beware because if your fourteen year-old allegedly breaches something that is Copyright in China and gets extradited to China, then Child Services will be likely to come in and snatch the rest of your children, arguing that because one of your children did something illegal, that you are bad parents.

What we can and must do about this!

"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.

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 – 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.

This Says it All!

Ye are many - they are few

Percy Bysshe Shelley - The Mask of Anarchy