Protests in Europe over ACTA

by David Sohn [1]
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The uproar over SOPA/PIPA shows signs of spilling over into other copyright issues. The latest is a popular effort to derail ACTA [2] in Europe, with public protests scheduled for this Saturday.

CDT expressed serious concerns with ACTA -- initially about the lack of transparency [3], and eventually about its substance [4]. While the final text of ACTA deleted or softened many of the more troubling provisions, CDT remains concerned that it reflects a general trend of trying to use trade negotiations to promote a selective vision of copyright law -- one with strong and mandatory enforcement provisions, but weak and purely optional limitations and exceptions. Yet exceptions and limitations are crucial to copyright law's balance; they provide the essential breathing room for free expression and innovation. Trade negotiations concerning copyright enforcement may also be used as a non-transparent forum in which to pursue substantive changes to the scope of copyright law, such as new legal obligations on intermediaries. Most recently, CDT highlighted these concerns in our Policy Post [5] on the ongoing Trans-Pacific Partnership (TPP) negotiations.

Hopefully the protests regarding ACTA, besides whatever immediate impact they may have on Europe's consideration of ACTA itself, will help highlight the need for better balance in intellectual property trade agreements. Once the public is really watching, it should get harder to use behind-closed-doors negotiations to promote skewed, one-sided approaches to copyright law.

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