

April 12, 2010

Letter to the Editor of the Ottawa Citizen

RE: U.S.-driven draft would allow search of travellers' iPods, PCs, April 8, 2010

Vito Piliéci's report on the Anti-Counterfeiting Trade Agreement (ACTA) in April 8's Citizen contains a number of errors about the Agreement.

For example, the article states as fact:

- "The draft text includes enhanced search powers for border-crossing guards, allowing them to comb through the personal computers and iPods of travellers."
- "The agreement will also place more responsibility on Internet service providers, such as Rogers and Bell, to become content police and prevent users from sharing pirated content over the Internet."
- "Punishment for repeat offenders includes a ban from the using the Internet for up to 12 months."

As Mr. Piliéci notes, an unconfirmed copy of the draft treaty has leaked onto the Internet, but none of these points are to be found in the draft treaty text.

In a presentation to ACTA stakeholders on March 22, 2010, Luc-Pierre Devigne, Head of Intellectual Property for the European Commission, specifically noted that "there would be no new provisions on customs searches for individual laptop or MP3 players". The draft text even contains specific proposed wording that excludes personal/non-commercial items such as iPods. The draft text also has a specific term that ensures that ISPs have no obligations to monitor their customers' activities. Mr. Devigne also stated that there will be no requirement for any "3-strike rule" in ACTA. The draft text confirms this assertion. Clearly, ISPs would not have to become online "content police". Finally, punishment for repeat offenders, through an Internet ban or otherwise, is not in the draft agreement.

The Canadian Government has acted in a responsible and informed manner in representing the interests of the people of Canada. And Canadians, properly informed by the media, will support a treaty that aims to reduce a growing problem – one that a recent Standing Committee of Parliament unanimously concluded is "injuring people or causing adverse health effects," and in which "organized crime is involved".

420 - 360, rue Albert St.
Ottawa, Ontario
K1R 7X7

613.238.4000
613.238.7643

www.chamber.ca
info@chamber.ca

It is untrue that this treaty is somehow different from other treaties in requiring Canada to alter domestic legislation. Like every treaty negotiated since the dawn of time, the ACTA talks involve give and take by each of the participating countries.

Canadians stand to benefit, not lose, by modernising our outdated anti-counterfeiting legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Gray". The signature is written in a cursive style with a large, stylized "G" at the end.

Chris Gray
Director of the Canadian Intellectual Property Council and Innovation Policy

