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George Wardle

From: Paul *SG(2X9)*
Sent: Wednesday, 31 March 2010 10:10 a.m.
To: trademarks
Subject: Submission on ACTA

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Hash: SHA1

Dear Sirs,

I have found the whole process surrounding ACTA to be frustrating. The secrecy of these negotiations, in particular the standpoint of the NZ negotiators on such a far-reaching set of issues is absolutely undemocratic.

At the very least we should know what the New Zealand negotiators are doing and saying on our behalf, in detail.

But more importantly WE SHOULD HAVE INPUT into what it is they go there to negotiate on our behalf. Being presented with a fait accomplis when it is all over is absolutely not good enough.

The whole process puts the cart before the horse. It is back-to-front.

The issues for the IT industry and public internet usage in general are far-reaching. They should be debated at length here in New Zealand in the very first instance and only then, once our wishes are fully understood, and impacts on the public and businesses alike understood, should negotiators be sent off to talk to other nations about this.

The idea that New Zealanders should have to swallow a whole package of measures, or none at all is simply not the right way to go about it.

My submission is therefore that you, the NZ Government acting in my best interests, should reject ACTA completely because:

1. ACTA contains a huge package of measures which New Zealanders have had absolutely no democratic opportunity to debate or to decide, but are likely to be passed as a whole into New Zealand Law. This is absolutely unacceptable.
2. ACTA contains a mis-matched set of infringements, enforcement measures and so forth which mix methods of dealing with the likes of organised crime and dangerous fake products with benign activities members of NZ public undertake in furtherance of knowledge, culture, innovation, freedom of expression, and entertainment. This is a marriage made in hell.
3. Should the ACTA provisions make it into New Zealand Law, my analysis as a Director of an IT company employing over 100 staff is that it would present a massive threat to us. Not only are we copyright holders ourselves, we rely on being able to provide continuity of service to our clients. ACTA would compromise this, and dangerously so. I would also extend that threat to every other IT company in the country, including all ISPs. I am convinced that MED has done no analysis on the impact that ACTA would have on the IT economy here in New Zealand.
4. Should ACTA make it into New Zealand Law employing the pernicious measures that have been leaked so far to us, then two very bad outcomes will ensue in the digital world here. Firstly, it will throw a chilling blanket over the internet as a whole, negating the very freedoms of expression and creativity that it stands for. Secondly, providing mechanisms whereby powerful corporate interests both here and abroad can take punitive measures against New Zealanders is going to result in extreme unhappiness and unrest both in the IT industry and in the public at large. In short, it is setting things up for a great deal of ruction, upheaval and cost to New Zealanders in the future.

Yours sincerely,
Dr. Paul Waite

Director
Catalyst IT Ltd.

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