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From: Tony Wallis | SG(2)(a)
Sent: Thursday, 1 April 2010 12:36 a.m.
To: trademarks
Subject: Submission on: ACTA and Intellectual Property Rights Enforcement

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31/3/2010

Submission on: Anti-Counterfeiting Trade Agreement and Intellectual Property Rights Enforcement

The ACTA Treaty: The ACTA treaty is an unwelcome attempt to manipulate New Zealand's law-making process. Over the years, our legislation has developed to meet our needs with the balance between the rights of copywrite holders and media consumers being carefully considered. The countries and groups promoting ACTA need to have respect for our laws.

Countries negotiating the treaty have persisted for many years and there remains many serious matters of difference. From what I can tell, treaty negotiations have failed.

ACTA offers negligible advantages to our country and I believe we should withdraw from the negotiations. Countries and groups that seek to change our laws and methods should be invited to make submissions to the appropriate Select Committee at the appropriate time, as part of the normal process. Forget about ACTA.

Technological Protection Measurers: There should be no penalty for breaking TPMs. There are occasions when a protection measure prevents the legal use of some media. In cases where the protection is bypassed to enable the illegal use, then the copyright offence should be sufficient disincentive to discourage the offending. TPMs only need help from the law when they are ineffective and are poorly designed. Legal support for weak/defective TPMs is a disincentive to creating strong and effective TPMs.

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