

George Wardle

From: Barry Warren Polley I S.9(2)(a)
Sent: Tuesday, 30 March 2010 2:10 p.m.
To: trademarks
Subject: ACTA submission of comment

Good afternoon -

I attended your briefing on ACTA last Friday 26 March. My intent was to respond to the specific questions you raised but I decided to leave that to experts and/or directly affected parties.

So I will make just one comment: may the NZ delegation please be vigilant about using precise terminology. In particular, the term 'intellectual property' is ambiguous and refers to many different and contradictory artifacts and bodies of law. The lovely four-page colour brochure you distributed discusses matters of counterfeiting (trademark law) and piracy (copyright law) but says nothing about another major body of law: patents.

However, public statements regarding ACTA made by the USA suggest that patents are another form of 'intellectual property' they wish to include within scope of ACTA. Please don't let this happen.

In my professional life I attempt to drive innovation through software development. The work is challenging enough as is but would be immeasurably more difficult and risky were we to be subject to software patents as in the USA. (Bill Gates himself is famous for remarking that Microsoft never would have become a viable company had it come into existence under today's software patent environment.) It would be a sad day were software patents to be allowed in New Zealand. It would be even sadder if software patents were to ride on the coat-tails of ACTA.

Thank you.

Barry Polley

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