

## NEWS

# Delay urged for anti-piracy treaty

Independent economic analysis needed.

Federal parliament's Treaties Committee has recommended the controversial Anti-Counterfeiting Trade Agreement (ACTA) not be ratified until certain conditions are met.

ACTA focuses on strengthening intellectual property standards through trademark and copyright enforcement.

It is heavily backed by much of the global entertainment industry, which is losing billions of dollars each year through the illegal downloading and piracy of films and television shows.

However the treaty has been met with international protests from groups concerned about its impact on privacy and freedom of expression.

Committee chair Kelvin Thomson (Wills, Vic) said the treaty has a number of flaws and the committee is not yet convinced it is in Australia's interests.

Mr Thomson said he is particularly concerned about the use of the term 'intellectual property' throughout the text, which may take it beyond the area of simple copyright enforcement.

"If that then becomes a matter of patents being able to be challenged through this process then there is the potential for downside impacts on consumers," Mr Thomson said.

The committee report calls for an independent and transparent economic analysis of the treaty's costs and benefits to be done before Australia considers ratifying the treaty.

The committee was also wary of pre-empting an ongoing Australian Law Reform Commission inquiry into copyright in the digital era.

"We want to allow that law reform commission report to proceed and we think that there is a risk if we ratify ACTA now that we will effectively lock



**FLAWED:** Treaty may impact consumers

out the potential changes that the law reform commission might recommend."

Mr Thomson said the international environment has also played a role in the committee's recommendation to delay ratification. ACTA has been rejected or deferred in a number of similar jurisdictions, including the United States and various European nations.

Mr Thomson said the fate of the treaty internationally should be clearer by the time the recommended analysis of the treaty is complete.

"The law reform commission is not scheduled to bring down its report until late next year so if we are waiting for that report we have time," he said.

"We have time to do the cost benefit analysis properly, and we have time to see what is going on in Europe – whether this treaty has legs and is going to get international support and is going to get off the ground, or whether the revolt we are seeing against it will prevent it from moving forward." •

## LINKS

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These are key questions for the House of Representatives Infrastructure and Communications Committee as it undertakes a review of IT pricing in Australia and its impact on consumers, businesses and governments.