

# EU Parliament rejects ACTA anti-piracy treaty

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Green Party members of the European parliament demonstrate against the ACTA project (Anti-Counterfeiting Trade Agreement) during the vote Wednesday, July 4, 2012 at the European Parliament in Strasbourg, eastern France. The European Parliament has overwhelmingly defeated the international ACTA anti-piracy agreement, after fears that it would limit Internet freedom. A "no" vote in the Parliament on Wednesday would kill the treaty as far as the European Union is concerned. Supporters say that ACTA — the Anti-Counterfeiting Trade Agreement — is needed to harmonize international standards to protect the rights of those who produce music, movies, pharmaceuticals, fashion goods and other products that often fall victim to piracy and intellectual property theft. Opponents say it would stifle free access to information. (AP Photo/Christian Lutz)

The European Parliament overwhelmingly defeated an international anti-piracy trade agreement Wednesday after concern that it would limit Internet freedom sparked street protests in cities across Europe.

The vote — 39 in favor, 478 against, with 165 abstentions — appeared to deal the death blow to the European Union's participation in a treaty it helped negotiate, though other countries may still participate without the EU.

Supporters had maintained that ACTA, the Anti-Counterfeiting Trade Agreement, was needed to standardize the different national laws that protect the rights of those who produce music, movies, pharmaceuticals, fashion goods and other products that often fall victim to piracy and intellectual property theft. EU officials said, too, that protecting European ideas was essential to the economic growth the continent so badly needs.

But opponents feared the treaty would lead to censorship and snooping on the Internet activities of ordinary citizens. Alex Wilks, who directed the anti-ACTA campaign for the advocacy group Avaaz, said the agreement would have permitted private companies to spy on the activities of Internet users and would have allowed users to be disconnected without due process.

Wilks said the agreement did not properly balance the rights of private citizens and those of copyright holders, whom he described as companies, though their ranks also include individual authors and musicians of modest means.

Beyond the EU and 22 of its member countries, eight other countries also signed the agreement — the U.S., Australia, Canada, Japan, Morocco, New Zealand, Singapore, and South Korea — though none has yet ratified it. The EU vote will not affect them.

David Martin, a member of the European Parliament from Scotland, pronounced the agreement dead.

"No emergency surgery, no transplant, no long period of recuperation is going to save ACTA," Martin said. "It's time to give it its last rites. It's time to allow its friends to mourn and for the rest of us to get on with our lives."

But EU Trade Commissioner Karel De Gucht did not sound ready to give up altogether. He said in a statement that he would push ahead with his plan to have Europe's highest court determine whether the agreement, as currently written, would curtail any fundamental European rights, and would consider his next move in light of that opinion.

"It's clear that the question of protecting intellectual property does need to be addressed on a global scale — for business, the creative industries, whether in Europe or our partner countries," De Gucht said. "With the rejection of ACTA, the need to protect the backbone of Europe's economy across the globe: our innovation, our creativity, our ideas — our intellectual property — does not disappear."

But the overwhelming vote Wednesday seemed to indicate that the agreement in its current form has no chance to be approved.

The treaty was unanimously approved by the 27 EU heads of government in December. But EU efforts to ratify it ran into trouble almost immediately. For the EU to become a party to the treaty, all 27 member countries would have to formally approve it.

Protests erupted on the streets of several European cities. A petition by Avaaz in opposition to ACTA garnered 2.8 million signatures and played an important role in influencing the debate.

It began to look increasingly unlikely that all 27 countries would ratify the agreement, so much so that in February the European Commission, the EU's executive branch, suspended ratification efforts and instead

asked the European Court of Justice to render its opinion. The hope clearly was to stall for time and try to resume ratification efforts, armed with a favorable court opinion, in a calmer atmosphere.

As if to underscore the difficulty in getting the agreement ratified by all 27 EU countries — even had the Parliament given its approval — France's governing Socialist Party issued a statement Wednesday crowing about the parliamentary rejection of the treaty.

"Today, the European Parliament has buried once and for all the ACTA treaty," the statement said. "For the French Socialists, the vote marks the first and foremost a new inter-institutional balance of power, with the active participation of citizens in the European debate."

But copyright holders were, as Martin said, mourning the treaty's demise. A release on behalf of Europe's "creative industries," saying it represented 130 trade federations representing sectors employing over 120 million workers, bemoaned Wednesday's vote, saying it would damage Europe's economy.

"The decision on ACTA is a missed opportunity for the EU to protect its creative and innovation-based industries in the international market place," the statement said. "Intellectual property rights remain the engine for Europe's global competitiveness and a driver of economic growth and jobs. In the current economic climate, it is particularly crucial to protect these beyond the EU itself."

Alan C. Drewsen, executive director of the International Trademark Association, was particularly critical.

"Europe could have seized the chance to support an important treaty that improved intellectual property standards internationally," Drewsen said. "We expect that ACTA will move ahead without the EU, which is a

significant loss for the 27 member states."

The failure to ratify the treaty is a humiliation for the European Union, which was one of the prime movers in the multi-year effort to negotiate the agreement. EU officials had maintained that ACTA would change nothing in European law, but would be simply an instance of the EU leading by example and exporting its strong copyright protection laws to other countries where safeguards are weaker.

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