



To the government representatives responsible for the Trans-Pacific Partnership Agreement (TPP):

Text from the TPP Intellectual Property Rights chapter recently released by Wikileaks confirms the Fair Deal Coalition's fears that the TPP would indeed limit the open Internet, access to knowledge, economic opportunity and fundamental rights, if a number of proposed copyright provisions were agreed to.

To ensure **A Fair Deal** for all countries and stakeholders, we ask that:

- **The term of copyright should be determined by a country's domestic laws and the international agreements they have agreed to.** The TPP should not force countries to extend copyright terms; countries should be encouraged to promote a rich public domain, not required to shrink it. Copyright terms that are too long can discourage access to information and innovation, and inadvertently prevent the re-discovery of out-of-print or unused works.
- **There should be no ban on parallel imports.** The TPP should lower trade barriers, not raise them, but provisions in the leaked chapter would give rightsholders the power to prevent parallel imports of their works. Further some countries are arguing against a provision that would encourage the recognition of international exhaustion of rights. Parallel imports decrease the price and increase the availability of copyright works and should be permitted.
- **Fair and genuine uses of copyright works should not be blocked by digital locks.** Proposals relating to digital locks (also known as technological protection measures or TPMs) would conflict with uses of copyright works otherwise permitted by law. For instance, digital locks should not be used to prevent the blind from accessing copyright works, nor should they block reasonable access to educational materials or reduce consumer choice. TPM laws for the 21st century should be adaptable to a rapidly evolving digital environment and allow fair uses of works.
- **Access to the Internet should be promoted as fundamental to participating in 21st**

century society. Trade agreements must not require termination of Internet access for infringement of copyright. The United Nations has recognised the importance of the Internet to human rights¹. Termination of Internet access to a household or business would cut off occupants from education, employment, health services, government information, and social engagement.

In summary, we encourage:

- The promotion of access to knowledge, innovation, and economic opportunity.
- Respect for fundamental rights like due process, privacy, and free speech.
- Recognition of the realities and opportunities of the Internet.

Who we are

Between us we represent the interests of Internet users, schools, universities, artists, libraries and archives, the blind and vision impaired, consumers, information technology firms, Internet businesses, and those who believe in the power of open source software and the open Internet. We include industry groups, digital rights advocates, academics and human rights organisations.

We, the undersigned organizations, ask for **A Fair Deal** on copyright in the TPP.

As a coalition representing a diversity of interests, we call on TPP parties to reject copyright proposals that would limit the open internet, access to knowledge, economic opportunity and fundamental rights.

As a group we are diverse, but we share one thing in common: We seek appropriately-balanced intellectual property laws that enable many sectors of society to conduct business, access information, educate, and innovate. You can learn more about the International Fair Deal coalition and it's members at: http://ourfairdeal.org/#/About_Us

Sincerely,

The Fair Deal Coalition

Members of the Fair Deal coalition include:

Affinity Bridge, Article 19, Australian Digital Alliance, Australian Library & Information Association, Association for Progressive Communications, Internet New Zealand, BCFIPA, The Canadian Internet Policy and Public Interest Clinic, Consumers International, Council of Canadians,

¹ “[T]he Internet has become the key means by which individuals can exercise their right to freedom of opinion and expression, as guaranteed by Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.” - Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, United Nations General Assembly, Report A/HRC/17/27 dated 16 May 2011 para 20.

Creative Freedom, Demand Progress, Derechos Digitales, Electronic Frontiers Australia, Electronic Frontiers Foundation, Engine.is, Fight for the Future, FreePress, Gen Why Media, Hiperderecho, Library & Information Society of New Zealand, Movements for the Internet Active Users, NZRise, NZ Open Source Society, OpenMedia.org, Public Citizen, Public Knowledge, Royal New Zealand Foundation of the Blind, Scoop, Tech Liberty New Zealand, TechDirt, Telecommunications Users Association of NZ, Tucows and TradeMe.