

17 February 2011

NEW LEAKS OF TPPA TEXT SHOW U.S. IS PLAYING HARDBALL

There has been another leak of the secret documents at the Trans-Pacific Partnership negotiations in Santiago this week, this time involving United States' negotiating text.

The text confirms that the Americans are taking an extremely aggressive position on intellectual property that contrasts starkly with the New Zealand proposal.

People who have read the text report that it builds on Australia's free trade agreement with the US.

In relation to copyright, for example, the US proposes controversial restrictions for copyright users, but has left a "spaceholder" in the section providing for exceptions.

Two of the areas that would be affected are parallel importing and temporary reproduction through Internet use.

The parallel importation provision would impose severe limits on lower priced cost of copyrighted material such as books, music CDs and DVDs.

Under the temporary reproduction provision, all use of written digital media would be subject to the control of the content owner.

"In other words, nothing can be done through the Internet that is outside the control of rights holders, such as incidental copies made in transmitting an article to someone else by email, unless there an exclusion for that activity" an informed source explained.

This approach requires multiple exceptions to avoid Internet use becoming totally impracticable. The US has massive exceptions, but apparently does not want others to do the same.

"So the US is saying "We can use all the content we want for free within our own country but we want you to pay our multinational companies for what we do not pay for at home", said another source that has read the US text.

"The US has a history of being especially uncompromising when it comes to intellectual property rights and it is often the last matter to settle," said Professor Jane Kelsey who is in Santiago as a registered "stakeholder" at the negotiations.

"We can expect the US to play hardball with New Zealand. We should equally expect the New Zealand negotiators not to cave in", Professor Kelsey said.

Contact: Professor Jane Kelsey +64 21 765 055