**Secret treaty will impose draconian US Internet-blocking legislation on rest of the world**

Posted By [Martyn Warwick](http://www.telecomtv.com/go/?ct=9&id=05350a6b-9372-4558-b157-d761e9a0caaa) , 22 April 2010 | [0 Comments](http://www.telecomtv.com/comspace_newsDetail.aspx?n=46223&id=e9381817-0593-417a-8639-c4c53e2a2a10#comments) | (0)
Tags: [*Internet*](http://www.telecomtv.com/results.aspx?tag=133&tagname=Internet) [*legislation*](http://www.telecomtv.com/results.aspx?tag=1059&tagname=legislation) [*Regulation*](http://www.telecomtv.com/results.aspx?tag=478&tagname=Regulation)

In the US, the leaking of a draft of a secret international "treaty" shows that Internet Service Providers (ISPs) are to be compelled by law to act as de facto "copyright cops" and be made responsible for "disabling access" to web sites deemed by various unelected and unaccountable vested interests to be carrying counterfeit or pirated content.

And you thought the notion of "world government" was just a figment of the imagination of brain-fevered right-wing Republicans? Seems not. Martyn Warwick reports.

Over the course of the past 12 months and more, and under conditions of great secrecy, the authorities in various countries have been asked to submit their proposals as to how ISPs should be made responsible for policing the Internet, what those responsibilities should be and what punishments and penalties should be meted out to them if they fail to do the bidding of the powerful content lobby.

These submissions have been made under conditions of guaranteed anonymity because were they to be made public the US and other countries believe its content would be "politically problematic." In other words, the overarching global legislation would compulsorily export damned great swathes of highly controversial US legislation to the rest of the world whether the populations want it or not - and that might result in opposition so better keep it quiet.

The Anti-Counterfeiting Trade Agreement (ACTA) has been in  preparation for many months now. Pushed for relentlessly by the suits representing the vested interests of the huge content lobby in the US, its various sections have been written in conditions of the greatest secrecy. So secret is it that the American authorities have time and again rejected requests from both civil liberties, privacy groups and technologists alike to see the draft proposals.

You might have expected a reaction like that in the dying days of the second George W Bush administration that was so in thrall to Hollywood and the record industry, but that nice Mr. Obama has also turned down requests that the contents of the draft ACTA be made public. The White House actually issued an executive order preventing its publication on the grounds that it would "damage national security."

What utter BS. The reason it was being kept secret is that it has profound implications for the privacy of the individual.

We are learning a bit more about the draconian powers that will be contained in the treaty because back in March the European Parliament decided by a vote of 633 for and 13 against that parts of it should be made public now to avoid "possible political difficulties" further down the line. By that they presumably mean they expect popular public protest of its provisions.

The draft text of ACTA was published on the EU's main website yesterday along with a from the EU Trade Commissioner Karel de Grucht in which he claims that concerns about the global scope and intimidating provisions of the Treaty are "unfounded."

Izzat so? How come then that one of the most controversial of sections from the Digital Millennium  Copyright Act, the so called "anti-circumvention" provisions that make it a crime for an individual to bypass studio imposed copy protection even to make a back-up of a legitimately purchased DVD, have been imported lock, stock and barrel?

So to have the provisions of the No Electronic Theft Act. This little gem makes it illegal for individuals to copy "sufficient quantity" (whatever the hell that might be) of music or videos even if there is no monetary consideration and you just hand over free to a friend or family member a copy of a favourite film that you have bought and paid for.

How is that one going to be enforced? I shudder to think. Government inspectors with statutory right to enter your home and rootle through your film collection?

While, as you would expect, much of ACTA has been written in the US, Australia, Canada, several member states of the European Union, Japan and New Zealand have all appended their secret codicils. So much for democracy.

The "Treaty" is primarily a big stick with which to beat the public and cow the service providers but it also dangles a carrot before the ISPs. They will be granted "immunity from lawsuits" that might result from their "denying and disabling access" to material the content lobby claim to be pirated.

The not-so-subtle deeper semantic meaning here is, of course, that if ISPs don't bow to the will of the ACTA proponents they could face court, legal liability and crippling financial sanction if found complicit in "the transmission of materials protected by copyright." In other words, "obey our commands or we'll ruin you".

Needless to say the Motion Picture Association of America and its ilk approve greatly of ACTA and in a statement says saying it is an "important step forward that deserves to be adopted."

However, in response the privacy group Public Knowledge says ACTA is "an attempt to export a regulatory regime that favours big media companies at the expense of consumers and innovators."

Meanwhile, the Quadrature du Net organisation, headquartered in Paris , has issued a list of three "core reasons" to oppose ACTA.

It accuses the Treaty of being a "policy laundering" device whereby "international negotiation is used to circumvent democratic debates at national or European level" and will result in the adoption of policies "That Parliaments will have no choice but to reject completely or adopt as a whole. In the case of the United States, it is probable that Congress will not be consulted on this matter."

Quadrature du Net goes on to complain that the "one-size-fits-all nature of the Treaty is far too broad and all-encompassing. It says, "The promoters and drafters of ACTA have created a mixed bag of  titles, types of infringement and enforcement measures, in which life-endangering fake products and organised crime activities are considered together with non-for-profit activities that play a role in access to knowledge, innovation, culture and freedom of expression. ACTA would create a de facto presumption of infringement.

Phillipe Aigrain, the co-founder of la Quadrature du Net says, "Contrary to the 'don't worry' statements of the negotiators and persons in charge of ACTA in national governments, what we are seeing is an all-out offensive on freedom of expression and fundamental rights and a process that seeks to establish circumvention of democratic control as a rule. ACTA must be dropped before any reasonable process of international cooperation in the fight against counterfeiting can begin".

The next meeting of ACTA proponents and lobbyists will be in Switzerland in June. No doubt that will be in secret too, with the Gnomes of Zurich hosting the event in one of those aircraft hangers built into mountainsides above Alpine meadows. Officially they don't exist, but they're there alright. Just like the Luddites of the content industry.