



March 29th - April 1st 2012

Making ACTA History

Background

1. **ACTA (Anti-Counterfeiting Trade Agreement) is non-transparent, non-democratic and exclusive**

ACTA was negotiated by the EU, the USA and a small group of other states supported by industry lobby groups behind closed doors without the participation of parliaments and civil society. As the attempt to push for stricter enforcement rules of intellectual property rights failed in multilateral fora like the WTO (World Trade Organisation) and the WIPO (World Intellectual Property Organisation), the states pushing for ACTA decided to negotiate in an exclusive group without developing countries. We Greens strongly oppose this move away from international fora to start a policy of closed shops and hidden processes.

2. **ACTA threatens the freedom of information on the Internet**

Although ACTA does not (any more) oblige the treaty parties to control and punish IP infringement, it still lists these provisions as goals to be reached. The signatories shall, for example, work towards stronger cooperation between internet providers and IP right holders. This would entail more rigid rights enforcement by the providers because they fear to be held responsible for alleged IP infringements if they don't do so; it also supports the idea of privatized rights enforcement outside of the regular formal legal procedures.

3. **ACTA endangers access to medicine**

Patients all over the globe, but especially in developing countries, depend to a large extent on the cheap generic medicines often produced in other developing countries, such as India, but shipped through the EU. As ACTA also covers trademarks, border guards can seize generics in transit if they resemble a patented medicine package. ACTA will facilitate the destruction of confiscated medicine – now only possible in very limited circumstances. Forced information disclosure in the production chain will be made easier for rights holders and thus cause a chilling effect for producers of generic medicine (they may decrease or stop production because they fear punishment). All these measures go beyond TRIPS (Agreement on Trade-Related Aspects of Intellectual Property Rights), curb the developing countries' TRIPS flexibilities and threaten the trade in legitimate generic medicine.

4. ACTA paves a wrong way of dealing with copyright

A more and more rigid approach to copyright and IPR infringement became dominant in the last years. TRIPS has made life difficult for developing countries. Companies can patent new forms of broccoli or Amazonas plants. Pharmaceutical companies patent every tiny change of a medicine. We Greens want the IPR system reformed so that is based on a fair balance between rights holders and users. We Greens are discussing therefore the best ways to modernize and reform copyright and IPR legislation to reach these goals. ACTA however would cement the old, rigid approach for years to come.

5. ACTA does not even hold what it promises

The European Commission and other ACTA proponents claim that ACTA wants to fight counterfeit products. In reality, ACTA is useless in preventing the production of faked Gucci sun glasses since the biggest producer country of counterfeit products, China, is not even part of ACTA. ACTA cannot prevent trade in faked, dangerous medicine.

6. The people do not want ACTA

The big protest movement all over the world, especially Europe, showed that European citizens do not want ACTA. The pressure from the streets has already showed its impact. The European Commission itself is starting to doubt and decided to refer ACTA to the European Court of Justice. Other political groups in the European Parliament woke up and started critical debates – also after having received thousands of e-mails from concerned citizens. There is a political momentum for making ACTA history.

Resolution

Therefore, we, as Global Greens:

1. Strictly oppose ACTA
2. Support the protest movement all over the world
3. Urge the European Parliament and the national parliaments of the ACTA states not to consent to ACTA
4. Call for ex-ante and ex-post human rights impact assessments to be conducted for every trade agreement.