

explainity explains: ACTA

This is Rebeca from cologne. Rebecca is a Street musician. She likes to impress people with her musical talent. Recently she has started to sell her music on the Internet. She's happy to see that her songs are being listened to and downloaded. But Rebecca has found out that her songs are also downloaded illegally. And that is to say the copyright she has on her songs is simply ignored and that is forbidden. It has come to her ears that something called ACTA is supposed to protect her songs on the internet and curiously ACTA seems to have quite a few opponents some of them wearing strange masks. Why are so many people opposed to ACTA and what does ACTA really mean?

ACTA is an abbreviation for anti-counterfeiting trade agreement but in order to make it easier to understand it is often referred to as the anti-piracy treaty.

This program is designed to protect intellectual property on the internet. For example, it protects the new song Rebecca has just recorded and that she intends to sell in order to earn some money. After all, making music is her job. ACTA is designed to make sure nobody steals her music by downloading it illegally.

To ensure that not only Rebecca will get her money, but also John the American guitarists or Takumi a Japanese writer ACTA is planned to be introduced in lots of countries. At the moment every country has its own laws for copyright protection. ACTA means to combats internet piracy internationally. However, the ways in which it is implemented can be determined by every country individually.

In the case of Germany for instance this means that at least for the moment no new laws will be introduced. That's because here copyright is already dealt with extensively in the law code. However, violations of intellectual property are committed across country lines and German copyright laws are not valid outside the german jurisdiction. ACTA will allow persecution between participating countries. Some countries among them Germany however are reluctant to sign the treaty. But why? It all sounds like a good cause. After all it will guarantee nobody can steal from Rebecca any more. Right?

Well the people opposing ACTA also want Rebecca to get her money. But they have a few concerns. There are three main arguments that come up again and again.

First, they claim copyrights are outdated. Many detractors of ACTA belief that traditional copyright laws and the internet do not go together. That is because the use of media on the Internet has become increasingly diverse. It is not limited any more to purely passive consumption but now includes active engagement for example creative remodelling of media as in remix clips. This kind of use is not possible according to existing German copyright.

The second argument against ACTA concerns the way in which ACTA came about. Negotiations were held behind closed doors so that nobody knows how and with whom they were carried out. And because nobody has information about the negotiations opponents suspect that the big bosses in film and other media industries had a massive influence on the design of ACTA in order to push their own interests.

The third argument concerns the rather vague formulations included in the treaty. The opposition claims they are designed to be expendable just like sponge. Thus, opening room for nearly unlimited control. They

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are concerned. That the state could use internet providers as its handyman. Providers could police Internet traffic and sanction copyright violations. This is not directly outlined in ACTA it is however also not ruled out explicitly.

Opponents of ACTA are afraid that the law will enable the state and influential media leaders to control the internet and therefore limit on and freedom. Even Rebecca would not be pleased.

All in all, Rebecca's found out the following: ACTA is conceptualized primarily to protect copyrights on the internet. That's very good cause because Rebecca wants to continue earning money with her songs. But she has also come to see the concerns of the ACTA opposition. She understands that because of the incompatibility of existing copyrights and the internet. Secret negotiations and vague formulations the freedom of Internet users could potentially be impaired in favor of copyrights and interests of media groups.

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