



Treaties Committee recommends deferral of ACTA

The Treaties Committee has recommended the controversial Anti-Counterfeiting Trade Agreement (ACTA) not be ratified until certain conditions, including an independent and transparent economic analysis of its costs and benefits, are met.

ACTA is an agreement designed to strengthen intellectual property standards around the world. It focuses on trademark and copyright enforcement and establishes a legal framework for IP enforcement.

However Committee chair Kelvin Thomson MP says the agreement exhibits a number of flaws and the Committee is not yet convinced that it is in Australia's interests.

Mr Thomson says the Committee has asked for further analysis and clarification of ACTA to be undertaken, in addition to the existing Australian Law Reform Commission Inquiry into Copyright and the Digital Economy.

"The Committee is concerned about the lack of clarity in the text, the exclusion of provisions protecting the rights of individuals, and ACTA's potential to shift the balance in the interpretation of copyright law, intellectual property law and patent law," Mr Thomson said. "The international reaction to ACTA, which, without exception, comes from countries which the Committee considers would have the same interests as Australia, must also be taken into consideration."

The Committee has made nine recommendations, including that the Anti-Counterfeiting Trade Agreement not be ratified by Australia until the:

- Treaties Committee has received and considered an independent and transparent assessment of ACTA's economic and social benefits and costs;
- Australian Law Reform Commission has reported on its Inquiry into Copyright and the Digital Economy; and the
- Australian Government has issued notices of clarification in relation to the terms of the Agreement.

The Committee also recommended that, given their importance in the world economy, Australia should also have regard to ACTA's ratification status in the European Union and the United States of America. The European Parliament's International Trade Committee last week voted to reject ACTA.

The Committee's more detailed views on ACTA is covered in Report 126, which is available on the committee's website:

[http://www.aph.gov.au/Parliamentary Business/Committees/House of Representatives Committees?url=jsct/reports.htm](http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=jsct/reports.htm) or by contacting the Committee Secretariat on (02) 6277 4002.

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