

## **Anti-Counterfeiting Trade Agreement (ACTA)**

I am writing as a Canadian citizen regarding the requested consultation on ACTA.

As it is negotiating this agreement, the Canadian government should place the rights of Canadian citizens above those of corporations and foreign governments. In particular:

- Canadians have an expectation of and right to privacy. The fact sheet on the negotiations says that it will promote cooperation and sharing of information among enforcement agencies. This is reasonable once there is sufficient evidence of criminal behaviour, but should not be routine without such evidence. My private behaviour is private.

Canada should require that only information obtained under judicially approved warrants be shared, and then only if there continues to be evidence of criminal activity under Canadian law.

- Canadians also have a right to use products in reasonable ways. Counterfeiting is wrong, and Canada should act to suppress it. However, piracy is another matter. Proponents of IPR have a tendency to try to expand the definition of piracy beyond reasonable limits. It is not piracy for me to transfer a copy of a CD to an MP3 player so I can listen to it, and this agreement should not infringe on my right to do that, or other reasonable uses of copyrighted materials. Besides "Measures for raising consumer public awareness about the importance of IPR protection and the detrimental effects of IPR infringements.", Canada should work to raise public awareness about the limits of IP rights.

Canada should also make sure that the agreement doesn't surreptitiously expand IP rights. For example, Canada should resist the expansion of patent protection to ideas, algorithms, and business methods. Patents exist to promote invention, not to suppress it.

Thank you for conducting this public consultation.

Duncan Murdoch  
London, Ontario