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Anti-Counterfeiting Trade Agreement (ACTA)

Dear Sirs/Madams,

I am an Associate Professor at the University of Ottawa, Faculty of Law. My teaching, research and writing focus on intellectual property. I lead the research theme in technology and intellectual property law for the EDGE Network on the Emerging Dynamic Global Economies, a multi-national group of leading thinkers in business, law, political economy, international relations and governance.

I am writing to express briefly my comments on Canada's participation in the proposed Anti-Counterfeiting Trade Agreement.

In short, I do not support Canada's participation in ACTA at this time. Without knowing what precisely would be contained in such an agreement, my concerns are more procedural than substantive. That is, meaningful consultations and public participation in the process leading up to a potential agreement are impossible without a better sense from the Government about the origins and scope of the proposal for ACTA.

The rhetoric of counterfeiting and piracy does not adequately explain the problem that the Government of Canada and other governments are purporting to address through an agreement. Moreover, it is insufficient to make faith-based leaps to conclude that an agreement as conceived would be an appropriate solution to any problems that do exist.

Based on my background knowledge and extensive research in this area, there is no objective empirical evidence supporting the claim that an Agreement of this nature is necessary or appropriate. The proposed agreement would put the cart before the horse.

I would, however, strongly support any efforts by the Government of Canada or other neutral parties to obtain reliable data about issues of counterfeiting and trade. I would also strongly support efforts to conduct balanced and transparent analysis of the economic and public policy implications of any potential action that might be taken by the Government of Canada. These are important issues, and deserve proper attention.

Thank you for taking my opinions into consideration.

Sincerely,

JdB

Jeremy de Beer
Associate Professor | Professeur agrégé
Faculty of Common Law | Faculté de droit
University of Ottawa | Université d'Ottawa