

Select Committee Questions

ACTA

- Who is representing MED at the ACTA discussions. What reports have been made following those discussions. Can the Committee have access to those reports?
- What about ACTA makes it such that it needs to be negotiated in secret, when similar treaties have been negotiated with a much greater degree of transparency? (see below for references) Why can draft texts not be released to the public, or at least to representatives of affected industries, or at the very least to members of parliament?

U.S. NGO groups have made a strong case for how ACTA's lack of transparency is out-of-step with many other global norm setting exercises. With regard to [international fora](#), they note that the WTO, WIPO, WHO, UNCITRAL, UNIDROIT, UNCTAD, OECD, Hague Conference on Private International Law, and an assortment of other conventions have all been far more open than ACTA. For example, it notes that the WIPO Internet treaties, which offer the closest substantive parallel to the ACTA Internet provisions, were by comparison very transparent:

The two WIPO Internet Treaties (WCT and WPPT) were negotiated in a completely open meeting at the Geneva Convention Center. The public was allowed to attend without accreditation. The draft texts for the WCT and the WPPT were public, and the U.S. government requested comments on the draft texts, which were available, among other places, from the U.S. Copyright Office."

- Have the ACTA discussions focused on consumer copyright infringement? If so, what is the nature of those discussions and what is New Zealand's position?
- How would signing ACTA constrain domestic policy choices in the replacement of s 92 a given leaked info that suggests a three strikes policy would be mandatory?
- What is the relationship between ACTA and other trade agreements under discussion - ie are there any suggestions ACTA signature would be a requirement for access to other bilateral or plurilateral trade agreements?
- What is the possible relationship between ACTA and a free trade agreement with the USA? Is it likely we will have to make concessions which are opposite to the outcome of the recent public consultation on section 92A, in order to achieve an FTA with the US, as Prime Minister Key suggested on 2 March of this year?

<http://www.stuff.co.nz/technology/1755916>

"One of the challenges is that internationally, the equivalent of Section 92A is emerging around the world - Australia has a version, the UK has a version," he said.

"If New Zealand was to sign a free-trade agreement with America for instance, we would need an equivalent of Section 92A," he said.

- What is the process for consulting NZ domestic stakeholders on ACTA and when will it get underway?