

copyright in the **TPP** agreement

balance (protection & access)

protection terms

The US proposal (4.5) affects the development of a rich cultural environment, nurtured by works that enter the public domain, and their legitimate use by consumers, users and intermediaries.

There is no reason to increase the protection terms beyond those that have been established by the WIPO and WTO standards.

protection terms

The Burden of proof of restricting Public Domain by extending the protection terms is on the proposing parties.

There is no evidence that backups the “term extending” claims. For rightholders no term is enough.

protection terms

We need a **real term**, not one that keeps growing year after year.

In Chile, in the last 30 years, in average **every 10 years** the © term in increased **15 years**.

protection terms

- Term extensions create new problem, as orphan works. Most works that aren't profitable in the first 5-10 years, will never be, and will be lost from market and from access.
- Term extensions severely affects freedom of speech, restricting new uses for the existing works.
- There is not *tabula rasa* originality.

tpm



tpm

-The US proposal excessively overprotects TPM and goes far beyond the multilateral agreements that regulate them, extending the sanctions not only to the ones that “evade” but also against those that commercialize devices that allow the evasion of TPM’s, **even if their conduct does not infringe on copyright.** (*per se* standard)

- The proposed TPM exceptions (4.9.b) are more restrictive than the ones contained in other FTA's, and will seriously affect the citizens of countries that don't have fair enough © flexibilities.
- The excessive protection measures contained within the TPP will affect consumer rights (a potential source of Human Rights infringement), diminish technological innovation and worsen free market and trade.

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-The TPM should be recognized in the established terms of section 11 of the WCT from WIPO.

-We propose that the TPP should incorporate sanctions for those that hinder the legal access to a protected work or hinder the use of copyright exceptions, when that hindering is made through DRM's.

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tpm

-From a technological standpoint TPM's represents a threat to privacy and other human rights , because the intellectual works mostly stay encrypted and associated with consumer ID's, or take another extreme approaches like the using of rootkits.

-TPM's has unintended consequences, creating more problems than solving them. Is it necessary to over regulate them?

Thank you

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