

APrIGF Summary Report

Plenary 2: Intellectual Property: ACTA and Other Controversies

June 16, 2011

Hong Xue, Chair

This session talked about the followings:

- a) Specific legal initiative, such as US new legislative initiative, especially protecting IP to use domain name system to enforce intellectual property rights. Intermediary liability has always been a big issue for the development of internet, cloud computing and its impact on intellectual property. Obviously, our focus of discussion has been on anti-counterfeit trade agreement.
- b) The forum shifting from multilateral to plurilateral, and the local response to this ACTA negotiation process. A couple of lessons learned from ACTA and the other IP controversies.
 - i) Lesson 1 is that most people agree on the process for making IP law or policy should be opened and transparent. The secrecy of ACTA negotiation is really the wrong way to presume the IP interest and will not balance the whole system.
 - ii) Lesson 2 is that internet property should be updated and refreshed. Internet property was created after industrial revolution and international IP regime has been going on for more than 100 years. However, we are now facing the new business model, new media environment and especially the new way of life. In order to make intellectual property effective, internet, in our new social media environment, to make it relevant to our real life, and need to be remixed, and recreated. Intellectual property is supposed to protect creation and stimulate originality. It should be able to be created by itself. It should not be stifled and refused to respond to new business and media environment.
 - iii) Lesson 3 is that we believe intellectual property is only a link of the whole social life, so it should be accessed in a wider context and take into account the impact on consumer protection, on business competition and especially on human right protection, including but not limited to privacy and free speech.