



"This project has been funded with support from the European Union. This publication [communication] reflects the views only of the author, and the Commission cannot be held responsible for any use which may be made of the information

YEPP Resolution: In Support of Free and Open Internet – for a revision of ACTA

Adopted at the YEPP Seminar in Budapest, Hungary on February 25 2012

Recognizing:

- The multilateral Anti-Counterfeiting Trade Agreement (ACTA) proposes international standards for enforcement of intellectual property rights.
- ACTA, negotiated by a handful of countries (Australia, Canada, the European Union, Japan, Korea, Mexico, Morocco, New Zealand, Singapore, Switzerland and the United States) in coordination with certain parts of industry, is controversial in both process and substance.
- The Stop Online Piracy Act and Protect Intellectual Property Act proposed by the United States Congress in January 2011 caused widespread protests, both online and offline. The legislation has since been delayed.
- These Acts, as proposed, could have serious consequences for websites hosted within the European Union, particularly for websites with any aspect of user generated content.
- Online piracy is a serious issue that must be tackled, however given the potential consequences on freedom of speech and legal information exchange, any action taken must be proportionate to its aims.

Acknowledging:

- It is also an enabler of other rights under the ECHR including the right to freedom of expression, the right to access information and the right to family and private life.
- Online innovation and information exchange has played a significant role in the creation of the internal market, particularly in allowing small and medium enterprises to develop across borders.
- An unclear legal framework could have a chilling effect on investment into internet start-up companies. This could have a devastating impact on the development of the Innovation Union as envisaged in the Europe 2020 strategy.
- There has been a lack of democratic credibility in the developing process of ACTA (for example no party to ACTA has provided public access to the negotiating documents).
- ACTA entails threats to free speech and access to culture, dangers to privacy, hindrances to innovation, harm to trade and a lack of legal clarity.

- ACTA would place the regulation of free speech in the hands of private companies as it imposes obligations on third parties to police online content, such as Internet intermediaries, who are ill-equipped to regulate online speech.
- ACTA ignores the possibilities of self-regulation of the Internet and tries to enchain it legally.
- Welcoming the Commission that the EU suspended the ratification of ACTA treaty.

YEPP calls on:

- Affirms its belief that freedom to legally exchange and access information on the internet is an essential facet of a modern, democratic, globalised world
- Welcomes and supports the strong European commitment to free internet.
- The EU-member states not to ratify the Anti-Counterfeiting Trade Agreement on the national level.
- The European Parliament not to accept the Anti-Counterfeiting Trade Agreement in the update/current version.
- Further satisfactory assurances and clarifications from the European Commission and from the European Court of Justice
- Calls on the European Union and its Member States to lobby the United States against introducing any legislation that could be damaging to the free and legal exchange of information on the Internet.
- Calls on the European Commission to initiate legislative action to clarify the term, "fair use".
- Stresses that any action taken in this area can have wide-ranging consequences for the private lives of citizens, as well as business and education, and therefore new policies should be developed openly and transparently through the normal legislative process.