

Department of Foreign Affairs and International Trade

The Honourable John Manley, Minister of Foreign Affairs
The Honourable Pierre Pettigrew, Minister for International Trade

By Fax to : (613) 996-3443 / (613) 996-8924

August 19, 2001

Dear Honourable Sirs,

I am writing to you as it is your departments that have authority over the FTAA negotiations, and I would like to voice some of the serious concerns I have regarding proposed sections and wording in the draft FTAA agreement, concerning Intellectual Property rights.

Some proposals presented for incorporation into the FTAA seem to be based on the somewhat draconian clauses of the United States Digital Millennium Copyright Act (1998), and I'm sure I speak for many others in asking that these clauses be rejected. In particular, anti-circumvention provisions of the DMCA make it illegal to develop and distribute software or tools that allow people to exercise their legal and permitted rights with regard to copyrighted materials. Such excessive restrictions are opposed by academics, librarians, and information professionals as extreme and unnecessary, as well as completely contrary to free speech and idea exchange principles of modern free societies.

Existing Copyright regulations provide ample protection and recourse for copyright holders, but in this new information age we must be careful to balance any new copyright regulations against the traditional fair use, first sale, and permitted personal use rights. The anti-circumvention provisions of the DMCA dangerously unbalance these rights, and the inclusion of these regressive regulations in the FTAA is both unwelcome and dangerous for the future of open exchange of information.

The DMCA is already an international embarrassment for the United States, an example of a law that gives far too much power to large publishers at the expense of individual rights. I am a software developer and publisher myself, yet I certainly do not support such dangerous regulation and restriction of free speech in the name of "enhancing" copyright protections. I urge you not to include provisions such as the anti-circumvention clauses in future drafts of the FTAA.

Yours Sincerely,

George Geczy,
Partner and Lead Programmer – dg technical consulting
Chair, Hamilton Chamber of Commerce Science & Technology Committee
Board Member, Hamilton Public Library Board of Directors