

Alvin Y. H. Cheung

Hon WONG Ting-kwong, BBS, JP
Chairman, Legislative Council Panel on Commerce and Industry

c/o

Ms YUE Tin-po
Clerk to the Legislative Council Panel on Commerce and Industry
Legislative Council Complex
1 Legislative Council Road
Central
(By email: panel_ci@legco.gov.hk)

12 March 2012

Dear Councillor Wong,

**Re: Anti-Counterfeiting Trade Agreement (ACTA)
and Trans-Pacific Partnership (TPP)**

I am writing to you, in your capacity as Chairman of the Panel on Commerce and Industry, regarding Hong Kong's participation in ACTA and its possible participation in the TPP.

ACTA will, despite purporting to be a trade agreement, involve fundamental changes to international intellectual property norms. The provisions of ACTA were negotiated in secret, with no transparency or public oversight.

At a time when this Council is considering the Copyright (Amendment) Bill 2011 ("the Bill") as a means of adapting copyright to the digital age, ACTA will bypass the legislative process entirely and impose a radically different substantive approach – one which has already been rejected in the consultations leading up to the Bill. Eminent academic commentators and members of the public in numerous other ACTA signatory jurisdictions have expressed grave reservations about the contents of ACTA. Its provisions will destroy the creative industry, stifle innovation and change the very nature of the Internet.

Similarly, the TPP's provisions regarding intellectual property enforcement are being negotiated in complete secrecy. Despite this lack of transparency, indications are that its provisions will have no less severe an effect than those of ACTA.

I therefore urge you to demand greater transparency and accountability from the Executive regarding:

- Its position on ACTA; and
- The Executive's participation in negotiations regarding the intellectual property provisions of the TPP.

Yours sincerely,

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Alvin Cheung

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