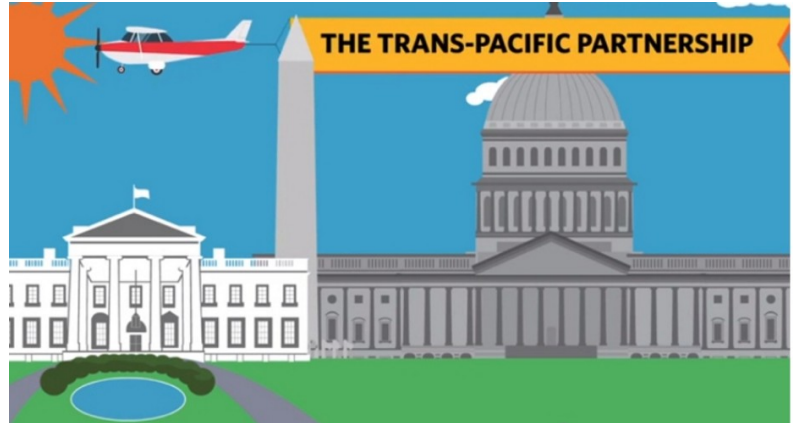




Written by [Alex Newman](#) on October 12, 2015

Leaked TPP Intellectual Property Chapter Sparks Global Outcry

After the pro-transparency group WikiLeaks released the [intellectual property chapter](#) of the controversial [Trans-Pacific Partnership](#) (TPP) “trade” regime, the outcry around the world and across the political spectrum was swift and brutal. Among the many problems highlighted by critics of the scheme: the assault on national sovereignty and self-government; the threat to free expression, privacy, whistleblowers, and freedom of information; the generous handouts to Big Business cronies in everything from pharmaceuticals to Hollywood; conscripting Internet Service Providers (ISPs) into serving as agents of the transnational TPP regime; and much more.



Opponents say there are so many radical, lobbyist-inspired dangers lurking in the leaked text that passing it will be tough, even despite the [GOP selling out their base and handing Obama “Trade Promotion Authority,”](#) restricting Congress’ ability to stop the scheme. Still, with the text of what opponents are ridiculing as “ObamaTrade” set to remain officially secret until after it is imposed, the Obama administration is apparently hoping to ram through what it calls the “most progressive” trade regime in history with the help of establishment Republicans — all while keeping Americans in the dark about it.

Virtually everything that is known about the controversial scheme thus far [has come from leaks](#). The latest shoe to drop in the saga came late last week when WikiLeaks leaked what it said was the TPP chapter governing intellectual property as of October 5, just days before the negotiations among the 12 governments behind the scheme were reportedly concluded in Atlanta. *The New American* has featured extensive coverage of other TPP provisions leaked previously. Those chapters outline, among other elements, [radical immigration provisions](#), the establishment of [international kangaroo courts purporting to have the power to overrule state and federal laws and courts](#) in the United States, the push for [empowering regional and international governance, the creation of unaccountable transnational regulatory bureaucracies](#), and [much more](#).

The latest chapter to leak is likely to pour fuel on the fire as opposition to the scheme grows around the world. The Electronic Frontier Foundation, which champions privacy, free expression, and innovation and describes itself as the “leading nonprofit organization defending civil liberties in the digital world,” was among the many groups to [lambaste the relevant section of the TPP agreement](#). It said the new leak “confirms our worst fears about the agreement, and dashes the few hopes that we held out that its most onerous provisions wouldn’t survive to the end of the negotiations.” Acknowledging that the chapter might come across as “quite balanced” to the untrained observer, the group said “that’s how



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it's meant to look, and taking this at face value would be a big mistake." Upon digging deeper, EFF said, the rights of the public are all "non-binding," while almost everything that benefits owners of intellectual property is binding.

In some cases, EFF continued, the penalties for copyright infringement under the TPP regime can even include jail time. That has traditionally been the case where infringing parties are operating a business of commercial piracy. "But under the TPP, any act of willful copyright infringement on a commercial scale renders the infringer liable to criminal penalties, even if they were not carried out for financial gain, provided that they have a substantial prejudicial impact on the rightsholder," EFF explained, blasting the lack of "fair use" protections. The TPP regime would also criminalize anyone who gains unauthorized access to a trade secret in a computer system — without any mandatory exceptions when the information is accessed or disclosed in the public interest by whistleblowers or journalists. The EFF said that provision mirrors U.S. statutes used to "persecute hackers for offenses that would otherwise have been considered much more minor."

And unfortunately, it is all bad news, the group said. "The TPP is the archetype of an agreement that exists only for the benefit of the entitled, politically powerfully lobbyists who have pushed it through to completion over the last eight years," EFF explained in its wide-ranging critique of the latest leaked chapter. In fact, the deal is so bad when it comes to intellectual property, the EFF found "nothing" for users and innovators to support, but plenty to fear — "the ratcheting up of the copyright term across the Pacific rim, the punitive sanctions for [Digital Rights Management] circumvention, and the full frontal attack on hackers and journalists in the trade secrets provision, just to mention three." However, while the leak confirmed EFF's "greatest fears," it also strengthened the groups resolve to "kill this agreement for good once it reaches Congress."

The far-left U.K. *Guardian*, which absurdly characterized conservative opposition to the scheme as centering on it not doing "enough for business," highlighted another major problem that could harm whistleblowers and give greater powers to governments to stop embarrassing information going public. According to the British paper, the treaty purports to grant signatory governments the authority to curtail legal proceedings if the information that would be disclosed might be "detrimental to a party's economic interests, international relations, or national defense or national security." In other words, *The Guardian* reported, "if a trial would cause the information to spread."

The paper also quoted Evan Greer, campaign director of an Internet activist group called "Fight for the Future," who said the TPP's intellectual property regime "poses a grave threat to global freedom of expression and basic access to things like medicine and information." "But the sad part is that no one should be surprised by this," he added. "It should have been obvious to anyone observing the process, where appointed government bureaucrats and monopolistic companies were given more access to the text than elected officials and journalists, that this would be the result." Another source quoted in the article, Michael Wessel, who reportedly served as a U.S. government advisor on portions of the TPP, added that the TPP does nothing for Americans and would threaten U.S. jobs.

A major concern among elements of the opposition surrounds intellectual property protections for Big Pharma, which critics say are far too generous and will threaten the ability of people worldwide to access affordable drugs far into the future. "Many harmful provisions still remain in the final chapter, bearing out the concerns of public health advocates," [wrote](#) public health expert Dr. Deborah Gleeson with La Trobe University, highlighting a number of provisions in the leaked text that she said were alarming. "The outcome of this suite of obligations will be delayed competition from follow-on generics



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and biosimilars — which means delayed access to affordable medicines, placing them out of reach altogether for many people in developing countries.”

“If the TPP countries [governments] ratify the deal, Big Pharma will have succeeded in cementing intellectual property standards that will stymie access to medicines for up to 800 million people in the short term, and more if additional countries sign up in future,” she added. “Furthermore, the TPP’s intellectual property chapter sets a new norm that is likely to become the template for future trade agreements: its implications are global as well as regional.... The governments of TPP countries have been complicit in a global health disaster of unimaginable proportions — a deal that will prevent untold numbers of people from obtaining medicines that those in many developed countries take for granted.”

Perhaps even more important than all of the criticism outlined above, however, is the full-blown frontal assault on American independence and self-government. John F. McManus, president of The John Birch Society, the constitutionalist group credited by the architect of the North American Union with killing the anti-sovereignty scheme (the parent organization of *The New American*), noted in a [recent column](#) that the TPP has been marketed as a “trade” agreement that would help the U.S. economy, protect the environment, and more. “But a close examination of what is known about this pact (no copies have been made available, other than what has leaked out) reveals that it is far more than a mere trade pact,” McManus said. “Instead, it should be viewed as the beginning of a process similar to the one employed to create the European Union.”

Despite the establishment media’s careful efforts to conceal the facts, with each new leak of information, the TPP suffers another major blow. Whether the intellectual property segment will serve as the straw that breaks the camel’s back remains to be seen. But if Americans hope to retain their rights and independence, it is crucial that they educate their elected representatives on the threat so that it can be quashed when the TPP is presented to Congress for approval.

Alex Newman is a correspondent for The New American, covering economics, education, politics, and more. Follow him on Twitter [@ALEXNEWMAN_JOU](#). He can be reached at anewman@thenewamerican.com.

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