

IP Justice Report
from the
FTAA Trade Ministerial Meeting in Miami
November 16–20, 2003
www.ipjustice.org

Excessive Force:
“Bush Bullies Foreign Trade Ministers and US Protesters”

By IP Justice Executive Director Robin D. Gross, Esq.
Published November 21, 2003

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I. No Agreement Reached in Miami, US Pushes for Bloated IPR Chapter in FTAA Treaty

As the statue of US President George Bush II is [toppled](#) in London by thousands of protesters angry with his botched foreign policy, his Administration was in Miami strong-arming South American trade ministers and shooting rubber bullets at journalists and peaceful protesters outside the historic treaty negotiations.

Trade talks between the 34 countries in the Free Trade Area of the Americas (FTAA) Treaty ended shortly after they began as Brazil, Venezuela and others refused to succumb to US pressure to adopt the Bush Administration’s bloated agenda for intellectual property rights, investments, agriculture subsidies, and other controversial subjects in the agreement.

In a last ditch effort to save failing negotiations, the Bush Administration yielded to the South’s resistance to scrap the comprehensive treaty and agree instead to a “FTAA-lite” version of the treaty. According to the November 19 [Ministerial Declaration](#), which was the only agreement reached at the summit, “countries may assume different levels of commitments.” This means that the treaty’s substance will be scaled back to a “common and balanced set of rights and obligations applicable to all countries.” The declaration also enables those countries that want to pursue additional obligations to initiate plurilateral negotiations. Under the new deal, market access to the US will be commensurate with the level of obligations that countries are willing to undertake with the US. But no issues have been taken off the negotiating table, as countries are no closer on agreeing to Bush’s demands.

The Ministerial Declaration further encourages countries to enter into bi-lateral and multi-lateral obligations besides FTAA. The Bush Administration’s trade office very recently concluded talks with [Chile](#), [Jordan](#), and [Singapore](#) over intellectual property rights. On November 19, 2003 the US announced it will begin bi-lateral treaty talks with Panama, Bolivia, Columbia, Ecuador, and Peru in early 2004. In December 2003, Bush’s trade officers will conclude a [treaty with five Central American countries](#) (CAFTA) and also started talks with the Dominican Republic. These separate agreements raise concerns over leading to a greater fragmentation among

countries instead of the hemispheric integration that the FTAA aims for. Since a comprehensive FTAA has now failed, the Bush Administration's foreign trade policy is to "divide and conquer" the Southern states, picking them off one by one in trade agreements where they hold even less bargaining power against the US than in FTAA.

One of the most unpopular chapters in the FTAA Treaty is on intellectual property rights. As a result, the ministers had to set a special meeting in 2004 in the Dominican Republic specifically to discuss intellectual property rights.

Negotiations over the terms for providing market access on the new sliding scale basis are to conclude by September 30, 2004. The final FTAA Treaty is supposed to be complete by December 2004 in Brazil, but many believe that goal is unrealistic and Venezuela has reiterated its reservation that the treaty will enter into force in 2005.

The [FTAA Third Draft Agreement](#) has been released to the public and contains little difference from the previous draft that expands intellectual property rights. The Third Draft of the IPR chapter still contains proposals to outlaw legitimate consumer circumvention, to send citizens to prison for non-commercial infringements, to extend copyright's term to 70 years after the life of the author, and to restrict personal use to a single copy by a single individual.

Intellectual property rights will continue to be one of the most hotly contested chapters in the FTAA Agreement with pressure from the US to increase rights. However, the US is the only country in the Western Hemisphere that is a net-exporter of intellectual property. All 33 other countries are overwhelmingly net-importers of intellectual property from the US. It makes little sense for these countries to enact laws that will only send scarce domestic resources to Hollywood and Redmond.

II. IP Justice Participation at FTAA Civil Society Forum on Intellectual Property Rights

[IP Justice](#) participated at the FTAA's newly created civil society forum that met to discuss the social implications for the treaty. We met across the street from the FTAA's business forum, which has been meeting for years to discuss the business aspects of the treaty.

The [Americas Trade and Sustainable Development Forum](#) (ATSDF) civil society forum was helpful to meet people from the US and abroad who are similarly concerned about the treaty's harmful implications. IP Justice participated in the intellectual property forum, where members of civil society met to discuss the human and social implications of the chapter on intellectual property rights. But we could only speak among ourselves and not directly to foreign trade ministers about our concerns. Trade ministers met with each other down the street at the Intercontinental Hotel, where members of the civil society forum were not permitted access.

The purpose of ATSDF civil society forum was to come up with a brief recommendation to present to the ministers in each of the nine issues discussed in the treaty. At the final ATSDF

plenary meeting on November 18, we drafted our recommendation to the trade ministers that the entire chapter on intellectual property rights should be deleted from the FTAA Treaty.

1. Lack of Transparency and the Undemocratic Process in Treaty's Creation

The [International Center for Trade and Sustainable Development](#) (ICTSD) [outlined](#) the process of the development of the FTAA chapter on intellectual property rights. Although official talks on the substance of the treaty began in 1994 in secret meetings, no draft of its text was released to the public for consideration until November 2002 – eight years after talks began in the US. Since it was created in secret, there is no way to identify who or what country originally inserted clauses into the draft treaty. Nor is there a requirement that all the treaty's sections be agreed to by a consensus of countries participating. After nine years of negotiations, 98% of the text of the intellectual property rights chapter remains in brackets (which means without agreement), although talks are supposed to conclude in less than one year.

The intellectual property rights chapter proposes that all signatory countries must adopt four different [World Intellectual Property Organization](#) (WIPO) agreements whose drafting is not finished and 2 WIPO Treaties whose drafting has not even been started yet (broadcasting and database protections). Many Southern countries have intentionally steered away from signing onto WIPO Treaties, which they view as stifling their development and ability to compete with the US in important technology sectors.

FTAA's IPR chapter expands the subject matter of intellectual property rights, creates new forms of intellectual property rights, and eliminates exceptions and flexibilities to these rights. The chapter also contains significantly stronger enforcement measures such as criminalizing non-commercial copyright and patent infringements.

A Brazilian official discussed how developing countries are trying to resist the higher intellectual property rights standard pushed by the US. The official said that Brazil's biggest challenge is over-coming pressure from the US to ban the circumvention of technological restrictions (similar to the controversial US Digital Millennium Copyright Act (DMCA)). But Brazil recognizes that such anti-circumvention laws will only limit its own future development and does not wish to enact such measures.

The regional trading bloc Mercosur (Brazil, Argentina, Paraguay, and Uruguay) introduced a proposal earlier this year that FTAA simply incorporate the intellectual property rules that exist under the existing TRIPS Agreement, but Mercosur's proposal was entirely ignored by the US. The US is pushing for even more expanded "TRIPS-plus" rules in the FTAA. Many in the South worry because there had been no effort to assess the 'problems' of intellectual property rights before the chapter's drafting began and immediately crafted the 'solution' of ratcheting up intellectual property holders' rights.

2. Expanded Copyrights in FTAA Endanger Civil Liberties and Competition

One of the most controversial sections of the IPR chapter requires countries to outlaw the circumvention of technological restrictions. Similarly to US Digital Millennium Copyright Act

(DMCA), FTAA would require all other countries to outlaw the bypassing of technological restrictions controlling copyrighted works, such as DVDs, CDs, and eBooks. It would also forbid anyone from helping another to bypass these controls, including outlawing tools, software, and technical information. One proposed FTAA clause contains an explicit basis against the development of free and open source software development by creating greater liability for those programmers than for proprietary programmers who write software capable of bypassing digital controls. These anti-circumvention measures have been widely used in the US to threaten freedom of expression and chill scientific research in the critical field of information security. Anti-circumvention laws have also served to prevent competition for after-market replacement parts and interoperability between systems.

The treaty's section on the enforcement of intellectual property rights proposes to criminalize non-commercial infringements, such as peer-2-peer (P2P) file-sharing. Another proposal would expand the scope of copyright to permit the copyrighting of facts and scientific data. The [IP Justice White Paper "FTAA: A Threat to Freedom and Free Trade"](#) discusses the IPR chapter's dangers in greater detail.

A Canadian copyright lawyer explained how the US systematically uses international treaties such as FTAA to obtain intellectual property rules that the US Congress would not otherwise pass. Ottawa attorney Howard Knopf argued that the US is pressuring for "gapless rights" and the creation of greater rights in the treaty than it has at home in the US. He cited the FTAA Treaty's narrowing of US consumer fair use rights and the creation of database protections. FTAA's expanded copyrights are easy to give, the expert warned, but may be impossible to take back, due to Constitutional difficulties in removing vested rights.

Described as an "intellectual property trap," Mr. Knopf warned countries that are counting on receiving market access to the US if they agree to expand intellectual property rights to not be fooled, citing the example of the ongoing US ban on importing Canadian beef over a single diseased cow - even after the North American Free Trade Agreement (NAFTA).

The [Consumer Project on Technology](#) explained how the FTAA Treaty would create a new right for broadcasters over programming they neither created nor own based on the mere transmission of it. These new "transmission rights" grant broadcasters an exclusive 50-year right over programming carried over their wires and satellites. The US is proposing to extend this broadcasting right to include computer networks such as the Internet in the FTAA.

3. Drug Patents and Trademark Rights Pose Serious Threat to Public Health

Doctors from [Medecins San Frontieres](#) (MSF) explained how the treaty would cost millions of aids victims their lives due the increased costs of aids drugs since the section on patents will deny them access to vital generic medicines. Many argued that the proposed FTAA clauses greatly exceed existing international obligations for intellectual property under the WTO to the detriment of public health.

In its [report](#), "*Trading Away Health*" Doctors Without Borders showed how competition from access to generic drugs has reduced the cost of AIDS drugs in Guatemala to \$352 per year,

compared to \$686 per year with patented medicines in July 2003. In July 2002, that same treatment with new medications cost \$4,198 per year. A Guatemalan doctor stated that FTAA is not a “free trade agreement if people are not free from pressure” to adopt it and that patients rights must be given priority over commercial interests.

[Essential Action](#) explained the threat to public health that the treaty’s trademark and trade secret sections poses because tobacco companies have already used these rights against Canada to prevent it from passing cigarette labeling and ingredient disclosure requirements. [Oxfam](#) also expressed concerns over FTAA’s impact on public health.

Under the FTAA’s chapter on investment, intellectual property rights explicitly create a “takings issue” that permits foreign corporations to sue a government for passing laws that interfere with that corporation’s investment plans in that country. It does not matter if the laws are designed to protect public health or civil liberties; if the country’s laws negatively impact a corporation’s investment in that country, the national government can be sued and must compensate that corporation for its investment loss.

Brazil’s [leadership](#) on providing affordable access to medicine is under threat by the FTAA Treaty. The drug patents section would prevent Brazil from continuing to export generic medicines to poor countries that otherwise have no access to affordable life-saving medicines. The newly thriving Brazilian bio-technology industry would not continue to develop under the FTAA, preventing Southern states from reaching development.

4. FTAA’s Patenting of Life Endangers Food and Agriculture in Americas

The [Institute for Agriculture and Trade Policy](#) explained how the drive for genetic engineering has created enormous economic incentives to patent living organisms and control the future uses of those patented plants and animals. The US Patent and Trademark Office (USPTO) created the first patent on a living organism in 1980 and the US Supreme Court extended patents to plants in 1986. The more recent WTO/TRIPS agreement requires countries to issue patents for micro-organisms and it permits patents on plants and animals. Although no directly-elected legislature (such as the US Congress) has ever dealt with the policy issue of patenting life, the legal principle establishing it - that was started by the US executive branch in 1980 - has now become the law of the world, without anyone ever casting a vote on it. FTAA would require Canada to amend its domestic patent laws since the Canadian Supreme Court has held that higher life forms and not patentable.

Also discussed at the forum was the health risk posed by patented genetically engineered food products that contaminate non-genetically engineered foods such as corn in Mexico. Monsanto successfully sued a Canadian canola seed farmer because the DNA of Monsanto’s patented seeds had contaminated the farmer’s seeds. But courts in South Africa have taken a different path and recently refused to issue some patents because they would interfere with public health objectives.

The [Center for the International Environmental Law](#) (CIEL) questioned the underlying fairness of a law that grants multi-national corporations exclusive patents over plants and seeds that traditional farmers have cultivated for generations.

5. Civil Society Recommends Trade Ministers Delete Entire IP Chapter

During the final plenary of the ATDSF meeting on intellectual property rights, civil society members were asked to draft a brief recommendation to the foreign trade ministers regarding the draft IPR chapter.

Our copyright section's ministerial recommendation included protection for the public's freedom of expression and private copying rights. We also recommended laws that promote the development of free and open source software development, and that encourage, rather than inhibit, innovation.

Even amongst allies, opinions differ as to strategy, and I worked to convince the other copyright participants to join in solidarity with the doctors to recommend the removal of the entire chapter on intellectual property rights (as opposed to hoping for reform). Brazil has called for the entire IPR chapter's removal and needs the support of civil society to send a strong message that carries moral suasion.

After an afternoon of debate, it was agreed that our intellectual property forum would recommend ministers repeal the entire IPR chapter from the FTAA Treaty. A representative from the International Center for Trade and Sustainable Development (ICTSD) and a Guatemalan AIDS victim jointly delivered our group's unified recommendation to the trade ministers on November 19, 2003.

III. IP Justice Participation at Workshop: *Negotiating Intellectual Property Provisions in Free Trade Agreements*

A one-day workshop entitled "*Negotiating Intellectual Property Provisions in Free Trade Agreements*" was held on November 19, 2003 at the University of Miami, enabling nearby FTAA Treaty negotiators to attend. The workshop was organized by American University Law Professor Peter Jaszi, [the Consumer Project on Technology](#), and the Centro de Estudios Interdisciplinario de Ferecho Industrial y Economico in Argentina with support from the MacArthur Foundation. IP Justice moderated the workshop's first session on copyright, trademark and related rights which explored the chapter's negative impact on freedom of expression and competition.

1. FTAA's Expansion of Trademarks Threatens Freedom of Expression

American University Trademark Law Professor Christine Haight Farley explained how the FTAA's expansion of trademark rights for "well-known marks" threaten the free speech rights of consumers and commercial competitors. The FTAA proposes to eliminate the traditional test under trademark law that requires a use of a word or symbol create consumer confusion before that use can be prevented by the trademark holder. According to Professor Farley, "all that is needed for a US corporation to prevent the use of a word or symbol in a country of the South is a

mere showing that the relevant purchasers of the trademark owner's product in the country in question are familiar with the mark." Professor Farley argued that only large multi-national corporations will benefit from FTAA's extension of these trademark rights.

2. Wisdom of High Patent Protection for Poor Countries Questioned

American University Patent Law Professor Joshua Sarnoff said that FTAA broadly expands the subject matter of patents while many poor countries question the value of high levels of patent protection, especially regarding critical goods and services. Patent systems are extremely expensive to administer and they divert limited funds from and raise costs of desperately needed medicines, food and shelter. Professor Sarnoff said that FTAA's increased patent protections unfairly benefit developed countries such as the US more than or at the expense of poor countries. Even the US Federal Trade Commission recently acknowledged the high cost of patents is problematic for countries.

The [Central American Free Trade Agreement](#) (CAFTA), which includes the US, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, would increase the minimum basic patent term to 25-years. The Bush Administration's trade office is pushing to conclude CAFTA talks by December 2003, less than a year after negotiations first began.

3. Exclusive Rights Over Generic Medicine Test Data Threatens Public Health

University of Buenos Aires Professor Carlos Correa warned against the FTAA's establishment of rights over pharmaceutical test data, something not required under the TRIPS Agreement. According to Professor Correa, "such exclusivity operates like a substitute for patent protection, thereby detracting from the public domain products that should be freely available. The implications of this issue for public health and agricultural production are significant. Latin American countries should preserve their right to protect test data against unfair commercial use, without creating a new form of monopolization that restricts competition and affects the public interest." US legal doctrines such 'patent misuse' do not exist in Venezuela or other Southern countries that could help to protect consumers against corporate abuse of expanding patent rights the Argentinean professor explained.

4. US Pressing for Highest Level of Intellectual Property Protection on Planet

An official from the Brazilian Embassy in Mexico spoke during lunch about the excessive pressure from the US to pass greater intellectual property rights in many sectors. A Chilean Legal Advisor to the Minister of Education discussed how the Bush Administration's agenda to expand intellectual property rights is a US condition for the treaty. Chile's primary goal is to see no increase in intellectual property rights than those existing in international agreements such as GATT despite the US pressure. (Chile recently signed a bi-lateral agreement with the US to dramatically expand intellectual property rights in that country.)

5. FTAA Would Enact Unwritten and Unconstitutional Database Protection in US

University of Amsterdam Copyright Law Professor P. Bernt Hugenholtz described the FTAA Treaty's proposal to create a new right for database protection in the Western Hemisphere. The FTAA Treaty incorporates database protection by referencing a treaty which does not exist and likely will not exist for many years to come. Professor Hugenholtz commented that no need had been demonstrated to create the new database protection right in the FTAA's IPR chapter and the US experienced healthy growth without creating exclusive rights over data.

Database protection restricts access to the public domain and is likely unconstitutional in the US under the Supreme Court's decision in *Feist Publications v. Rural Telephone Service* (111 S.Ct. 1282 1991). Under *Feist*, the US Constitution does not permit copyrighting of non-original collections of facts. Facts, ideas and theories are to remain in the public domain for all to freely access and build upon. According to Professor Hugenholtz, "the introduction of a database right is likely to enhance the dominance of US and European information providers in their emerging national markets."

6. Private California Corporation to Decide All Countries' Domain Name Disputes

University of Miami Law Professor Michael Froomkin argued that "nations should not be required to impose ICANN Dispute Resolution Procedures (UDRP) by law on their citizens," as proposed by a clause in the FTAA IPR chapter. Professor Froomkin argued that foreign governments should not be subordinate to a private California corporation, such as ICANN, to adjudicate Internet domain name disputes involving trademarks.

7. Poor Farmers Harmed by FTAA's Intellectual Property Rules for Agrochemicals

Dr. Roman Macaya from the Costa Rican National Chamber of Generic Products said the FTAA's intellectual property rules can create "dire economic and social consequences on the competitiveness and livelihoods of small farmers in developing countries." According to Dr. Macaya, the "intellectual property rules for agrochemicals create a dependency on subsidies, which indirectly subsidize agrochemical producers." Dr. Macaya said that poor countries in the South are not be able to afford this path since their economies are not strong enough to subsidize agrochemical producers over the long term as the US has done.

IV. Police Use Violence and Excessive Force Against Peaceful Anti-FTAA Demonstrators and Journalists

What is clear is the Bush Administration's complete unwillingness to permit any dissenting opinions on the merits of the FTAA. Protesters including AFL-CIO members, farm workers, environmentalists, and other concerned citizens who attempted to exercise their freedom of expression rights were simply not permitted access to the foreign ministers.

I was in Miami from November 16th through the 20th in the semi-restricted "security zone" (IP Justice was credentialed to participate in the civil society forum, so I was permitted to stay

downtown with limited access.) Every morning, another thousand government agents appeared in full riot regalia to squelch any protest before it could begin.

More than 40 federal, state, and local government agencies participated in the security sweep. The amount of public money spent on this police excess is equally astounding. Out the recent \$87 billion bill for Iraq, \$8 million was allocated for “security” at the FTAA Ministerial Meeting in Miami. Even before the summit, the total security price tag was estimated at \$16.5 million, not including the costs to defend local governments against civil rights lawsuits stemming from the excessive force.

The entire downtown area and businesses were closed up, using 10-foot steel barricades at the intersections and lines of police adorned in bullet-proof vests, helmets, semi-automatic guns, batons, shields, and steel boots with knee pads. But there were no protesters permitted anywhere near us where the meetings took place, so agents sat uncomfortably on the sidewalks in the 90 degree heat waiting for their orders to attack. By the time of the AFL-CIO march on Thursday, the soldiers were ready for some action.

A dozen military helicopters circled above the city and military tanks patrolled the streets. It felt like Bush’s Iraqi invasion forces had landed on the beaches of Miami to subdue dissent and prevent contrary opinions about the merits of the treaty from getting near the trade ministers or each other.

What became clear was how desperate the Bush Administration is to ensure that the foreign trade ministers never obtain any idea of how unpopular the FTAA Treaty actually is in the US by those who are aware of it. Bush desperately needs to send the message that Americans are solidly behind this treaty, when that message could not be further from the truth.

One government agent guarding a drawbridge over the Miami River advised me to “watch out for the anarchists” who he said were rumored to be on their way to disrupt the “peace.” (These agents have been “drinking their own kool-aid” for a little too long now.) The over-whelming majority of protesters that I saw consisted of AFL-CIO members, truckers, school teachers, farm and steel workers, students, and environmentalists marching peacefully with clever signs and artistic puppets to raise awareness about the treaties’ dangers. It is difficult to describe the feeling of witnessing retirees and families from the mid-west wearing anti-FTAA t-shirts, hats and buttons, standing next to Bush’s security forces in full riot regalia seemingly poised to attack.

I talked to one medic who was needed 50 yards away to help an injured demonstrator, but police would not permit him to attend to the wounded man. I watched while he pleaded with police to be permitted to assist the injured demonstrator, but officers only harassed the medic by ordering him to move every few seconds in what appeared to be an attempt to set him up for arrest for “obstructing the sidewalk.”

Another student I met in the street told me that the police had just searched him after he said he would not consent to a search. He said the agents took his notebook away from him and refused to give it back, even when no weapons were found on him.

After the AFL-CIO march of over 25,000 anti-FTAA demonstrators, police began to get really rough with demonstrators who were growing in frustration. Reuters [reports](#) that in the skirmish following the anti-FTAA march on November 20th, two of its own journalists were shot by police using rubber bullets. One was shot five times and the other was shot in the back by Bush's police forces. In a separate incident, police shot rubber bullets and paint balls at a group of 15 journalists as they approached demonstrators.

Since the conclusion of the FTAA Ministerial Meeting in Miami, the media contained numerous [reports](#) of excessive force and police violence against journalists, anti-FTAA protesters and the Miami [homeless population](#). By the end of the week, Miami police [claimed](#) 220 arrests and the [arrest](#) of at least five journalists including a Pacifica Radio producer. The National Lawyer's Guild [said](#) that eight of its Legal Observers were arrested by police and four of its Legal Observers were beaten by police. A University of Massachusetts freshman [remains](#) in the hospital for severe head injuries he suffered in the hands of police after his arrest for demonstrating against the FTAA.

Civil liberties were trampled by the Bush Administration's heavy-handed treatment of media and anti-FTAA protesters in Miami. When I confronted government agents about their excessive force, I was given the usual "9-11" excuses that are recited for every justification to increase Bush's power at the expense of civil liberties (whether at home or abroad). Bush's domestic policy is that in order to "protect our freedom," we can no longer exercise our freedom, including any opposition to Bush's business plans for the Americas under FTAA.

As the largest trading bloc ever created, this meeting marked an event of monumental historical consequences. Top trade ministers from every country in the Hemisphere (except Cuba) came to make a treaty that will govern the lives of every citizen in the Americas. Much of the treaty's text is very controversial – even more so in Latin America, where the greatest brunt of the harm will be born. But when I turned on the television in my hotel room to learn how the media is covering the historical event, every news channel is covering only one "story" (it seems the "King of Pop" is in some legal trouble again and that scandal is the one and only event in the world that the media deems worthy of covering). I could not find any news coverage about this historic summit that will govern the lives of 800 million people until the police violence broke out on November 20th, a day before the summit was to conclude.

V. US Pressure on South for Stricter Intellectual Property Rights Intensifies

While civil society groups and protesters won the day's battle by preventing a comprehensive trade agreement from coming out of Miami, this war is far from over. FTAA may be failed as the broad and unified agreement that the US aimed for, but countries are still in great danger of being forced to change their domestic laws and adopt the US's excessive agenda for intellectual property rights in the vain hopes of obtaining access to US consumer markets.

Latin American countries now face a dual threat, as the US simultaneously pursues bi-lateral and multi-lateral trade agreements with states to obtain even higher levels of intellectual property

protections under one-on-one circumstances where weaker Latin American countries have even less bargaining power against the US. FTAA negotiations over the next year will be extremely important in determining future global intellectual property laws, particularly the meeting in the Dominican Republic over the IPR chapter.

The FTAA's [Third Draft Treaty](#) was released to the public on November 21, 2003 with little changes made to the previous draft chapter on intellectual property rights. A great divide still exists between the US' push for the harshest intellectual property laws yet written and the South's drive to compete in the technology sector.

FTAA Ministers promised in the November 19, 2003 Ministerial Declaration that civil society members will be given greater access to the Ministers and a greater role for participation in the treaty process in the next and final year. And Ministers have extended their [invitation](#) to civil society to submit comments to them regarding the treaty's provisions.

One representative from the Andean Community reminded me at the ATDSF civil society forum that the fate of the FTAA Agreement lies largely in the hands of the American public, those with the most power to stop it by holding their government accountable for its trade policies.

IP Justice has sponsored an international [petition](#) urging foreign trade ministers to reject the entire chapter on intellectual property rights in the FTAA Treaty. The petition will be delivered to FTAA foreign trade ministers at its next Ministerial meeting at the end of 2004 in Brazil.

The FTAA Treaty represents a shameful form of imperialist neo-colonialism. The Bush Administration uses the US' great economic power to strong-arm weaker Latin America countries into restructuring their domestic laws to best suits foreign corporate interests (such as RIAA, MPAA and Microsoft using intellectual property law). The big losers will be the 800 million Americans whose health is jeopardized and civil liberties subverted to the short-term corporate profits of pet industry players.