

THE IP TREATY IS SECRET TOO?!?!?

A reader sent this link, reporting that the Obama Administration refuses to release under FOIA a number of documents pertaining to an intellectual property treaty negotiated under Bush.

Last September, the Bush administration defended the unusual secrecy over an anti-counterfeiting treaty being negotiated by the U.S. government, which some liberal groups worry could criminalize some peer-to-peer file sharing that infringes copyrights.

Now President Obama's White House has tightened the cloak of government secrecy still further, saying in a letter this week that a discussion draft of the Anti-Counterfeiting Trade Agreement and related materials are "classified in the interest of national security pursuant to Executive Order 12958."

[snip]

Jamie Love, director of the nonprofit group Knowledge Ecology International, filed the Freedom of Information Act request that resulted in this week's denial from the White House. The denial letter (PDF) was sent to Love on Tuesday by Carmen Suro-Bredie, chief FOIA officer in the White House's Office of the U.S. Trade Representative.

Love had written in his original request on January 31—submitted soon after Obama's inauguration—that the documents "are being widely circulated to corporate lobbyists in Europe, Japan, and the U.S. There is no reason for them to be secret from the American public."

[snip]

Love's group believes that the U.S. and Japan want the treaty to say that willful trademark and copyright infringement on a commercial scale must be subject to criminal sanctions, including infringement that has "no direct or indirect motivation of financial gain."

Frankly, I don't know why Obama is keeping this secret. He doesn't want Americans to realize that our largest export—Intellectual Property—is as vulnerable in some ways as the housing market? He doesn't want us to know that he's maintaining, on an international level, policies which violate his claim to be net friendly on the national level? He doesn't want us to know the technology they're advocating for pursuing peer-to-peer software? Maybe the discussions the parties to the treaty had touched on some or all of this...

Or maybe he just want us to know what tunes Osama bin Laden has on his iPod?

Update, from WO in comments:

I found the leaked draft on wikileaks. I suspect the reason for the secrecy is this line that I don't think anybody has noticed:

Civil enforcement:
– Authority to order ex parte searches and other preliminary measures;

Ex parte searches? For digital materials? Sounds like the NSA's dream come true.