

ECIPE PRESS RELEASE, 25 SEPTEMBER 2012

NEW OCCASIONAL PAPER:

ACTA – The Ethical Analysis of a Failure, and its Lessons

ACTA (the Anti-Counterfeiting Trade Agreement) was originally meant to enforce and harmonise IPR provisions in existing trade agreements within a wider group of countries. This was commendable in itself, so ACTA's failure was all the more disappointing. [This article](#) intends to contribute to the post-ACTA debate by proposing a specific analysis of the ethical reasons why ACTA failed, and what we can learn from them.

The author argues that five kinds of objections — namely, secret negotiations, lack of consultation, vagueness of formulation, negotiations outside any international body, and the creation of a new governing body outside already existing forums — had only indirect ethical implications. This takes nothing away from their seriousness but it does make them less compelling, because agreements should be evaluated, ethically, for what they are, rather than for the alleged reasons why they are being proposed. He then argues that ACTA would have caused three ethical problems: an excessive and misplaced kind of responsibility, a radical decrease in freedom of expression, and a severe reduction in information privacy. In conclusion, the author indicates three lessons that can help in shaping ACTA 2. First, it is important to acknowledge the increasingly vital importance of the framework of implicit expectations, attitudes, and practices that can facilitate and promote morally good decisions and actions. ACTA failed to perceive that it would have undermined the very framework that it was supposed to foster, namely one promoting some of the best and most successful aspects of our information society. Second, it should be realised that, in advanced information societies, any regulation affecting how people deal with information is now bound to influence the whole 'onlife' habitat within which they live. So enforcing IPR becomes an environmental problem. Third, since legal documents, such as ACTA, emerge from within the infosphere that they affect, it is crucial to apply to the process itself, which one day may lead to a post-ACTA treaty, the very framework and ethical values that we would like to see promoted by it.

[Download the occasional paper here](#)

Publication details:

ACTA – The Ethical Analysis of a Failure, and its Lessons, by Luciano Floridi, ECIPE Occasional Paper No. 04/2012

About the author:

Luciano Floridi, Research Chair in Philosophy of Information, and UNESCO Chair in Information and Computer Ethics, University of Hertfordshire; Faculty of Philosophy and Department of Computer Science, University of Oxford.

For more information and media inquiries please contact info@ecipe.org or +32 (0)2 289 13 50