

I would like to formally write my opposal to the Free Trade Agreement currently being rushed quietly through our Parliament.

The whole FTA concerns me, but two areas particularly concern me:

Firstly, the extreme hardening of patent laws:

Each Party shall make patents available for any invention, whether a product or process, in all fields of technology.

This very non-specific agreement opens the way for software patents, which quite clearly are open to abuse and do not work, as we have seen many times from the US.

Working in the software industry for the past 5 years, I have witnessed what I can only call a 'deluge of stupidity' (many examples can be provided on request), watching blatantly obvious ideas constantly being patented, then watching as the patentee launches a barrage of legal offences against companies 'infringing' the dubious idea. This is not what patents were originally devised for, and I can only see increased legal costs for business (both small and large) when software patents are introduced. This is a win situation for the legal profession, but will take a significant toll on innovative small businesses.

These patent changes would also introduce problems for the open-source and free-software developers working in our country. Firstly, the threat of arbitrary legal action from a company holding a dubious patent could deter many talented individuals from contributing to projects that can, and do, make a change in the poorer nations of the world (ie third world countries that cannot afford commercial software licenses). An example of such a project would be the Gnome Desktop (<http://www.gnome.org>) - an effort to provide a useable, accessible alternative to proprietary, expensive solutions (Microsoft Windows, Mac OS X, Sun Solaris etc). As a contributor to this project (one of many in Australia) and if software patents become legal in Australia, I would have to consider very carefully my contributions to this excellent project as many obvious desktop features are and will in the future be covered by software patents. I don't like the idea of my ability to freely share my innovations to people around the world being restricted by American corporate greed (the overwhelming use thus far of software patents).

I am a single example of a free-software developer. If you multiply this by the many thousands that contribute to various open-source and free-software

projects in Australia, you have a large number of people who were making a change for the better in the world who will potentially give up.

To summarise the software patent issue, I think Bill Gates told a truth when he said:

"If people had understood how patents would be granted when most of today's ideas were invented and had taken out patents, the industry would be at a complete stand-still today."

My other major concern about the FTA is the changes that may arise to the PBS.

The article written by Ken Harvey at:

<http://www.econ.usyd.edu.au/drawingboard/digest/0403/harvey.html>

has opened my eyes to the potential of the FTA to remove the protection we currently have with the PBS. It is concerning to say the least that the potential exists for large foreign companies to dictate the prices the government should put on essential drugs. We have an acceptable process in place currently that serves the needs of the people above the needs of corporations. Why we need to tilt the balance in favour of business above people is very confusing to me. After all, without people, who would the drug companies sell their wares to?

It has been said that the FTA will increase our GDP by up to 6.1 billion dollars a year. My fear is that this increase in GDP will be one of a negative nature:

- extra legal fees borne by small business defending their innovations from dubious patents and the dubious companies that file them;
- increased cost of essential drugs for everyday Australians - either funded by individuals or via the PBS paying extortionate fees for the drugs in the first place.

In both cases, the money spent is essentially 'lost' - not going to a productive end. In the legal case, the money is lining the pockets of the attorneys and foreign companies owning the patents (should they win the legal battles). In the case of drugs, the money will be going directly overseas to the parent pharmaceutical company.

Any perceived increase in the GDP I fear will be one of overall negativity.

It is due to these two main issues, coupled with my overall distrust of the current USA Administration that I vehemently oppose the Free Trade Agreement. I

urge you to reject the deal in its entirety and let us continue down the road of self-determination, prosperity and innovation without outside interference.

Thank you for your time.

Sincerely

Richard David Kinder