

Panama Pressing Harsh New Copyright Law

by [David Sohn](#) [1]
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How would you feel if the fines for speeding went directly into the pockets of the police officers issuing speeding tickets? What if the fines were thousands or even tens of thousands of dollars? And what if, when you went to dispute a ticket, the police officers pocketing the money were the ones deciding your case?

Seems a sure-fire recipe for abuse and conflict-of-interest. Yet according to [published](#) [2] [reports](#) [3], Panama's Congress voted to pass a new copyright law yesterday that follows just this model. Under [Bill 510](#) [4], the nation's copyright agency will have the authority to accuse individuals of copyright infringement, conduct hearings itself, impose fines of up to US \$100,000 and keep the money for its own use and for bonuses to its employees. [Artists and civil society groups](#) [5] in Panama are urging President Ricardo Martinelli not to sign the bill into law.

CDT has [warned](#) [6] repeatedly that U.S. trade policy - by demanding that other countries adopt strong copyright enforcement provisions and saying little if anything about the laws and policies that moderate copyright or limit its reach - effectively invites U.S. trade partners to adopt unbalanced, one-sided copyright regimes. Panama appears poised to become a prime example: Its new law is being adopted in an effort to implement its obligations under the U.S.-Panama Trade Promotion Agreement.

Indeed, according to Sean Flynn at [infojustice.org](#), the legislation features one of the precise problems CDT has warned about in our [writing](#) [7] about the Trans Pacific Partnership (TPP) trade negotiations: It extends the reproduction right to cover temporary copies, such that even ephemeral buffer copies, ubiquitous in the digital world, become potential fodder for additional copyright lawsuits. (For a full discussion of why this makes zero policy sense, see this law professors' [brief](#) [8] from the 2007 Cablevision DVR case here in the United States.) In addition, Flynn and [others](#) [9] caution that the legislation may significantly narrow fair use-like policy for Panama.

The bottom line is, there appear to be real problems with this legislation, and ultimately with the U.S. using trade agreements to export incomplete and one-sided versions of copyright law.

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[2] <http://www.technollama.co.uk/is-panama-about-to-pass-the-worst-copyright-law-in-history>

[3] <http://infojustice.org/archives/27313>

[4] http://www.asamblea.gob.pa/apps/seg_legis/PDF_SEG/PDF_SEG_2010/PDF_SEG_2012/PROYECTO/2012_P_510.pdf

[5] <http://laestrella.com.pa/online/impreso/2012/09/27/piden-veto-para-el-proyecto-510.asp>

[6] <https://www.cdt.org/blogs/0105colombia's-new-copyright-law-illustrates-dangers-unbalanced-trade-agreements>

[7] <https://www.cdt.org/policy/tpp-negotiations-renew-concerns-about-lack-balance-copyright-trade-agreements>

[8] https://www.eff.org/files/filenode/studios_v_cablevision/law_prof_amicus_ram.pdf

[9] <http://www.project-disco.org/intellectual-property/how-poorly-drafted-trade-agreements-produce-bad-law-and-undermine-internet-investment/>



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