

CCBI - Coordinating Committee of Business Interlocutors

26 November 2003 MLC/AH/dfc

Coordinating Committee of Business Interlocutors (CCBI)
Comments on the WSIS Draft Declaration and Action Plan (dated 14 November 2003)

Dear Government Representatives,

I am writing to you in anticipation of the third session of Preparatory Committee 3 for the World Summit on the Information Society (WSIS) scheduled for 5 and 6 December 2003 in Geneva. We appreciate the opportunity to share with you the priority issues for which international business seeks amendments to the 14 November 2003 versions of the draft Declaration and Plan of Action.

We have identified the priorities outlined below based on CCBI's longstanding recommendations throughout the preparatory process and the realities of the short timeframe to finalize the draft documents. We have also provided further explanation and rationale for the positions expressed below in the attached 'CCBI explanatory note'.

Successful resolution of these issues will allow governments to focus on the entire set of remaining outstanding issues important to the creation of a truly global information society, including a policy framework that promotes private sector investment.

Business recognizes the importance of respecting universally recognized human rights and the freedom of the press. We note that these remain highly contentious, and encourage governments to resolve their differences on these very important issues in a manner consistent with existing UN frameworks.

The other outstanding issues of significant importance to business are as follows :

1. **Intellectual Property Protection:**

Business believes that the Summit must recognize and respect the validity of existing intellectual property agreements. In this regard, business prefers paragraph 38 of the 5 November 2003 draft Declaration. If governments use paragraph 38 of the 14 November 2003 draft Declaration as the starting point for negotiations, business believes

that the text «[to be]» must be deleted. Finally, paragraph 14(d) of the draft Action Plan must be deleted.

Business supports recognition of the need to ensure a balance between intellectual property rights (IPRs) and the public interest as well as needs of users of information. It should be noted that the intellectual property system itself already represents a delicate balance between the needs of creators and users, and is intrinsically designed to benefit society as a whole.

IPRs contribute to society by maintaining fair competition and encouraging the production of a wide range of quality goods and services. They underpin economic growth and employment, sustain innovation and creation (including stimulation for the development of local content), promote technological and cultural advances and expression, and enrich the pool of public knowledge and art.

It is essential that any reference to IPRs clearly recognizes the need to ensure that the global consensus achieved on IPR issues in multilateral organizations is preserved. It is essential that TRIPS and the content of the WIPO Treaties be respected and preserved by the parties to these agreements. Finally, issues regarding public domain information and knowledge, and indigenous knowledge, are currently being addressed in WIPO and should not be addressed in the WSIS.

2. Management of the Internet:

Business believes that the Summit must not challenge the continued private sector leadership of the technical coordination of the Internet. Indeed, we believe that the Summit should endorse it. Proposed edits by the business community to the draft text on this issue can be found in the attachment to this letter.

The Internet is a collection of networks that are joined together to form a global information and communication medium. The networks that make up the Internet have many different properties. Nonetheless, utilizing widely accepted standards for technical protocols, and for naming and numbering systems, allows communication to run relatively seamlessly “end-to-end”. Internet users demand a unique and predictable result in domain name resolution anytime and from anywhere in the world. As a result, the Internet’s infrastructure and operation is a highly collaborative activity.

The technical coordination of the Internet includes the development of Internet protocol (IP) standards, the allocation of IP addresses and the delegation of domain names to meet the dynamic needs of a rapidly expanding marketplace. The organizations involved in the technical coordination of the Internet depend on constant input from and interaction with relevant experts on technical matters to keep the Internet and its related technologies developing in a robust and global manner. This provides a platform for business-led innovation and communication for users from around the world.

Business has been and continues to be the major owner, developer, administrator and coordinator of the Internet. We recognize that this is an important responsibility and are proud of our ability to ensure that the Internet is a vibrant and reliable medium for commerce, communication and knowledge sharing. As a result, business supports continued private-sector leadership of the technical coordination of the Internet. This position is based upon the necessity to ensure a flexible and deliberative process that can

work with and respond to the rapid development and evolution of the Internet in all parts of the world.

3. **Financing:**

Business believes that the Declaration and Plan of Action must adopt a comprehensive approach to financing issues. Such an approach could cover public/private partnerships, including private sector initiatives that are tailored to the expertise of a given company or organization, in the short to medium-term, as well as private investment and entrepreneurship, including the policy framework that fosters it, in the long-term.

It is important to reiterate that business is a partner in bridging the digital divide and looks forward to working with governments and other stakeholders to ensure that all countries seize digital opportunities.

Business views the proposal to conduct a study as a positive and useful general approach that would ensure a fact-based discussion. We would need to have a clearer understanding of the specific terms of reference, and we respectfully request a seat in their development, in order to offer final views on such a study.

4. As a final note, business believes that both the draft Declaration and Plan of Action strike an appropriate balance among software development models. We recognize that some governments have linked their support for the existing text to the resolution of the text related to intellectual property rights. Business encourages governments to preserve the existing text on this important issue so as to ensure continued innovation and user choice based on informed decision making.

In closing, we seek your support on these important issues so that business can play its part by:

- innovating and creating products, services, applications and content essential to the information society;
- deploying, operating and maintaining the bulk of the infrastructure which it owns through continued investment, and
- working with other stakeholders to share information and experience, and to discuss issues of mutual interest in order to promote a truly global information society for all.

We look forward to continuing to work with you toward our shared goals of a successful Summit and an Information Society for all.

Sincerely,

Maria Livanos Cattai
ICC Secretary General,
Chair of the Coordinating Committee of
Business Interlocutors for WSIS