

Memorandum

To: Sally Shipman, Office of International Communications and Information Policy, U.S. Department of State

From: Fred Weingarten, Director, Office for Information Technology Policy, American Library Association
Douglas Newcomb, Director, Public Policy, Special Libraries Association

Date: August 1, 2005

Re: Report of the Working Group on Internet Governance

Dear Ms. Shipman,

The Office for Information Technology Policy of the American Library Association (OITP/ALA) and the Special Libraries Association (SLA) are pleased to submit these comments on the recent Report of the Working Group on Internet Governance. ALA is the world's largest library organization, with more than 64,000 members in all library settings. Within ALA, OITP analyzes federal and international technology and information policy as it impacts libraries. SLA is the world's largest specialized library organization, representing 12,000 information professionals in corporate, government, academic, and not-for-profit organizations.

Librarians have a vested interest in the ongoing development of the cyberinfrastructure, as we are an integral part of the Internet in three capacities. Nearly 100% of public libraries offer free Internet access to their patrons, and research has shown that libraries are the leading source of Internet access in the United States after the home and the workplace. Many other non-public services, such as corporate libraries, provide crucial business information that often results in the enhancement or creation of new information. Libraries also create and administer key electronic resources, allowing us to preserve and explore our shared cultural heritage as never before. Finally, libraries are part of the infrastructure of the Internet by virtue of our participation in and administration of shared networks.

We would like to take the opportunity to compliment the Working Group on their effort. All of the issues raised in the Working Group's report are important, and each deserves careful attention. They all raise complex and difficult questions and clearly they cannot and will not be resolved at the upcoming WSIS meeting. However, it is important that they be discussed, and the Working Group has made an important contribution.

As stewards of our nation's cultural heritage, our particular concerns are focused on the following issues.

Intellectual Property

We applaud the Working Group's attention to the issue of balancing the rights of users and holders of intellectual property, as is illustrated in paragraph 23. We agree that striking this

balance will require more thought and attention. This is an issue that is central to maintaining the accessibility of information in the Internet for all users.

As the report points out, the Internet is just one medium through which the essential balance of intellectual property rights must be struck. There is an international regime overseen by WIPO to deal with these issues inherent in intellectual property worldwide. We have been urging WIPO to address the balance in copyright law and to develop an agenda addressing the impact of intellectual property law on developing nations.

Freedom of Expression

The Internet is not only a resource through which users access information; it is also a forum for individuals to express opinions and express beliefs. It is essential that we protect this function. In paragraph 24, the working group addresses the need to maintain freedom of expression while fulfilling the requirements of law enforcement, pointing to the Universal Declaration of Human Rights and the WSIS Declaration of Principles. We fully support this sentiment and encourage leadership to move forward on developing guidelines on this issue.

Data Protection and Privacy Rights

Many Internet users have a high expectation of the privacy of their transactions and activities. While these expectations may be unreasonable in some cases, the working group recognizes that data protection and privacy rights are a priority and central to the sustainability of the Internet. It is necessary that we take decisive steps toward protecting data and privacy in all contexts – as users, as consumers, as publishers.

In some cases, the infrastructure of the Internet makes the protection of freedom of expression challenging. An example of this is the freely-available WHOIS database. What began as an easy tool that enabled the relatively small pool of Internet developers to contact one another has become in some cases a threat to freedom of expression. WHOIS could pose a real threat to political dissidents, victims of stalking, and others. We urge ICANN to be sensitive to national privacy laws and the impact of publicly available WHOIS databases on freedom of expression.

Governance

While the working group lays out some good options for the future of Internet governance, it is difficult to know which would be able to resolve the key issues while continuing to encourage development and innovation. However, we strongly agree with the sentiment that all stakeholders must be involved in the process, including those from developing countries.

The Internet developed through an informal collaboration between public, private, and government organizations. As global Internet management evolves, it is important to avoid overly centralized and hierarchical structures and preserve this multi-faceted collaboration. We would also strongly support the increased participation of public interest groups in policymaking.

Thank you again for the opportunity to address the Report of the Working Group on Internet Governance.



The American Library Association (ALA) is a nonprofit educational organization of over 64,000 librarians, library trustees, and other friends of libraries dedicated to improving library services and promoting the public interest in a free and open information society.

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The Special Libraries Association (SLA) is a nonprofit global organization for innovative information professionals and their strategic partners. SLA serves more than 12,000 members in 83 countries in the information profession, including corporate, academic and government information specialists. SLA promotes and strengthens its members through learning, advocacy and networking initiatives.

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