CCBI - Coordinating Committee of Business Interlocuters

CCBI EXPLANATORY NOTE REGARDING INPUT ON LATEST REVISED DRAFT DECLARATION OF PRINCIPLES (WSIS/PC-3/DT/6) - 14 NOVEMBER 2003 AT 2400 HOURS (REV. 1) AND PLAN OF ACTION (WSIS/PC-3/DT/5) - 14 NOVEMBER 2003 AT 19H00 (REV. 1)

Presented by the Coordinating Committee of Business Interlocutors (CCBI)
26 November 2003

1.   Intellectual Property Protection:

It is essential to recognize that the existing international intellectual property system represents a delicate balance between the needs of the creator and the user, and is intrinsically designed to benefit society as a whole. Intellectual Property Rights (IPRs) contribute to society by maintaining fair competition and encouraging the production and dissemination of a wide range of quality goods and services, underpinning economic growth and employment, sustaining innovation and creation (including the stimulation of local content), promoting technological and cultural advances and expression, and enriching the pool of public knowledge and art. In summary, strong intellectual property protection promotes economic and social development by stimulating innovation and investment.

"Free access to information" does not equally mean "free of charge". Either the person creating the content pays, or the reader/end-user pays. Shifting the cost to the creator will exacerbate the digital divide – from advantaged users to disadvantaged authors – and, thus, perpetuate the knowledge gap. Intellectual Property protection in combination with truly voluntary private-

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public partnerships[1] can lead to the widest possible access to scientific content and information, whether in the public domain or not.

2.   Management of the Internet

The Internet is a collection of networks that are joined together to form a global communication medium. The networks that make-up the Internet have many different properties, technical protocols and naming systems, based on widely accepted standards that allow communication to run relatively seamlessly across the entire network. 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. The organizations involved in the technical coordination of the Internet depend on constant input and interaction on technical matters from relevant experts to keep the Internet and its related technologies developing in a robust and global manner, providing 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.

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[1] HINARI (The Health InterNetwork Access to Research Initiative (HINARI) is a new initiative to provide free or nearly free access to the major journals in biomedical and related social sciences, to public institutions in developing countries. Starting in January 2002 with over 2000 journals from the world's leading biomedical publishers, HINARI is part of the Health InterNetwork, which was introduced by the United Nations' Secretary General Kofi Annan at the UN Millennium Summit in the year 2000). See: http://www.healthinternetwork.org/

A group of international scientific publishers, UN agencies, and other private and public sector organizations, today signed an agreement with the United Nations' Food and Agricultural Organization (FAO), which will allow students, researchers and academics in developing countries to access a wealth of scientific information. The AGORA (Access to Global Online Research in Agriculture) initiative will provide free or very low cost access to journals in the agriculture, biological, environmental and social sciences. The AGORA initiative will initially offer a collection of literature via the Internet to 69 eligible countries with per capita annual income of less than US$1000. The AGORA website will provide access to more than 400 key scientific journals in agriculture and related fields. Find more at: http://www.aginternetwork.org/en/

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Several private sector led organizations have and continue to play a critical role in the technical coordination of the Internet, including technical security and stability. These organizations include the Internet Architecture Board (IAB), the Internet Engineering Steering Group (IESG), the Internet Engineering Task Force (IETF), the RIPE network coordination centre, the World Wide Web Consortium (W3C) and the Internet Corporation for Assigned Names and Numbers (ICANN). These forums involve experts and interested participants from all around the globe.

These organizations play an important role in ensuring that the Internet functions properly. They have demonstrated their ability to respond to an ever-changing environment.

While business strongly advocates the need for continued private sector leadership of the technical coordination of the Internet, we understand the importance of the advice of governments in the technical coordination of the Internet. All economies depend on business succeeding and thus must be responsive to the policy concerns of their respective citizens and businesses. Governments likewise must be current with the Internet's development, and have opportunities for input and contributions when matters arise that would benefit from these. It is for this very reason that in relation to the technical coordination of the Internet, business supports participation by all governments in the relevant advisory bodies of the existing organizations such as the Governmental Advisory Committee of ICANN. Finally, business recognizes the important contribution and role of governments in public policy matters. In this context, the role of the organizations identified above is limited to the technical coordination of the Internet with policy authority limited to those directly related to such coordination.

It is through these fora that governments have opportunities to work with the private sector that has the expertise and innovation to ensure the continued Internet growth, and reliable and interoperable communications.

Business suggests the following textual edits to the draft Declaration and Plan of Action:

Draft WSIS Declaration--CCBI proposed edited version of text:

6) Enabling environment
38. WSIS documents should recognize that copyright and the creators' right to Intellectual Property (IP) are human rights and are specifically referred to in the Universal Declaration of Human Rights.

44. The Internet has evolved into a global facility available to the public and its governance, including both technical and public policy issues, should

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constitute a core issue of the Information Society agenda. The
international management of the Internet should be multilateral,
transparent and democratic, with the full involvement of governments,
the private sector, civil society and international organizations. It should
work to ensure distribution of resources that address user needs
globally, facilitate access for all and ensure a stable and secure
functioning of the Internet, taking into account multilingualism.

Business urges deletion of paragraphs 45-47.

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Draft Action Plan

NEW CCBI text

14. *[i) Governments should ensure a policy and legal environment that promotes the deployment of regional root servers by the private sector as necessary and the use of internationalized domain names in a manner that ensures the stability and security of the Internet in order to overcome barriers to access.]*

Other revisions to draft text:

14. *e) In co-operation with the relevant stakeholders, and respecting the sovereignty of States, governments should continue to work to internationalize the management of Internet resources.*
    g) Continue international dialogue among all interested parties (governments, private sector, civil society and relevant organizations) in order to reinforce the international and multi-stakeholder management structure.

    The policy making processes for both the technical and public policy aspects of the management of Internet issues should be open and transparent, developed through a participatory international policy making process which takes full account of the needs and views of the Internet community.

CCBI does not support the text in paragraphs 14 d, f, Alt. F, g or h and recommends deleting all of them.

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3.   Financing

The discussions related to financing should focus on mobilizing capital and resources to fund the actions which are agreed to in this plan of action. Business believes that the primary way in which capital will be mobilized is through the creation of the conditions through the commitments and actions from this Summit to attract private sector investment, including an appropriate enabling environment. In this regard, it is essential that the Declaration and the Plan of Action adopt a comprehensive approach to financing that sets forth short, medium and long term strategies.

Short and medium term strategies include public/private partnerships to help bridge the digital divide. Many programmes, initiatives and financing mechanisms already exist to promote the objective of universal access, and the expansion of the benefits of the Information Society to all. Any decision regarding financing should urge efficient functioning of and coordination among existing programmes, initiatives and mechanisms to minimize redundancies and to maximize the benefits.

It is important to note that many companies have programmes to promote digital opportunities. These programmes build upon the expertise of a given company and have been improved and expanded over time. Resources should be devoted to identifying existing programmes and initiatives that have proven successful instead of re-inventing the wheel and diverting valuable resources.

It is critical to recognize that short and medium term initiatives and financing mechanisms will not and cannot serve as a substitute to private sector investment which requires an enabling environment which fosters a pro-competitive policy, and responsive and effective regulatory environment. The commitment and engagement of the private sector is crucial for the sustainable development of infrastructure, content and applications. The private sector's primary contribution will be through investment in infrastructure, products, services, content and applications essential for the information society. Business' ability to maximize this contribution can best be achieved through an enabling environment that:

- Promotes a competitive marketplace, including through trade liberalization;
- Provides strong intellectual property protection that promotes innovation and stimulates making information available;
- Establishes an independent communications regulator;
- Ensures technological neutrality with respect for user choice in all policies;
- Fosters entrepreneurship and innovation; and

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- Provides for transparent policy development processes.

Governments are called upon to promote an enabling environment that is conducive to private sector investment and thus to sustainable development.

Given the important role of the private sector in establishing a sustainable and truly global information society for all, we encourage governments to include private sector representation/participation in the apex bodies of decision-making at the international, regional and national levels.

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, to offer final views on such a study.

Software choice, technology choice and technology neutrality

The current text on software models, technology neutrality and technology choice is improved and we urge governments not to alter this language.

To increase access and to foster diversity of choice, governments should adopt a policy framework that maximizes competition and that allows users of technology to choose the technology that best meets their specific needs based on considerations such as performance, quality, reliability, security and life-cycle cost. Government policies that limit such choice, or that promote one form of technology over another, can deprive users, including governments themselves, of the best solutions, and the full benefits of available technologies, stifling both competition and innovation, and potentially impairing economic development, productivity, and growth.

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WHAT IS THE COORDINATING COMMITTEE OF BUSINESS INTERLOCUTORS?

The Coordinating Committee of Business Interlocutors (CCBI) is the voice of business in the Summit.

Principals of the Summit host countries and executive secretariat invited the International Chamber of Commerce (ICC) to create the CCBI as a vehicle through which to mobilize and coordinate the involvement of the worldwide business community in the processes leading to and culminating in the Summit.

The CCBI is made up of - and open to all - representatives of individual business firms, as well as of associations and other organizations that represent business interests.

Among the organizations actively involved in the work of the CCBI, in addition to ICC, include: Associacion Hispanoamericana de Centros de Investigacion y Empresas de Telecomunicaciones, Brazilian Chamber of Electronic Commerce, the Business Council of the United Nations, Business and Industry Advisory Committee to the OECD; Global Business Dialogue on Electronic Commerce; Global Information Infrastructure Commission; Money Matters Institute; United States Council on International Business; World Economic Forum; World Information Technology and Services Alliance; French Publishers Association; International Publishers Association; Motion Picture Association; and Gobierno Digital.

*For further information regarding CCBI, please consult the WSIS website at: http://www.itu.int/wsis/index.html
ICC's website at: http://www.iccwbo.org/home/e_business/wsis.asp
Or contact wsis@iccwbo.org*

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