

## Response to CWG-Internet March 2014 Open Consultation

*Pirate Party of Switzerland*

### Background

On 4 March 2014 the ITU CWG-Internet decided that Open Consultations would be convened on the following issue:

"Recognizing the scope of work of ITU on international Internet-related public policy matters, represented by the list of topics in [Council 2009 Resolution 1305 Annex 1](#) which was established in accordance with decisions of ITU membership at the Plenipotentiary Conference, the Council Working Group on International Internet Related Public Policy invites all stakeholders to provide their position on following question :

Q1. What actions are to be undertaken by governments in relations to each of the international Internet-related public policy issues identified in Annex 1 to Resolution 1305 (adopted by Council 2009 at the seventh Plenary Meeting)?"

According to Annex 1 of the cited resolution, the topics are:

1. Multilingualization of the Internet Including Internationalized (multilingual) Domain Names
2. International Internet Connectivity
3. International public policy issues pertaining to the Internet and the management of Internet resources, including domain names and addresses
4. The security, safety, continuity, sustainability, and robustness of the Internet
5. Combating Cybercrime
6. Dealing effectively with spam
7. Issues pertaining to the use and misuse of the Internet
8. Availability, affordability, reliability, and quality of service, especially in the developing world
9. Contributing to capacity building for Internet governance in developing countries
10. Developmental aspects of the Internet
11. Respect for privacy and the protection of personal information and data
12. Protecting children and young people from abuse and exploitation

The Pirate Party of Switzerland wishes to contribute and comment here on issues 3, 7, 8 and 11.

### **Issue 3. International public policy issues pertaining to the Internet and the management of Internet resources, including domain names and addresses**

Regarding the transition to IPv6, support awareness and capacity building and other efforts, as called for in WTSA-12 Resolutions and WTPF Opinions.

### **Issue 7. Issues pertaining to the use and misuse of the Internet**

It is not tenable to continue to attempt to impose the traditional copyright regime on the new media such as the Internet. Various attempts to criminalize private copying and downloading must be abandoned.

The time has come to recognize that a new online copyright regime is an urgent necessity. Governments should adopt the specific measures that have been proposed by Pirate Party, see:

[http://www.copyrightreform.eu/sites/copyrightreform.eu/files/The\\_Case\\_for\\_Copyright\\_Reform.pdf](http://www.copyrightreform.eu/sites/copyrightreform.eu/files/The_Case_for_Copyright_Reform.pdf)

### **Issue 8. Availability, affordability, reliability, and quality of service, especially in the developing world**

Network neutrality is a fundamental requirement. This can be achieved by implementing network neutrality regulation at the national level. There should be international agreements enshrining network neutrality.

Further, in many cases, infrastructure is a natural monopoly and its provision cannot be a competitive market. In such cases, infrastructure should be provided as a public good, preferably by functional separation of incumbent providers, see:

[http://berec.europa.eu/eng/document\\_register/subject\\_matter/berec/regulatory\\_best\\_practices/guidelines/195-berec-guidance-on-functional-separation-under-articles-13a-and-13b-of-the-revised-access-directive-and-national-experiences](http://berec.europa.eu/eng/document_register/subject_matter/berec/regulatory_best_practices/guidelines/195-berec-guidance-on-functional-separation-under-articles-13a-and-13b-of-the-revised-access-directive-and-national-experiences) and in particular the annex that details the favourable experiences in some countries: [http://berec.europa.eu/doc/berec/bor\\_10\\_44\\_b.pdf](http://berec.europa.eu/doc/berec/bor_10_44_b.pdf)

### **Issue 11. Respect for privacy and the protection of personal information and data**

Privacy is a fundamental human right. Violations of online privacy rights are widespread and have negative effects, including on freedom of speech. It is imperative to strengthen protection against violations of online privacy, in particular by ensuring compliance with the necessary and proportionate principles outlined at: <https://en.necessaryandproportionate.org/text>

National laws must be modified to ensure the protection of privacy of Internet communications and to limit government surveillance. No such surveillance should be conducted without specific authorization from an independent and impartial court and it must be necessary and proportionate.

States must respect the privacy rights of citizens of other states.