

International Publisher's Association (IPA)

WSIS INTERSESSIONAL PERIOD: THE INTERNATIONAL PUBLISHERS' ASSOCIATION'S (IPA) COMMENTS TO THE WORKING DOCUMENTS FOR THE DRAFT DECLARATION OF PRINCIPLES AND DRAFT ACTION PLAN. DEADLINE FOR SUBMITTING COMMENTS: 31 MAY 2003.

IPA, representing publishers worldwide, invite all actors of the WSIS to take the following comments into consideration and stand ready to assist WSIS organisers and participants to integrate these comments in all discussions and working documents of the Summit (draft declaration of principles and draft action plan).

1. Role of creators, publishers and producers of content: Sections 1 of the draft declaration of principles and action plan focuses on the role of ICTs and telecommunication providers in the information society. However, they do not seem to consider creators, publishers and producers of content to be key actors of the information society. Books as well as other vectors of content play as important a role in terms of content dissemination and education as radio and TV. We believe this is high time for the WSIS to reflect this, in particular in this crucial intersessional period which allows for the refinement of the working documents.

Furthermore, sections 2 of the draft declaration of principles and action plan insist on the crucial role played by the media, both new and traditional, in the information society. We believe the role of creators, publishers and producers of content in promoting knowledge, creativity and science must be taken into account.

2. Promotion of Content: In addition, both working documents raise the issue of "local content", in particular in relation to cultural development and linguistic diversity. We certainly think it is right to respect and favour cultural and linguistic identities, including through appropriate government cultural policies. Indeed, national strategies on promotion of content creation, including targets to assess progress toward their implementation, should be encouraged. However, we believe the draft declaration of principles should rank the promotion of content creation as a key principle in itself. Indeed, it is a well-known fact that ICTs will be meaningless unless they are filled with content. Besides, the action plan should state that content industries must have facilitated access to ICTs and training for them to contribute fully to the information society.

3. Universal access: This principle should be put forward to the extent that it relates to telecommunication infrastructure. However, we are of the opinion that it is important to state, wherever this concept is mentioned, that "free access to information" cannot and should not mean "free of charge". Indeed, creation and dissemination of digital content necessitate time, effort, skill and investment. These endeavours need to be rewarded. Furthermore, the fight against illiteracy is not mentioned as action to be taken. This is simply not acceptable and should be modified accordingly. Libraries and their services as well as content creators, publishers and producers need to be appropriately funded. They should not be neglected as a result of the enthusiasm over telecommunication infrastructure. Besides, children, parents and teachers should be provided with new learning models, including distance learning, online textbooks and reference materials. Without appropriate database protection this will not become feasible. Finally, publishers should be added to librarians, archivists, scientists, teachers and journalists as content workers in the draft action plan.

Universal access will remain a meaningless concept as long as illiteracy continues to plague most of the developing countries.

4. Copyright: Above all, it should be recognised that copyright and the right to property are human rights. A reference to the Universal Declaration of Human Rights Article 27(2) must be included in the final documents. Although some parts of our 30 January 2003 joint statement with EWC, FIAPF, STM, IVF and MPA are actually quoted in the draft declaration of principles and action plan, the Observers' contributions contain a lot of anti-copyright wording, in particular section 2 of the draft action plan. Section 1 of the draft declaration of principles seems to be rather balanced. It should nevertheless state that the fundamental principles underlying copyright in the physical world remain the same in the electronic world. A strong protection of intellectual property rights is necessary in the digital environment. As regards section 2 of the draft action plan, many articles are simply unacceptable, in particular in terms of open access (a concept not defined and understood differently by different sectors of the international community), and intellectual property rights in general.

The action plan should state clearly that creation and dissemination of digital content necessitate time, effort, skill and investment. Creativity is best stimulated via copyright protection. Copyright encourages progress, diversity and creativity. Furthermore, the action plan should further indicate that the potential of intellectual property rights can be used for job creation growth, prosperity and for dissemination of information and know-how, while increased unauthorised copying in the digital age context tends to threaten creativity, promotion of local content and economic activity by destroying jobs locally, depriving governments of tax revenues and feeding international crime. Intellectual property helps develop a market for a large variety of on-line and off-line content. The action plan should therefore call for high worldwide copyright protection standards (e.g.: WCT, WPPT), copyright awareness and education (e.g.: World Book and Copyright Day), an international framework for the protection of non-original databases.

5. Freedom to Expression: A reference to the Universal Declaration of Human Rights Article 19 is included in the draft declaration of principles. That reference to Article 19 should be kept as such in the final document. Without a clear need being

demonstrated, nor "right of communication" should be introduced or recommended. In fact, such a right, if not well defined, may conflict with Article 19. This cannot be tolerated.

§ 10.1 of the draft declaration of principles also includes: "the right to unhindered access by individuals to *communication media and information sources*". This can be supported. However, the final documents should clearly indicate in additional paragraphs that creators, publishers and producers of content shall fully enjoy their right to freedom of expression as internationally accepted for the information society to provide creative incentives to the to the best possible extent.