Korean National Commission for UNESCO, on behalf of the Korea Forum on WSIS

Comments on the Draft declaration of Principles and Action Plan

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This document has been prepared after diverse issues regarding information society were reviewed and discussed at Korean civil society workshop for the world summit on the information society (WSIS), and contains the common agreement of '**Korean civil society network for WSIS**' on information society.

1. Comments on the Draft declaration of Principles:
Document WSIS/PCIP/DT/1-E

10.
[- Privacy protection should be ensured in the Information Society. The capacity of individual to control over one's own personal information should be reinforced. And independent social mechanism for protecting privacy should be developed. Under the environment of the advanced surveillance technology and skills, the right to be anonymous should be protected as the most effective instrument to ensure one's privacy as well as freedom of expression.]

[- The balance between IPR and User's rights in accordance with article 27 of the UN Universal Declaration of Human Rights are being challenged and contested in the present IPR regimes and the environment of digital network. Therefore, to restore the balance between IPR and User's rights, the overall review of the existing IPR regimes should be required.]

14. addition or separate one

[The disabled cannot easily access to ICTs primarily due to socio-economic problems and the gap of the use of ICTs between the disabled and others is widening. Therefore, the notion of welfare policy should be introduced so that they could use ICTs regardless of their socio-economic conditions. And non-accessibility of the disabled to ICTs should be overcome in the direction that the availability and comfortability of use for those equipments and software could be enhanced for the disabled.]

17. Universal, ubiquitous and affordable access to ICTs must be an objective of all stakeholders involved in building the Information Society. [The principle of universal access should be coherently applied to all conventional communication media such as TV, radio and video tapes as well as new media. In an environment of technological innovation, this principle of universal service should be redefined and more extended.]

18. Building the infrastructure: A well-developed and easily-accessed and affordable information and communication network infrastructure is essential for the social and economic progress of countries, and the well-being of all citizens an communities. The improvement of connectivity is of special importance in this respect. [And the investment for building communication infrastructure should be based thoroughly on the principle of fair competition, public and universal service. To hold the principle of public service, and according to different social, economic conditions, more appropriate way of building infrastructure could be developed.]

19. [The development of ICTs should be based on sustainability. To minimize the impact on environmental degradation and to develop no harmful ICT to human health should be ensured. The transfer of the second hand computers to the developing countries should consider the hazard of toxic wastes.]

23. Access to public domain information : A vibrant and rich public domain is an essential element for the growth of the Information Society. Information in the public domain must be easily accessible. [The public domain information should be encouraged to be produced. Most outputs of academic or public institute's research, where public funds have been supported should be included in public domain.]

25. Barriers: Barriers to equitable access result from differences in education and literacy levels, gender, age, income and connectivity, as well as from a lack of user training and cultural and linguistic constraints and particular conditions of access to relevant technology. [Also, some social policies and institutional problems like lack of public information disclosure mechanism, access limits to software and contents resulted from copyright system, socio-economic structure deteriorating all kinds of social discrimination and etc. are important barriers.] ICTs can also be used in order to overcome these and other barriers in

society.

[IPR and User's Rights
- To promote the development of knowledge and culture, national discretion should be maximized. And this aspect should be taken into account in reviewing process of the existing IPR regimes.
- Non-commercial, personal use of digital contents should be regarded as fair use.
- The dignity of human life and the basic human rights should not be infringed by IPR]

3. The role of governments, the business sector and civil society in the promotion ICTs for development
Addition

[Governmental policies for ICT and industrial development should be rigidly separated from other public policies ensuring civic freedom and rights in relation to ICTs. Government should develop educational programs to enhance the understanding of Information Society and human rights issues in information society. Government should take away from any form of contents regulation.]

31. ICTs for education : The use of ICTs for education and human resource development, including ICT literacy, [human rights issues in information society,] should be promoted, with special reference to the requirements of people with disabilities.

36. Role of stakeholders: Government must promote awareness in their societies of cyber security risks and seek to strengthen cooperation with the private sector and civil society to prevent the use of information resources or technologies for criminal or terrorist purposes, so as to build confidence and trust in the use of ICTs and the Information Society. [Besides public sector, government should encourage self-regulatory mechanism for network security and promote to form public-private partnership for cyber security.] The community and the family also have a special role to play in this regard.

39. Good govemance: The Information Society must support participative democracy, decentralization, transparency, and accountability, at all times upholding the principle of legality. [It should be open enough to allow all stakeholder's participation in all levels of planning, decision making, implementation, monitoring and and evaluation processes.] Information is the basis of a well functioning and transparent decision-making process for both global society and local communities. [Therefore, all governmental and public information should be disclosed in principle.] ICTs can be an important and very effective tool not only for good governance but also for more accessible government.

42. Standardization : Standardization is one of the essential building blocks of the Information Society. [It

should ensure all stakeholder's participation from its initial discussion stage.] International policy dialogue at global, regional and sub-regional levels should promote the identification and application of interoperable standards, the transfer of know-how and the provision of technical assistance. The development and use of open standards are particularly important for developing countries. In this regard the increased use of open-source software can contribute greatly to increasing access and to adding to the diversity of choice of software for consumers.

Addition

- Laborer's privacy even in workplace should be protected. If some monitoring devices or policies infringing this privacy rights are introduced, its terms should be negotiated between labor union or workers and employers.
- Laborer's rights of unhindered access to communication media and information sources in their workplaces should be protected as one of laborer's basic rights.
- As the workplace environment changes due to the introduction of new ICTs, the educational training of laborers should be given as one of laborer's basic rights.

53. The Information Society is intrinsically global in nature. Thus, a policy dialogue based on global trends in the Information Society must take place at global, regional and sub-regional levels in order to facilitate [as follows. And the participation of developing countries, particularly LDCs should be ensured at all policy making process. To promote the development of Information Society in those countries, technical, financial support should be more increased.]

2. Comments on the Draft action plan: Document WSIS/PCIP/DT/2-E

3. addition

[- To share backbone infrastructure even when a few private entities monopolize it ensuring fair competition.]

[- To expand public service zone even in wireless services]

11. Environmental protection : Governments and the business community must initiate actions as well as develop and implement programmes and projects for the environmentally safe disposal (including recycling) of discarded ICT hardware and parts. [For the sake of recycling, new ICT hardware and software should ensure backward compatibility. Even when some hardware and software are taken away from production line, the after-sale service of the old type of stuffs should be ensured.]

2) Access to information and knowledge

14. Open standards and open-source software

 - Open-source software, including UNESCO software CDS/ISIS, multi-platform and open platform as well as interoperability standards, should be used more broadly to provide freedom of choice and to facilitate access to ICTs by all citizens, at an affordable cost. [To avoid the dependency of specific vendor and to ensure security and low cost, government and public authorities should be encouraged to adopt open-source, free software and to set up the procurement policies and related laws.]

addition

[To enhance the accessibility of the disabled to ICTs, the development of the customized equipments and softwares in accordance with various types of the disabled should be supported.]

22. Addition

[- To remove harassment and discrimination put on minors including women and children over the cyberspace, educational efforts and social discipline should be made. In formal and non-formal education system, the way of expressing one's own opinion with respecting other's rights and tolerating other's freedom of expression should be brought up.]

24. addition

[- To ensure the stability of internet network, intergovernmental management system that could share the responsibility and cooperate together for the stable operation of hidden primary root server and its copies

should be put in place.]

[- Even in security measures, personal information should be rigidly protected in accordance with the judicial procedure and institution]

27. addition

[- The preservation term of personal information data like access log should be encouraged or induced by incentives rather than legally enforced.]

[- To define cybercrime, the criteria of intentionality and the extent of physical damage needs be deliberately considered.]

[- In cybercrime, the third party like ISPs or IDCs should not be liable for the customer's own negative behavior]

Privacy Rights

- In case of permitting the third party's use of one's personal information, selective consent right should be ensured for each question of what item is to be used, who will use it, which purpose it is to be used.
- National database project for personal information should be assessed in considering the risks of governmental surveillance. These databases should be reviewed in terms of public interest as well as human rights and democracy
- Single, unique personal identifier which enables the profiling of different kind of personal information databases should not be used.
- Opt-in policy should be used for the collection and processing of bio information like personal DNA or disease record
- Independent Privacy Commission should be established so that it could oversee all public policies concerned with privacy, and provide alternative dispute resolution service to those whose privacy are to be infringed.
- Privacy impact assessment should be introduced at the planning stage of all privacy related public polices. And this assessment should be also applied to private company's service practice which deals with considerable number of customer's personal information or employ a certain number of workers.

28. addition

[- To ensure and reflect all stakeholder's participation, some mechanism such as public hearing, open recommendation should be developed. In those cases, all inputs should necessarily be feedbacked so that

all other stakeholders could confirm what are different or conflicting views and which recommendations are reflected.]

32. Consumer protection : There is a real consumer fear concerning the loss of privacy as well as in relation to the fight against illegal and harmful content and the protection of minors. [Even when some contents are to be regulated, the scope of regulation should be clearly specified by law for the sake of the freedom of expression.] Assuarance of the confidentiality of personal information is essential in building the Information Society.

34. Intellectual property rights
additions

- All technical measures for the protection of copyrights should be automatically called off after the expiration of its effective term
- In domain name disputes, the requirements for the legitimate use should be more extended so that user's rights could not be infringed by the reverse hijacking of commercial entities.
- Public web sites of all governmental and public authorities should ensure the accessibility of most browsers.
- Public software such as the use of online banking, the access to public institutes or public information databases should ensure multi-platform availability.
- The third party like ISPs or IDCs should never be judicial in dealing with their user's behavior or should not be liable for user's possibly illegal behaviors.
- Most public information should be available in a form of digital data through digital library. In digital library, all digital material including non-public domain should be allowed to being read. Instead, technical solution or financial support should be considered so that copyright owner's rights could not be infringed.
- The development of new business model should be encouraged, promoted, and supported by public funds so that creators could sustain their activity of creation without too much dependency on copyright fee.
- Hyperlink, frame link or mirroring should be allowed if the original URLs or domain name would be appropriately manifested.
- Domestic public policies like compulsory license or parallel import which limits the rights of patent owner for public interest should be allowed without any foreign countries' intervention.
- The copyright of computer program or its manual cannot be protected in a same manner as other materials due to its unique characteristics. It should be excluded from the protection scope or at least its protection term should be remarkably reduced.
- The attempts to expand the object of patent even to all human activities including abstract idea

such as business model and software algorithm should not be allowed and if any case has already been granted in that manner, it should be nullified.

- The living entity should be excluded from the scope of patent even when it was detached and separately confirmed. Such a thing is a common heritage of natural history and so any monopoly right should not be granted to individual.

- Those surveillance techniques like automatic ip address forwarding, ISP's monitoring of customer's behavior or checking individual mailbox which is used for the purpose of protecting IPR should be prohibited.

- As a non-commercial use, the changing behavior of the copyrighted web pages should be allowed in line with the protection of freedom of expression.

40. E-employment

- Laborers should have the right to use Intranet for communication or the activity of labor union.

- Special attention is needed for marginal workers such as women, migrant workers, the disabled and irregular workers to access information equally.

- Monitoring or surveillance devices, if any and it was agreed to be installed by workers, should be immediately withdrawn after its installed purpose was fulfilled or the necessity is not clarified. The purpose of collecting personal information, its collecting term and scope, the collecting device's specification and function, collected matters should be disclosed with the specific request of the specified person.

- The collected matters should not be used beyond its own specified purpose of information collection. And those should not be any ground for discrimination or unjust personnel management.

41. E-environment : Systems should be established to prevent man-made disasters, using ICTs to monitor the operators of production and transport systems that pose the gravest potential threats to the environment. [Also, ICTs should be used to develop a global early warning system so as to avoid natural disaster.]