

MDPI, on behalf of the Thematic Working Group on Patents, Copyrights, Trademarks

## COMMENTS

Civil Society Thematic Working Group on Patents, Copyrights, Trademark

### GENERAL COMMENTS

We recommend that the "intellectual property rights" (IPR) terminology shall be avoided since it carries an implicit bias and encourages simplistic overgeneralization. In particular, we strongly urge that no implicit endorsement shall be given, through this terminology, to the legal doctrinal school, which advocates that productions of the mind shall be treated in a similar way as real estate property.

This terminology might implicitly lead to the concept that copyrights might be rights that could be extended for infinite duration. This terminology also implies that patents, copyrights, and trademarks should be treated within the same legal framework, whereas we recommend that these issues shall be dealt with as distinct conceptual issues, with their own philosophical, cultural, technical, economical, political and legal backgrounds.

### SPECIFIC COMMENTS on the Draft action plan (WSIS/PC-2/DT-3 revised 21 March )

We notice that the following recommendations of the working group have not been included either in form or in spirit in the Observers' contribution.

- Business methods shall not be protected by patent laws.
- Generic domain names shall not be subject, in any way, to trademarks laws.
- Use of Peer to peer technology shall be promoted to share public domain intellectual property. ( not just scientific data ).

May be, it is a purely material error.

It is the Working Group wish that these omissions shall be repaired and these recommendations be included in the next version of the Draft.