



Civil Society Working Group on Patents, Copyrights and Trademarks
<http://www.wsis-pct.org>

Concise COMMENTS on the WGIG Papers

It is highly regrettable that a member of the Patent & Copyrights Working Group could not be part of the WGIG, but we are pointing out that this is not due to the United Nation handling of the selection process that we salute both as open and inclusive, but it is seemingly the collateral damage of confusion within Civil Society. Therefore, and despite the best efforts of the WGIG secretariat and chair, the question of the representativity of the WGIG remains open.

Nevertheless, we are kindly requesting the attention of the WGIG on the following issues :

1/ Interoperability should be included as one factor of appreciation and criteria within Internet Governance considerations and assessments.

We suggest that the WGIG should adopt the following recommendations

A/ Recommend that all internet-related software, whether proprietary, open source or free software, shall allow a full, free, and potential interoperability with every other internet-related software and hardware, without the burden of any financial or legal obligations, in order to permit the free flow of information within the Internet, as well as equitable and sustainable development.

B/ Recommend all apparatuses, devices, media build for internet-related use shall allow a full, free, and potential interoperability with every other internet-related hardware and software, without the burden of any financial or legal obligations, in order to permit the free flow of information within the Internet, as well as equitable and sustainable development.

C/ Interoperability certificates shall be delivered delivered to such potentially interoperable hardware and software by an international body.

The PCT group has not determined yet which would be the best international body to deliver such certificates and the fees that would be collected for such a purpose, and

might bring further information to the WGIG on this matter latter on.

2/ In the WGIG papers, in many occasions the lack of a proper legal basis is highlighted for current governance agreements. We would like to bring to the attention of the WGIG, the UNMSP proposal (see <http://www.unmsp.org>), under the high patronage of H.E Adama Samassékou, that would allow the relatively easy creation of international Multi-Stakeholder Partnerships that would be equitable, transparent, inclusive and accountable before the United Nations. A UNMSP Multi-Stakeholder partnership might provide the efficient and inclusive framework that is needed for ICANN or for the ICANN/GAC combination where it is hoped that Free Software advocacy and developers groups can be considered as contributing partners. It is worth to mention that the Free Software Community is the creator of nearly all the software that allows the Internet networking infrastructure to be able to function so effectively. However, while being such a crucial contributor, the Free Software Community has been little consulted so far on Internet governance issues. Therefore we ask the WGIG to assess the possibilities offered by the UNMSP proposal to provide a way to create suitable legal frameworks for Internet governance that would be inclusive of all stake-holders, such as the Free Software community.

3/ Many PCT group members feel that there are many other issues that have not received the proper treatment in the WGIG papers, but since no PCT group member is a member of the WGIG group, the task of communicating about those delicate and complex issues has proven too difficult to handle in practice.

4/ We kindly request the WGIG secretariat to make it available those concise comments on the WGIG web site both in the pdf format (proprietary but interoperable) and the OpenOffice format (free and interoperable) and to cease to use, for display on the WGIG web site, proprietary and non-interoperable file formats.

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