

A2K@IGF Dynamic Coalition

Contribution to

Synthesis Paper for 2nd Open Consultation

2007 Internet Governance Forum (IGF)

www.a2k-igf.org

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The purpose of the A2K@IGF Dynamic Coalition is to support and expand Access to Knowledge (A2K) and promote freedom of expression in the realm of information and communication technology.

Our coalition is particularly concerned about the impact that unbalanced intellectual property rights have on the Internet as a tool of free expression, innovation, education, and development. One focus of the coalition is setting methodologies or best practice norms for the implementation of laws dealing with Technological Protection Measures (TPM) and Digital Rights Management (DRM) restrictions, which have been shown to present serious impediments to access to knowledge and the free flow of information. Another focus is on coordinating participation and awareness of Access to Knowledge (A2K) activities at the World Intellectual Property Organization (WIPO), including proposals for a Development Agenda and an Access to Knowledge Treaty at WIPO. Another area of concern for our coalition is with increasing attempts to impose liability on third parties, particularly information providers, for the infringing activities of others.

A2K@IGF grew out of a workshop held in Athens and has subsequently established a work program, website, and mailing list to continue discussions. A2K@IGF Dynamic Coalition held its first offline meeting, an informal dinner during the Yale Law School's 2nd Annual Conference on Access to Knowledge in April 2007.

A2K@IGF recommends that the IGF Advisory Group and Secretariat consider the following agenda items in preparation for the 2007 IGF meeting:

Build freedom of expression values into the laws and architectures that support online communication

The Internet was originally designed primarily for communication and educational purposes. Because of its early use, certain values were built into the architecture, or protocols and standards that run the networks that have become

crucial to the success of the Internet. The ability to communicate across the globe without any intermediary's interference, to seek out desired knowledge and freely associate with ideas and communities close to one's heart are at the core of what makes the Internet such a powerful tool for development, for both individuals and nations. These specific early infrastructural design choices remain key to the Internet's contribution as a global resource for knowledge and development. We can bridge the gap in the digital divide by continuing to design the Internet with these ends in mind, and implement technical protocols and public policy choices that encourage the Internet as a tool of unencumbered free expression and access to knowledge. If we choose anything other than an "Internet for Development", we are building a wall that serves to widen the gap between those with a wealth of information at their fingertips and those starved for knowledge.

A2K@IGF supports the statement by Sir Tim Berners-Lee before the 2007 US Congressional Sub-Committee on Telecommunications and the Internet and his policy recommendation for "Universal Linking: Anyone can connect to anyone, any page can link to any page:"¹

"The universality and flexibility of the Web's linking architecture has a unique capacity to break down boundaries of distance, language, and domains of knowledge. These traditional barriers fall away because the cost and complexity of a link is unaffected by most boundaries that divide other media... The Web takes this openness one step further and enables a continually evolving set of new services that combine information at a global scale previously not possible. This universality has been the key enabler of innovation on the Web and will continue to be so in the future."

Encourage open, innovative, and non-proprietary development models for building knowledge and wealth

A2K@IGF recognizes the importance of the Internet as an incubator for innovative new business models that may not have been possible in the offline world. As the power of Internet grows, the essential tools and businesses integrated with public domain resources become increasingly important for fostering innovation and wealth in undeveloped communities.

The implementation of open technical protocols that allow an unrestricted ability to build upon existing networks and create new innovations has also been key to the Internet's success. IGF should encourage the use of open technical protocols, free of restrictions imposed by intellectual property interests that hamper the ability of the Net to connect people and ideas together.

¹ Sir Timothy Berners-Lee's US Congressional testimony from 1 March 2007 is available online at: <http://dig.csail.mit.edu/2007/03/01-ushouse-future-of-the-web.html>

The spread of free and open source software has led to the creation of robust and commercially successful operating systems such as Linux. And future technologies promise to provide additional non-proprietary solutions at an even more affordable and efficient rate. These non-traditional innovations promote cultural exchange and diversity, and free-up scarce resources for other more basic needs. The social and political value of online discussion forums, web logs or “blogs” and other peer-to-peer (P2P) communication tools are beyond question. The global Internet community would benefit from further discussion and consideration on the development of new technological tools that protect the Internet as a backbone of the information super-highway and provide innovative ways to exchange and preserve the public domain.

Creative works licensed under a Creative Commons license and other types of “open content”, which permit greater sharing and incorporation into future developments than traditional media outlets allow, have significantly increased the availability of online educational and cultural resources. IGF presents a unique opportunity to explore the success of these models and encourage their expansion into new areas and communities.

Civil Liberties should be a broadly considered “Cross-Cutting” issue at the 2007 IGF meeting in Rio

Given the importance that basic human rights such as freedom of expression, education, communication, scientific inquiry, access to information, privacy, freedom of association, and anonymity play in the development of humanity, the civil liberties implications of every topic addressed in Rio should be considered to provide a more complete picture of the policy issues.

Respect for civil liberties should be considered a cross-cutting issue in all of the activities undertaken at Rio, since positive development of the Internet is dependent upon respect for the basic human rights of all individual Internet Users.

Create awareness among the Internet users about their own rights regarding access to public domain knowledge and information resources made available by online libraries and educational institutions.

The Internet revives the hope of the ancient Library of Alexandria – if managed properly, it will create a global public resource for universal education. But if managed for the benefit of only politically-connected industries or out-dated business models, we will lose this opportunity to build a strong and robust public domain of shared knowledge.

There is a growing trend among international human rights courts to specifically recognize access to information as part of the freedom of expression rights enshrined in several human rights conventions. For example in 2006, both

the European Court of Human Rights and the Inter-American Court of Human Rights ruled that access to information is protected by freedom of expression guarantees; and in Europe that right has been specifically extended to cyberspace.² A2K@IGF would like to hear from speakers at IGF Rio that will inspire the development of the Internet as a tool for providing access to knowledge and freedom for all citizens, regardless of national boundaries.

Forward-thinking companies such as the British Broadcasting Corporation (BBC) have begun to make recordings and other valuable information available for free to citizens via the Internet. Technology-savvy librarians at the Internet Archive have been posting public domain books, recordings, and images on the Internet for public download for years. Project Guttenberg makes public domain films and other video available for free over the Internet as part of its cultural archiving mission.

Without a shared recognition that the public domain enriches everyone and creates value for society, information policy cannot evolve to address the opportunities the cyberspace presents. The Internet Governance Forum should address the status of the public domain as it explores how the Internet can be maximized as tool for access to knowledge and as an “Internet for Development”. It can also provide a platform to raise awareness on the role of the Internet to provide universal access to a robust public domain of knowledge and culture.

For more information on A2K@IGF:

A2K@IGF maintains a website at:
<http://www.a2k-igf.org>

A2K@IGF maintains an open mailing list at:
<http://mailman.ipjustice.org/listinfo/a2k-igf>

² See: “Access to State Held Information as a Fundamental Right under the European Convention on Human Rights” by Wouter Hins and Dirk Voorhoof, *European Constitutional Law Review*, 3: 114–126, 2007.