

**STATEMENT BY THE  
FREE SOFTWARE FOUNDATION EUROPE (FSFE)  
FIRST SESSION OF THE  
PROVISIONAL COMMITTEE ON PROPOSALS  
RELATED TO A WIPO DEVELOPMENT AGENDA  
(Geneva, 20-24 February 2006)**

Mr Chairman,

I speak in my capacity as president of the Free Software Foundation Europe, a European non-governmental organisation dedicated to all aspects of Free Software, as defined by the four fundamental freedoms specified in the Free Software Definition. We operate in a network of sister organisations in Latin America, India, Europe and the United States, and work in close cooperation with the global Free Software community.

Mr Chairman,

let me first congratulate you on your chairing this session, we are hopeful that you will help this PCDA process to come to a concrete and conclusive outcome for the next general assembly. We would also like to congratulate all member states on their excellent proposals, even if our comments are in particular on the proposal of the United States.

A typical cycle of sustainable activity is characterised by three major columns: planning, action, and analysis. Ideally, action follows on planning, analysis follows on action, the results of the analysis provide the grounds for further planning. In the WIPO context, we could also describe these as norm-setting, implementation, and review.

Like all cycles, the WIPO cycle breaks at its weakest link. That is why we cannot agree with the expressed US opinion that WIPO has no need for analysis, and that studies only need to be done on a national level: there is need for review on national levels, but review also needs to be conducted at the level of norm-setting and implementation.

As a result of this – in our view incomplete – understanding of the process, the US proposal focuses on very concrete, mainly implementation oriented aspects. We believe this is not necessarily a bad starting point for building consensus.

Many member states made statements about WIPO activities greatly benefitting from a more participatory approach. Language ranged from including "views of all stakeholders, with special emphasis by public interest groups" to the United States proposal, which asks that WIPO

"[...] should aggressively seek out potential partners in other  
intergovernmental organizations development agencies, as well  
as international and regional development banks, NGOs, the  
private sector, academia, charitable organizations, and other  
institutions [...]"

This is an excellent and possibly consensual notion, which we could build on quickly and in a concrete way. As also discussed during the United Nations World Summit on the Information Society, physical participation in such events substantially depends upon infrastructure and resources often not available to public interest groups in particular.

The problems remain similar, so may be the solutions. Therefore please allow me to briefly share some experiences from the WSIS.

Last week's deliberations on the Internet Governance Forum under mandate from UN secretary-general Kofi Annan were the most advanced in terms of incorporating the WSIS experience. All statements were transcribed live and projected on a screen above the chair, facilitating better understanding during the session and making it easier for participants to do justice to all statements.

After the session, the transcripts were put online in a matter of minutes, making all statements of the session immediately accessible to all who were absent or had to leave the room while the meeting took place.

Additionally, Free Software volunteers streamed the entire session live in an open and accessible format that allowed all computer users with sufficiently fast internet access to follow the session while it took place, possibly getting in touch with those present in order to have them incorporate their views and comments in the statements. The recordings usually go online a few days later, making it easy for people to follow the session after it took place.

More could be done, but these two concrete steps have already done much to ensure that all stakeholders, including member states, have an easier time following all the proceedings and help improve the effectiveness of the overall process.

Mr Chairman,

Information and Communication Technologies (ICT) can be a wonderful tool to facilitate universal access and wide participation beyond cultural, geographical and financial barriers. In order for them to do so, it is important to use them wisely and choose formats and protocols that do not exclude any business model, stakeholder group or operating system.

All WIPO online activities, including the "WIPO Partnership Database" around which the US proposal is built, should be conducted through open standards and accessible formats. Open standards in this context mean publicly documented and freely accessible formats for which at least two implementations exist, one of which should be Free Software so others can take it for reference and study, as well as adapt it to their needs of multilingualism and accessibility.

The format should be available on all three major families of desktop operating systems used today. Additionally, it is necessary that no such format actively mandates the use of proprietary software, so as to not exclude people who wish to maintain control over their own information infrastructure, an issue of increasing importance for many member states.

Only the Open Document Format (ODF) fully fits this bill in the realm of office applications, it should therefore be used for all future activities. FSF Europe gladly offers its expertise to WIPO for more in-depth elaboration of these issues in this and other areas.

Mr Chairman,

all proposals seemed to share common ground in wanting to make concrete improvements in this area. It is on these grounds that we hope to have provided the basis for a small step towards consensus of all member states. Maybe such a small, but visible sign of finding common ground will help us on our way to the next general assembly.

Thank you, Mr Chairman.

*Statement by Mr. Georg C.F. Greve <greve@fsfeurope.org>*

*Free Software Foundation Europe, President*

*UN World Summit on the Information Society (WSIS),*

*Civil Society Patents, Copyrights, Trademarks (PCT) Working Group, Co-Coordinator*

*First phase Civil Society representative, German Governmental Delegation*

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