

2007-2008 Dynamic Coalition on Open Standards (DCOS) Report

The members of DCOS are grateful to the IGF Secretariat, Advisory Board and all IGF supporters for their thoughtful attention to the pressing issue of interoperability, openness and standards in Internet governance. We look forward to reporting on our general achievements, particularly those since Rio, during UN/IGF 2008 in Hyderabad.

DCOS's mission is to provide government policy makers and other stakeholders with useful tools to make informed decisions to preserve the current open architecture of the Internet and the World Wide Web, which together provide a knowledge ecosystems that has strongly shaped the multiplier effect of global public goods and improved economic and social welfare. Our mission statement was drafted and publicly agreed to by various participants under the multi-stakeholder process following the guidelines of the IGF. All DCOS materials, including our operational procedures, meeting notes and email archive, are available on our web site: [http:// www.igf-dcos.org](http://www.igf-dcos.org)

ICT standards, although not created by legislatures, states or courts, create regulatory structures that transcend international boundaries, affect numerous public policy issues and impact developing countries and many stakeholders who don't have a voice in their creation, management or adoption. The true value of ICT standards isn't in the technology or business impact but rather in what they can bring to society: access, choice and participation.

With this in mind, DCOS submitted two proposals to UN/IGF 2008. These workshops will address issues that are key to this meeting's theme of "Reaching the Next Billion" and "Internet for All."

- Proposal #1: Knowledge as a Global Public Good: How Fair Use, Open Source and ICT Standards Can Expand Digital Inclusion
- Proposal #2: Reforming the International ICT Standardization System

This past year has been full of headlines about ICT standardization, from the standardization of two document formats at ISO, multiple government policies supporting open standards in document formats, the U.S. Court of Appeals for the DC Circuit's overturn of the U.S. Federal Trade Commission's decision against Rambus for anticompetitive behavior in standards setting, and the reconvening of the WIPO Standing Committee on the Law of Patents after a two year break. DCOS members have been involved in all of these events, promoting our view on the value of openness in ICT standards and characteristics of a truly open standard.

Achievements:

- 59 members, from South Africa, Egypt, Italy, U.S., Sri Lanka, UK, France, Italy, Australia, Brazil, Finland, Taiwan, and more
- Informal meeting Feb. 2007 at Yale ISP Access to Knowledge conference
- Formal meeting in July 2007 in Geneva devoted to reviewing the team's progress, including key principles, tracking policy responses to competition requirements & IT standards in ICT, and beginning to outline best practices (how countries have implemented these principles) to improve competition and lower trade barriers in IT. 15 participants, and meeting notes are available on the DCOS web site

- Submitted two workshop proposals to UN/IGF 2008
- Finalized and approved operational procedures, which were also used as a template by the Internet Bill of Rights Dynamic Coalition
- Created web site (www.igf-dcos.org)
- Participated in UN/IGF consultations in and May 2008
- Submitted recommendations for the UN/IGF Multistakeholder Advisory Group
- Coordination with other UN/IGF Dynamic Coalitions, including the Internet Bill of Rights and Access to Knowledge

Significant events in which DCOS members were represented:

- Yale Information Society Project Open Standards International Symposium (OSIS); held at Yale Law School, February, 2007 (U.S)
- Stimulating v. Stifling: Standardization's Role in Innovation; hosted by Georgetown University, Sun Microsystems, JEDEC, and The Bolin Group, March, 2007 (U.S)
- Building Economic Strength and Social Benefit: Openness as a Collaborative Advantage; hosted by the Ministry of Commerce of the People's Republic of China, the State Intellectual Property Office, The Bolin Group, and Sun Microsystems, April 2007 (People's Republic of China)
- Computers, Freedom and Technology 2008 conference
- WIPO Standing Committee on Copyright and Related Rights meeting March 2008
- WIPO Standing Committee on the Law of Patents meeting June 2008
- OECD Future of the Internet Economy June 2008
- Various W3C events throughout the year

IGF 2007 Meeting Report

DCOS hosted three sessions at 2007's UN/IGF meeting. DCOS members also participated in many other dynamic coalition workshops, including the A2K coalition workshop and a pre-event meeting hosted by the Association for Progressive Communications.

Our multistakeholder coalition was pleased to hear the problems in ICT standards discussed often in 2007's UN/IGF meeting, from the opening discussion to the specific panel on openness. We believe these discussions will lead to greater understanding of a system that has profound power over what we can and cannot do with ICTs and will ultimately lead to better decision making about what changes, if any, need to be made.

Our first workshop on Monday, 12 November was titled “ The Intersection between Open ICT Standards, Development and Public Policy.” Ghosh, Professor and Senior Researcher at the UNU-MERIT, opened the panel with a short context-setting presentation that described how the economic phenomenon of the “ network effect” manifests in ICT. Susy Struble of Sun Microsystems and Thiru Balasubramaniam from Knowledge Ecology International

moderated the panel. Panelists included:

Richard Owens, Director of the Copyright E-Commerce Division, World Intellectual Property Organization (WIPO)

Laura DeNardis, Visiting Fellow, Information Society Project, Yale Law School

Georg Greve, Free Software Foundation Europe

Robin Gross, Executive Director, IP Justice

Carlos Afonso, Director of Planning, Information Network for the Third Sector (RITS) and Academic Coordinator, ITS Centre for Research, Study and Education (NUPEF)

Thomas Vinje of the law firm Clifford Chance who's been very involved in legal cases in the EU involving access to specifications required for interoperability

Cynthia D. Waddell, JD, Executive Director and Law, Policy and Technology Consultant, International Center for Disability Resources on the Internet (ICDRI)

Malcolm Harbour, Member of European Parliament

Our panelists spoke of the economic aspects of interoperability as well as existing and new activities in WIPO related to the tensions between standards and intellectual property, such as the new Development Agenda and possible work in the Standing Committee on the Law of Patents. They also spoke of how the new trend of bi-lateral free trade agreements, which are often broader in their IP protection requirements than WTO TRIPS, could cause problems – this is certainly an issue for policymakers to understand. There was also some discussion of potential exceptions and limitations to IP law, such as for reverse engineering under copyright and patent law for the purposes of ensuring interoperability in a system in which the economic network effect is so strong. The European Committee on Interoperable Systems presented on the role competition law and policy can play in promoting ICT interoperability.

Panelists also discussed the political dimension of standards, how technical standards often actually set policy. A Business Software Alliance representative pointed out the high level of involvement and support of private industry in setting standards. Several in the audience and panel responded that this leadership from private industry is not in itself the worst model, but there might be characteristics that standards organizations and their output should have that would give them appropriate legitimacy and better serve public interests.

Our last panelist presented on the need for every IGF dynamic coalition to include promoting accessibility in its work, and that's certainly something DCOS struggles to address. ICT standards should have accessibility principles built in from the beginning. The W3C provides a model that our coalition needs to explore more.

We had a working meeting of the coalition on Tuesday 13 November that actually turned

more into a repeat of our Monday general session, but we did spend more time there talking about capacity building for developing economies and the public interest in ICT standards setting. We heard how the IETF attempts to address this problem with specific programs aimed at developing economies.

And lastly, on Tuesday afternoon (13 November) we held a best practices workshop in which the government of Sri Lanka and a representative of the Extremadura region of Spain spoke about how their e-inclusion programs relied upon open standards and why, and what policies – such as government procurement – were put in place to support greater competition and access and lower costs.

For anyone who wants to get involved, we invite you to visit our web site and join the mailing list at www.igf-dcos.org