Assemblies of the Member States of WIPO
Forty-Third Series of Meetings, Geneva
24 September – 3 October 2007

The FSFE has comments on various items on the agenda of this year's Assemblies of the Member States. In the interest of time and on invitation of the chair, we are submitting these comments in writing for your kind consideration.

Considerations for WIPO's procurement decisions

On the question of WIPO's technical needs and systems, as discussed in multiple agenda items, FSFE submits that WIPO should follow the established principles of vendor independence, interoperability and Open Standards for all its procurement. References in this area are provided by the European Commission's IDABC European Interoperability Framework (EIF) or the work done on the subject in other Member States.

Experience indicates that cost related lack of interoperability easily accounts for up to 40% of IT budgets, and is a major cost driver for all users of information technology, including public bodies. This lack of interoperability is a common result of vendor specific procurement decisions and lack of Open Standards.

Interoperability and Open Standards are also central for the issue of sustainable storage of and perpetual access to data and information. FSFE submits that it is in direct conflict to the mandate of WIPO as a multi-stakeholder intergovernmental organisation to depend on any particular company's products for access to its data and communication with its Member States.

FSFE therefore suggests that the Assemblies of the Member States establishes clear guidelines for WIPO's management to ensure vendor independence, interoperability and Open Standards in all its procurement decisions.

On a Development Agenda for WIPO

FSFE congratulates the Member States of WIPO for their agreement to work together on a concrete set of issues to establish a Development Agenda of WIPO. We have followed this process for the past years and continue to offer our input and assistance in allowing these discussions and their implementation to come to a successful outcome.

Pertaining to the comments on interoperability, Open Standards, and vendor-independence, we believe the same issues should also be included in the Development Agenda discussions, specifically in Cluster A, including, but not limited to, items 7, 10 and 11.

Regarding Cluster B, in particular items 22 and 23, FSFE would like to emphasise the role of Free Software to establish and maintain an open, competitive and innovative technology industry. Free Software is often the only remaining competitor in markets that saw abuse of neighboring monopolies, and the best choice to re-establish competition.

For reference, we would like to point out the investigation conducted since 1998 by the European Commission in this field, and the recent decision of the European Court of First Instance. The decision concerned two markets, one of which was the workgroup server market. In this market, due to massive leveraging of desktop monopoly into the market based on obstruction of interoperability, Free Software is left as the only remaining competitor, currently providing the basis for competing products by no less than four major vendors.

Pertaining to Cluster C, FSFE would like to emphasise the importance to discuss the role of Free Software in technology transfer and capacity building, as agreed upon during the World Summit on the Information Society in Geneva, referenced in item 24. Citing section C3, 10, point e of the WSIS Plan of Action:

"Encourage research and promote awareness among all stakeholders of the possibilities offered by different software models, and the means of their creation, including proprietary, open-source and free software, in order to increase competition, freedom of choice and affordability, and to enable all stakeholders to evaluate which solution best meets their requirements."

Overall, FSFE considers it imperative to dedicate sufficient resources to the upcoming Development Agenda discussions within WIPO to bring this work to concrete results in a timely manner.

On the future activities of the SCCR and SCP

Regarding agenda item 17, the future activities of the SCCR, FSFE would like to reaffirm its support for the September 2006 Joint Statement of Certain Civil Society, Industry and Rightholders Representatives Regarding the Draft Basic Proposal for SCCR 15.

Considering the large amount of pressing issues in the area of Copyright and related rights, including a potential treaty on Access to Knowledge, the issue of Limitations and Exceptions, and the issue of alternative Copyright-based system to incentivise creativity, such as Creative Commons and Free Software, FSFE believes the SCCR should priorise these issues over more meeting devoted to issues that are unlikely to see consensus in the next years.

FSFE furthermore in reference to agenda item 19 believes that the SCP should analyse the effect of patenting in the area of IT standards, incorporating a perspective on potential antitrust issues, which in our experience are relevant to the full picture.

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