

**FREE SOFTWARE FOUNDATION EUROPE (FSFE)**  
**STATEMENT TO THE 3<sup>rd</sup> SESSION OF THE**  
**COMMITTEE ON DEVELOPMENT AND INTELLECTUAL PROPERTY ([CDIP/3](#))**  
**ON DOCUMENT [CDIP/3/4 ANNEX III](#)**

(Geneva, 27 April – 1 May 2009)

With regards to the project on IP, Information and Communication Technologies (ICT) and the Digital Divide, the [Free Software Foundation Europe](#) would like to make a couple of suggestions, beginning with a reference to the [United Nations Conference on Trade and Development \(UNCTAD\) Information Economy Report 2007-2008](#).

The report emphasises how growth and innovation enabled by Information and Communication Technologies (ICTs) across all of economy outweighs growth and innovation in the ICT sector itself.

The second point we would like to highlight is the role of Open Innovation Models, which are responsible for the majority of innovative leaps, as also shown in the studies of [Prof. Eric von Hippel](#), Professor and Head of the Innovation and Entrepreneurship Group at the MIT Sloan School of Management.

From this we can derive two important principles that should guide our work: Maximising ICT ubiquity and availability will maximise innovation and development across all sectors of economy and secondly we need to protect the ability of all people around the world to innovate. This translates into a necessity to avoid the creation of an “innovative glass ceiling” through barriers to market entry in the form of barriers to access to standards, ICTs, and other prerequisites for an open, competitive market.

[Free Software](#) offers unique benefits both in terms of ubiquity of technologies, as well as in facilitating innovation through extensive rights for all users, all of which are thereby enabled as potential innovators for the type of leapfrogging innovation described by Prof von Hippel and the UNCTAD Information Economy Report.

FSFE would therefore suggest to harness the full potential of ICTs and the WIPO Technical Assistance activities by ensuring explicit provision of Free Software competency through the project in the spirit of the inclusive, balanced approach mandated by the Development Agenda and the referenced World Summit on the Information Society (WSIS).

For this, FSFE would like to offer its support through the network facilitated by our legal department. With over 190 participants across 27 countries and four continents spanning a broad spectrum of interests engaging in Free Software, the network appears to be the largest legal support structure for Free Software in the world. On the network, the world's leading experts from the academic and private sector work on state of the art issues and develop best practices for commercial development and deployment of Free Software.

We believe that access to this information would be useful for WIPO and its Member States and would suggest to foresee creation of a channel for this kind of information as part of the project.

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*A digital version with links to references studies and information is available upon request,  
all [FSFE](#) statements also available at <http://fsfeurope.org/projects/wipo/>.*