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INTELLECTUAL PROPERTY OFFICE  
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WORLD INTELLECTUAL  
PROPERTY ORGANIZATION

## **REGIONAL WORKSHOP FOR COUNTRIES OF ASIA AND THE PACIFIC ON THE WIPO INTERNET TREATIES AND ELECTRONIC COMMERCE**

organized by  
the World Intellectual Property Organization (WIPO)  
in cooperation with  
the Intellectual Property Office of the Department  
of Trade and Industry of the Republic of the Philippines

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EMERGING INTELLECTUAL PROPERTY ISSUE IN ELECTRONIC COMMERCE:  
MUSIC, SOFTWARE AND FILMS ON THE INTERNET

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## EXECUTIVE SUMMARY

There are six areas where government policies can enhance the vibrancy of e-commerce throughout the world. The objective is to assist policy makers in making optimal policy choices in this important area of future economic prosperity and growth.

As many governments are coming to recognize, the key to success is balancing competing priorities. On one hand, some level of regulation is needed to facilitate online transactions and encourage consumers and businesses to expand their commercial activities in this new medium. On the other hand, a regulatory approach that imposes excessive burdens, or ties e-commerce to out-of-date technologies, will stifle its future growth. The search for balanced solutions, offering both confidence and flexibility, is the way forward.

### *Elements of a Policy Framework for Vibrant E-Commerce*

- Facilitating online transactions
- Encouraging technological innovation
- Protecting individual rights

### *Elements of a Policy Framework for Vibrant E-Commerce*

- Ensuring Network and information security
- Encouraging infrastructure development
- Developing technology skills

### *Facilitating Online Transactions*

- Contracts
- E-signatures
- Consumer Protection

### *Facilitating Online Transactions*

- Applicable Law and Jurisdiction
- E-Commerce and International Trade

### *Encouraging Technological Innovation*

- International Dimensions
- Copyright for a Digital World
- Piracy is the single biggest global threat to intellectual property and innovation

*Encouraging Technological Innovation*

- Rules for Service Providers
- *Temporary Copies*

*Protecting Individual*

- *Rights* Objectionable Content
  - distinguish between areas where there is a global consensus that certain content is unlawful (e.g., child pornography) and areas where substantial disagreement exists
  - Governments should intervene only incrementally and when absolutely necessary
  - Liability of online intermediaries should be based on a “notice and take-down approach” with immunity guaranteed for good-faith removal of objectionable content

*Protecting Individual Rights*

- *Privacy*: Businesses are sensitive to the potential that privacy concerns may discourage consumers from going online

*Protecting Individual Rights*

- Notice: Organizations should disclose the purposes for which personal data are collected
- Choice
- Data integrity
- Access
- Security

*Ensuring Network and Information Security*

- “Hacking” and “cracking”
- Denial of service attacks
- Viruses and worms

*Ensuring Network and Information Security*

- Authentication
- Encryption
- Regulatory Principles

*Ensuring Network and Information Security*

- Regulatory Principles: Government should:
  - encourage online users to implement strong security tools by eliminating all restrictions on their import, use and export
  - carefully draw laws relating to authentication and encryption products to ensure that they do not tie users to any particular technology
  - strive for international consistency
  - adopt the Common Criteria
  - educate and enact/ enforce laws against online crimes

*Encouraging Infrastructure Development*

- Fostering Competition
- Liberalization Priorities
  - Opening markets to foreign service providers
  - Governments should refrain from promoting particular technologies over others
  - Resources should be equitably available for the deployment of new technologies
  - Transitional rules on the road to full deregulation are necessary

*Developing Technology Skills*

- The “Skills Gap”
- Public/Private Partnerships
  - long-term unemployed, people with disabilities
  - governments as a primary source of funding, supplemented by support from industry
  - Building a program around a recognized industry certification pathway
  - governments must be willing to provide opportunities to skilled foreign workers

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