



September 4, 2003

VIA FACSIMILE AND EXPRESS MAIL

41-22-733-54-28

Dr. Kamil Idris
Director General
World Intellectual Property Organization
34, Chemin des Colombettes
1211 Geneva, Switzerland

Dear Dr. Idris:

I am writing to you on behalf of the American Association of Law Libraries, the American Library Association, the Association of Research Libraries, the Medical Library Association, and the Special Libraries Association. We write to express our surprise and dismay at recent press reports that the World Intellectual Property Organization may not take up an important recent proposal to hold a conference on open and collaborative models for development of public goods. The proposal was made in a letter to you dated July 7, 2003, signed by several dozen distinguished scientists, academics, technologists, open-source advocates, consumer advocates, librarians, industry representatives and economists worldwide. We urge WIPO to hold such a conference in 2004 as proposed.

The application of open and collaborative models raises important intellectual property issues for the international community that WIPO should be addressing. These models are experiments in creative use of intellectual property law to achieve socially responsible and productive ends. The letter discusses the importance of these models to such varied efforts as development of the Internet and World Wide Web, the Human Genome Project and other biotechnological research, promotion of civil uses of global positioning system technology, and access to academic research in the developing world, as well as the benefits to software development and use of free and open source access to software code. We understand WIPO has received expressions of concern regarding the propriety of its addressing free and open source software. As the examples offered in the proposal reflect, however, free and open source software and other open and collaborative models are relevant to WIPO's mission and of potentially profound importance to myriad aspects of social and economic development.

Open source software is itself clearly an important topic for WIPO to consider. Its use and potential are intimately related to copyright and patent law and policy. It is essential that this model be taken into account as the international community considers the future of intellectual property rights relating to information technology.

Consideration of other open and collaborative models will be similarly critical to sound development of patent and other forms of intellectual property protection. In short, consideration of these models falls squarely within the scope of WIPO's mandate as the primary international forum for intellectual property policy.

We applaud WIPO's enthusiastic response to this civil society proposal to address an important intellectual property topic arising from new technologies and business practices. It is well established that WIPO's mission includes anticipating the priorities of member states and focusing on challenges and opportunities presented by such new technologies and practices. It is also clearly recognized that industry and non-governmental organizations are important WIPO constituents in their own right. In fact, an express goal of WIPO is to develop increasingly strong relationships with the various segments of civil society. These mission objectives and principles are articulated, for example, in the Vision and Strategic Direction of WIPO, endorsed by the Assemblies of the Member States of WIPO in their Thirty-Fourth Series of meetings, Geneva, September 20 to 29, 1999.

We appreciate that WIPO must operate within strict budgetary constraints, and that its annual program is accordingly carefully defined. Hosting any conference requires the expenditure of significant resources of time and money. The topic of open and collaborative models is important and timely, however. We believe a conference to address this topic should be viewed as a priority for 2004. While such a conference may not have been expressly contemplated during its preparation, the Revised Proposal for Program and Budget 2004-2005 includes a number of programs the articulated goals of which could be substantially furthered by a conference on open and collaborative models. Such programs include: Program 5, "Copyright and Related Rights;" Program 7, "Selected Issues of Intellectual Property Protection;" and Program 11, "Intellectual Property for Development and Prosperity; Creation of IP Culture."

In light of the strong views expressed about this proposal to date, it may be appropriate for the membership to consider formally whether WIPO should hold such a conference, to provide the organization clear direction as to how it can and should proceed. Accordingly, the issue of whether to hold a conference on open and collaborative models could be addressed at the next Program and Budget Committee meeting scheduled for September 8-10. Regardless of the process adopted to review the proposal, we strongly support WIPO's holding such a conference in 2004 and greatly appreciate the ongoing efforts WIPO is making to reach out to the members of civil society.

Sincerely,



Susan Fox
Executive Director
American Association of Law Libraries



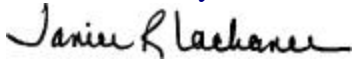
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cc: James E. Rogan, United States Patent and Trademark Office
Lois E. Boland, United States Patent and Trademark Office
Marybeth Peters, United States Copyright Office

The **American Library Association** (“ALA”) is a nonprofit educational organization of approximately 65,000 librarians, library educators, information specialists, library trustees, and friends of libraries representing public, school, academic, state, and specialized libraries. ALA is dedicated to the improvement of library and information services and the public’s right to a free and open information society.

The **Association of Research Libraries** (“ARL”) is a nonprofit association of 123 research libraries in North America. ARL’s members include university libraries, public libraries, government and national libraries. Its mission is to shape and influence forces affecting the future of research libraries in the process of scholarly communication. ARL programs and services promote equitable access to and effective uses of recorded knowledge in support of teaching, research, scholarship and community service.

The **American Association of Law Libraries** (“AALL”) is a nonprofit educational organization with over 5,000 members nationwide. AALL's mission is to promote and enhance the value of law libraries to the legal and public communities, to foster the profession of law librarianship, and to provide leadership in the field of legal information and information policy.

The **Medical Library Association** (“MLA”) is a nonprofit educational organization of more than 900 institutions and 3,800 individual members in the health sciences information field committed to educating health information professionals, supporting health information research, promoting access to the world's health sciences information, and working to ensure that the best health information is available to all.

The **Special Libraries Association** (“SLA”) is a nonprofit, educational organization serving more than 13,000 members of the information profession, including special librarians, information managers, brokers, and consultants.