

Draft WGIG Issue Paper on Technical Standards

This paper is a 'draft working paper' reflecting the preliminary findings of the drafting team. It has been subject to review by all WGIG members, but it does not necessarily present a consensus position nor does it contain agreed language accepted by every member. The purpose of this draft is to provide a basis for the ongoing work of the group. It is therefore not to be seen as a chapter of the final WGIG report, but rather as raw material that will be used when drafting the report. This draft working paper has been published on the WGIG website for public comment, so it will evolve, taking into account input from governments and stakeholders.

1. Issue (what?)

The Issue is whether there is, and should be, a governance regime applied to the creation and deployment of technical standards for the Internet. While it is certainly easy to show how the technology when developed as a standard affects policy and how policy affects the development of standards, it is not clear that any coherent form of governance can or should exist.

Currently Internet standards are produced in several ways:

- De facto: standards that become standard by virtue of being implemented. These will normally not originate from any SDO (Standards Development Organization) but will often be the result of vendor decisions and deployments.
- Standards produced by International bodies
- Standards produced by Regional or National bodies
- Standards produced by Industry membership fora
- Standards produced by professional organizations
- Standards produced by organized association of individuals

The production of technical standards has several stages:

- Requirements collection from the eventual users of the standards, for example Operators in the case of VoIP standards
- Creation of the standards
- Testing of the standards
- Deployment of standards based equipment and software

The standardization process is mostly technical, but can have significant public policy implications. The ability of a technology to support or not support certain policies can make regulation along certain lines possible or impossible.

The choice of certain proposals over others for a new standard can favour the parties which originally proposed them, and help them gain a competitive advantage on the market. On the other hand, companies which enjoy a monopoly or a dominant position can use it to impose de-facto standards that they control, and thus further such dominant position.

Another issue pertains to the ability for any company or individual to access and implement standards, which may be encumbered by the existence of intellectual rights (e.g., a patent) over

the technology, or, to a lesser extent, by the cost of the documents **describing the standard**. Many believe that technologies should be required to be freely available and usable to become official standards of the Internet; many organizations, including the IETF and the ITU-T, prefer, as a minimum, the existence of a “reasonable and non discriminatory” licensing policy for any patent used in a proposed standard.

2. Attribution to category / ies

- Stable and Secure Functioning of the Internet

3. SWOT Analysis

- There are many standards producing organizations which sometimes cooperate and sometime compete.
- Standards are sometimes based on proprietary and encumbered technology. When this is done without a way to offer vendors a Free and non discriminatory licensing it can prevent free entry into the market.
- A lack of coordination between the technical world and the policy-making world may create incompatibilities between desirable policies and existing technology.

4. Actors (who, with whom?)

As indicated above, each of the sectors has its SDOs, some examples are:

- Government/Industry: ITU, ETSI
- Private sector: Alliance for Telecommunications Solutions (ATIS), ASCII, W3C, 3GPP, 3GPP2 , Various Industry fora including: MultService Forum (MSF), Telemanagement Forum(TMf) , VoIP Forum, MPLS and Frame Relay Forum (MFA) ...
- Civil society (Individual Participation): IETF

5. Forums (where?)

- (a) who participates**
- (b) nature of forum**

- In the ITU it is governments and industry as well as some non profit organizations. But the level of influence varies. For example: US companies must go through a US State Department process, while Finnish companies have a fairly direct and unfettered involvement.
- In industry fora companies participate rather directly with the participants delivering the viewpoints of their companies.
- In organizations like the IETF, where individuals are the main actors, there is sometimes corporate or national influence, but largely the influence is that of civil society.

6. Governance mechanisms (how?)

(a) objectives of the rules system

(b) content of principles, norms and rules

There are currently few governance mechanisms other than market forces except for matters related to radio frequencies, where there are binding international and national rules and regulations.

Each of the standard's organization has its own method of determining the status of standards. Several examples include:

- National voting on recommendations (ISO, IEC)
- One company one vote (many industry fora)
- Full consensus of the membership (ITU)
- rough consensus and review/approval by technical management which has been but in place by a nominating committee drawn from individual participants (IETF)

7. Adequacy measured against criteria / benchmarks set out in Declaration of Principles:

(a) multilateral

(b) transparent

(c) democratic

(d) capacity to address Internet governance in a coordinated manner

(e) multi-stakeholder approach

(f) other

If one takes the multitude of SDOs into account, there is a mix along all of the criteria. In some cases the process is exceeding multi-stakeholder, democratic and transparent, while in others it is multilateral and somewhat lacking in transparency.

There have been some attempts at coordination and there is a strong group of individuals committed to coordination among SDO. Industry organizations such as ATIS, MFA and MSF have dedicated their efforts to coordinating the efforts going on in other SDOs such as the ITU and the IETF. However, while coordination among different SDOs is growing, coordination between technical forums and pure policy-making forums is still somewhat lacking.

With the exception of those few mentioned in section 4, most forums do not allow for direct involvement of individuals and civil society organizations, or only allow it at an advisory level.

8. Additional comments