



International Chamber of Commerce

*The world business organization*

ICC Policy statement

## **Commission on E-Business, IT and Telecoms**

*Task Force on Telecoms Policy*

July 2002

### **ICC's strategic objectives for multilateral trade negotiations to ensure a trade regime that facilitates competition in telecommunications and e-business**

World business has four core objectives for multilateral trade negotiations:

- The development of the domestic and global infrastructures necessary to conduct e-business while avoiding barriers that would hinder such development.
- Full implementation of existing commitments and further liberalization of all basic telecommunications, value-added and computer and related services.
- The development of trade in goods and services via e-business.
- Strong protection of intellectual property made available over digital networks.

#### **1. To promote the development of the domestic and global infrastructures, necessary for e-business, world business seeks:**

- The elimination of duties on all IT products in line with the goals of full realization of the objectives of the Information Technology Agreement (ITA), including commitments at the broadest possible level for categories 84, 85, and 90. Due to the length of the descriptions of these categories, please refer to [http://www.wto.org/english/tratop\\_e/inftec\\_e/itadec\\_e.htm](http://www.wto.org/english/tratop_e/inftec_e/itadec_e.htm)  
This is important to ensure that all countries have access to the hardware and software necessary to deploy and benefit from the e-commerce infrastructure.
- Full market access and national treatment commitments for the sectors that are associated with the infrastructure needed for business-to-business and business-to-consumer e-commerce.
- An open, competitive market for electronic commerce, including commitments not to impose new barriers to the development of the e-commerce infrastructure.

#### **2. To promote full implementation of existing commitments and further liberalization of all basic telecommunications, value-added and computer and related services, world business seeks:**

- Market access and national treatment commitments for all service sectors without restrictions.
- Earlier implementation dates.
- Reductions or elimination of foreign ownership restrictions.
- Adherence to the "Reference Paper" commitments for basic telecommunications services only.

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- Compliance with the GATS Annex on Telecommunications for access to and use of public telecommunications networks for the provision of value-added services, including Internet services, and other sectors for which countries have made commitments.

### **3. To promote the development of trade in goods and services via e-business, world business seeks:**

- Recognition that current commitments under the General Agreement on Tariffs and Trade (GATT), the General Agreement on Trade in Services (GATS) and the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) apply to e-commerce. This is essential given the fact that electronic commerce is not a new form of trade but rather a new tool for conducting trade in goods and services as well as a means of delivering intellectual property.
- Trade treatment and classification of an electronic transmission that is no less favorable than the historical treatment applied to the underlying good, service, or intellectual property.

Scheduling of commitments at the highest level possible, including, the adoption of an approach in which parties make full market access and national treatment commitments such that all sub-sectors are covered for relevant service sectors.

An agreement that existing international classification schemes, such as those used in GATS schedules, should be flexible enough to accommodate technological progress in the online delivery of services. As technology evolves, the interpretation of the existing classifications of services based on this technology should also evolve to capture these advances. With such flexibility, countries can ensure that they benefit from the productivity increases and cost savings associated with the information technology revolution.

- An agreement that valuation of digitizable products delivered on a physical medium, including software pursuant to GATT decision 4.1 on Valuation of Carrier Media Bearing Software for Data Processing Equipment, for customs purposes, be based on the value of the physical medium only.
- Make permanent the moratorium on imposing customs duties or other border measures on electronic transmissions.

### **4. To promote strong protection of intellectual property made available over digital networks, world business seeks:**

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- Effective and timely implementation and enforcement of the WTO Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). With the rapid development of digital technologies and electronic services, the need for effective protection and enforcement of intellectual property rights is imperative. The TRIPS Agreement plays a very important role insofar as it provides minimum standards for such protection and enforcement.
- Timely ratification of the World Intellectual Property Organization (WIPO) Copyright Treaty and the WIPO Performances and Phonograms Treaty which ensures balance between the rights and obligations of network operators, service providers, and content providers, and users.



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