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What does it mean to be open online?

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Ladies and Gentlemen,

The best thing about the Internet is that it is open. Indeed it's built on the idea that every device can talk to every other, using a common, open language. That's what explains its seemingly endless growth.

Only the other day, the Free Software Foundation wrote to me about open standards. With their letter they enclosed something I don't normally get in the mail, a pair of handcuffs. Because they're worried about "digital handcuffs", and wanted to know if I am with them on openness. And the answer is yes. Let me show you, these handcuffs are not closed, not locked. I can open them if and when I want. That's what I mean by being open online, what it means to me to get rid of "digital handcuffs".

Last year I set out my Internet vision, in the form of a "Compact" (see [SPEECH/11/479](#) and [SPEECH/11/605](#)). Showing how many of the benefits of the Internet arise from features like its architecture, its unity, and its use for democracy.

All of these benefits are enhanced through openness, in all parts of the Internet ecosystem.

In many areas we are only beginning to discover what openness means. Just how far it's possible to go, just how much value we could unlock.

With a truly open, universal platform, we can deliver choice and competition; innovation and opportunity; freedom and democratic accountability.

Look at what we could do if we opened up our public sectors and put their data online. That's a resource that could benefit consumers, inform voters, help policy-makers, stimulate web innovators, and boost the economy. And that's what we could deliver with our recent proposals on the public sector information directive.

Or look at standards. Standards make it easier for suppliers to compete; for users to choose the best value for money; for everyone to operate across borders and be free of digital handcuffs. And all of this applies even more if the standards are open.

That's why I want to make it easier for public authorities to use standards in public tenders, including international open standards like those governing the Internet. And we are working on guidance to do just that.

And just look at what openness can do for freedom of speech. The Internet gives a voice to the powerless, and holds the powerful to account.

In the Arab Spring, many brave activists successfully used the open Internet to coordinate peaceful protests. In response, despotic governments sought to control or close down Internet access; and also used ICT tools as a tool of surveillance and repression.

We cannot allow democratic voices to be silenced in that way. And I am committed to ensuring "No Disconnect" in countries that struggle for democracy. We must help such activists get around arbitrary disruptions to their basic freedoms.

The benefits of openness are clear. And when it's as simple as an oppressive government trying to turn off the Internet, it's clear that we need to do what we can to prevent that.

But in other cases, achieving openness is not always so straightforward.

Sometimes the problem is ancient, pre-digital rules that we need to cut back or make more flexible. Other times, openness actually flows from strengthening regulation.

And sometimes it's not about changing the rules at all, but about changing a mindset. People need to realise: they don't have to look backwards to the constraints and habits of the past; they can look forward to the open opportunities of the future. But that can take time.

I know because we are going through that process ourselves for open data; where we need new legislation that enables a new mindset.

Openness is also complex because sometimes it's unclear what it means.

For Yochai Benkler, it means, as he put it, that "it's open for anyone to create and innovate and share, if they want to... Because property is one mechanism of coordination. But it's not the only one." And he sees freedom as deriving from the extent to which actors can shift from one set of networks, from one way of doing things, to another. I agree: we need an environment where different models openly compete; and where people can openly choose.

To take a very simple example: how do you ensure self-expression? For some, it means being able to communicate freely in a place with the minimum of rules and constraints. But those kinds of forums can have their disadvantages: spam, abuse, lack of focus.

And so others might feel they can communicate more freely in a forum that is targeted or moderated. And there are many different ways to do that.

True openness, true freedom comes from having the freedom to choose between those different ways.

We must also be open to different online business models. The Internet potentially offers not just new forms of content, but new ways to distribute it, new ways to make it accessible, and new ways to be rewarded for it. If we are to benefit from the Internet's enormous innovation we must be open to new ideas here.

That doesn't necessarily mean offering something for nothing. Whatever you're producing, whether it's a scientific experiment or a new video mash-up, making it isn't free. It is legitimate and right to reward and recognise creation and innovation.

But there's more than one way to do that.

Sometimes, sure, creators give their work out for free and get their reward in other ways. Other times, the best way for creators to profit is to charge for access to their work. That's not a limitation on freedom or openness, any more than paying for a newspaper is.

Most creators I meet say they want their content to be as easily accessible as possible. Fair enough. We must give them that chance – while also acknowledging and allowing different models, so all creators can choose what works best for them.

If we are too rigid or too constraining in our approach, we will put artificial limits on innovation and discovery. And that's not being open.

We're not there yet. Look at the complicating licensing systems for copyrighted material here in Europe. These guarantee that Europeans miss out on great content, they discourage business innovation, and they fail to serve the creative people in whose name they were established.

Indeed, whether you're talking about audiovisual works or scientific information, current systems don't respond nearly well enough to online realities. And these are both areas we are looking at, including through updating EU copyright rules. And through new recommendations on access to publicly funded scientific research results and data.

I should also stress – for some it goes without saying – that openness does not come at the expense of privacy or safety. Indeed you can't have one without the other; as fundamental rights, liberty and security are guaranteed together. I don't know about you: but I will only feel really free if I feel safe.

And that applies online too. When you go online, you aren't stripped of your fundamental right to privacy. Nor of the responsibility to protect children: horrific crimes like child abuse are no less real for being online.

So openness doesn't mean anarchy: laws and social norms, rights and responsibilities exist in cyberspace, just like in the real world. And indeed they help promote an open and safe environment where ideas prosper.

And here's one more example of how openness applies to the ecosystem: for those who supply Internet services.

Here, open competition, brought by the EU, has delivered for Europe. It offers consumers better deals and new, tailored services; market players new opportunities; and potential investors legal certainty.

But here, again, we must be clear what we mean by openness.

People are often concerned when there is any suggestion of "limiting" the Internet in any way.

Because often people think of things like controlling access to online information as a form of censorship. Or throttling services to maintain a monopoly. Or ISPs ripping off consumers by not delivering the service they promised.

Well, these things concern me too. And I am committed to safeguarding net neutrality. Everyone should have the option of full access to a robust, best-efforts Internet.

But, once again, openness here is a subtle term. For me it does not mean banning all targeted or limited offers: it means being transparent about them, and giving consumers a free and easy choice as to whether they want them; in the full confidence that full access is also easily available.

Historically, people have tried to create isolated environments within the Internet. The fact is, they have often failed. Because, generally, consumers didn't find them as interesting, and weren't willing to use them.

Look at the so-called "walled gardens" service providers set up in the nineties.

For me, the important thing is that consumers can choose. And that in reality, such more closed environments must always compete with the enormous innovation of the unlimited Internet. In general, that's a hard competition to win: but, on a really open Internet, they are welcome to try.

And indeed, in practice, there are plenty of ways to "limit" Internet access that most of us readily accept, and even use.

For example: many Internet subscriptions only give you a fixed number of megabytes per month for a fixed monthly payment. And many of us happily choose such services, at a level that suits our needs and budget.

And fair enough. This is hardly censorship. If you only need to check the odd email on 3G and someone is ready to offer you that service– why should you subsidise someone else's film habit?

Having that option is part of what openness means.

It means allowing innovation and customer focus. It means not ignoring specialist user needs: but letting competitive markets cater to them. It means that we have good, open, transparent choices; not that we all make the same choice.

On net neutrality, I want to ensure that Internet users can always choose full Internet access—if that's what they want.

For me, the first step is to find out if this is currently the case. One year ago, I asked BEREC, the body of European network regulators, to give me the evidence: are users properly informed about what's on offer? Are they provided with the right quality of service? Is there blocking and throttling going on? In practice, how easy it is for users to "switch" operators or services? In short, how easy is it for consumers to transparently choose the service that works for them, including full Internet access if they want it?

BEREC's preliminary findings benefit from a huge evidence base: from their network of national regulators, and data from 400 operators. The final results – due in May – will give us what we need to take stock, and find the right way forward to guarantee a full internet accessible to all.

Clearly, there are many issues when considering how to build an open Internet, and get most value from it.

For me, openness means giving every person a forum in which they can express themselves. Every creator a way to be rewarded and recognised for their work. The security that ensures liberty for all. And services that transparently provide the consumer with what they've asked for and pay for.

Innovation can deliver all of these, giving choice and opportunity to all. Let's really be open, and allow that innovation to happen.