

## **The History of IFCLA**

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On the occasion of IFCLA's 20<sup>th</sup> anniversary conference it is appropriate to start this collection of essays and conference papers with an introduction about IFCLA's history and its achievements.

IFCLA, the International Federation of Computer Law Associations, was founded in December 1986 in a meeting in Brussels attended by representatives of the Belgian, French and Dutch Computer Law Associations: Yves Pouillet, Philippe Peters, André Bertrand and myself. Bradley Brown, the chairman of the UK Society for Computers and Law was unable to attend but he indicated that the Society was very interested in building relationships with similar organisations.

IFCLA was the logically international extension of other computer law initiatives. In 1986 the Netherlands Association for Computers and Law was founded by Professor Guy Vandenberghe and myself. Guy and I both shared an international outlook and it was thought that international cooperation in the field of IT and law would be beneficial to all lawyers interested in this exciting - at that time new - field of law. Guy Vandenberghe had been appointed in 1983 professor of computers and law at the Vrije Universiteit in Amsterdam. With Yves Pouillet of the University of Namur in Belgium he had established in 1984 *Computerrecht-Droit de l'Informatique*, one of the first European computer law journals, edited by a joint team of Dutch, Belgian and French IT lawyers and published in two languages. The Dutch-Belgian edition published in the Dutch language as *Computerrecht* is still a thriving journal.

At the time of the first 1986 IFCLA meeting, there already existed several international groups and associations involved in computer law, including the computer law committees of the IBA and AIJA. The initiators of IFCLA felt that these existing groups had some limitations and that an international federation in which the national computer law associations would be brought together, was a worthwhile initiative. Successful examples of other international federations such as ALAI, AIPPI and LIDC already existed. Computer law as a new subject was in the process of establishing its own associations, its own academic institutions and its national and international journals, such as the *International Computer Law Adviser* started by Michael Scott.

At the time of the first IFCLA meeting it was thought that the primary purpose of IFCLA would be to promote international collaboration and exchange of information in computer law in the broadest sense. The members of IFCLA would be national associations and not private persons. As activities the following was suggested. A major international computer law conference would be organized every two years. The conference would be an important event and it was expected that it would continue to attract those active in computer law. The fact that IFCLA is now celebrating its 20<sup>th</sup> anniversary demonstrates that this prediction proved to be true. It was also thought that IFCLA would maintain relationships with international governmental organizations and legal associations. IFCLA would not get into such activities as drafting model contracts. Although the founding

meeting was primarily held in French, it was decided that English would be the principal language of the IFCLA conferences.

The year 1987 was used to enlarge the IFCLA membership. Wolfgang Kilian, professor of legal informatics at the University of Hanover, was the first to respond positively on behalf of the German Society for Legal Informatics GRVI. During that year the German Association for Computers and Law DGRI joined IFCLA. Some years later the two German associations merged. The Norwegian Association represented by Olav Torvund and Jon Bing indicated that they wanted to join IFCLA's initiative. Antonio Mille from Argentina, representing the Instituto Latino Americano de Alta Technologies, Informatica y Derecho was instrumental in IFCLA being admitted to WIPO as NGO. In December 1987 in Brussels, on the occasion of a large conference organized by our Belgian colleagues ("Computers and Telecommunications: Is there a lawyer in this room?"), the IFCLA initiative was pursued.

In a meeting in September 1987 in Cambridge, England - on the occasion of an IBA conference on ADR and the IT industry - it had become clear that the US Computer Law Association would not formally join IFCLA. However, a close cooperation followed. In fact, the first IFCLA conference held in Amsterdam in June 1988 was organized by CLA in cooperation with IFCLA as CLA was the only organization who had the financial resources to do so. For CLA the Amsterdam conference was its first venture outside of the USA and Canada and - as Ian Kyer remarked - it was the start of CLA as an international organization.

The Amsterdam 1988 conference was a joint effort of many people, in particular Dan Cooper, Ian Kyer, Guy Vandenberghe and myself. The conference was opened by the Minister of Justice of the Netherlands F. Korthals Altes with an extensive speech in which he highlighted many substantive issues (for the text see International Computer Law Adviser, June 1988, p. 4). A total of 115 delegates from 15 countries attended the Amsterdam conference. The conference started the IFCLA tradition of a visit to a museum and a joint dinner of all participants in a special location, in this case Museum van Loon. My wife and I hosted a garden reception on the evening before the conference. We always felt that social aspects of meeting other lawyers and establishing friendships are important; in my view this is a broader concept than the 'networking' used to market conferences today. As was stated by one of the participants: "Good conferences and pleasant memories - that's what this field is all about."

A few weeks before the Amsterdam conference the IFCLA group was significantly enlarged. During a study trip to China in June 1988 (organized by Michael Scott as part of the Citizen Ambassador Program) we met chairs and representatives of the Portuguese (Jose Veloso), Finnish (Markku Lampola), Swedish (Peter Seipel) and Australian, NSW (James FitzSimmons) computer law associations. They all responded positively and decided to join IFCLA. In 1989 the Danish association (represented by Mads Bryde Andersen and Peter Blume) and the Brazilian ABDI (represented by George Fischer) also joined IFCLA.

In June 1989 the French Computer Law Association AFDI hosted the first “working day” of IFCLA. The small conference was organized by André Bertrand. It was held in the historic Panthéon law school and attracted about 50 delegates. The discussion oriented meeting on National Issues in International Contracts for the Distribution or Edition of Software was held in both French and English, each speaker choosing the language in which he or she was most familiar. Klaus-Albert Bauer was chosen as the first President of IFCLA. The evening before the meeting Alain Bensoussan on behalf of AFDI hosted a dinner at the Musée de l’Homme. It was obvious that IFCLA was on the right track. In 1988 IFCLA presented its first and only position paper on the European Commission’s Green Book on software protection.

The 1990 conference entitled “Information Technology: Trading with Europe – West and East” took place in Munich and was hosted by DGRI. Margot van Westerholt and Dan Cooper organized the conference. More than 140 delegates attended. Its major subjects were the proposed EU Software Protection Directive - with a keynote speech by Bridget Czarnota - and the opportunities and pitfalls of doing business in Eastern Europe. Not only the quality of the speakers and delegates but also the social aspects confirmed IFCLA’s reputation. A guided tour to the Lenbachhaus Museum, a dinner at the lovely Seehaus and a bus tour to the Bavarian countryside on Saturday were all part of the program. The prudent financial arrangements resulted in a surplus of DM 16.000. This amount and the surpluses made on some of the later conferences, make it possible that IFCLA conferences can be organized without a need to depend on outside financial assistance or sponsorships. In addition, it has been an IFCLA tradition that speakers and organizers not only contribute their time, but they do not receive any fee or reimbursement of travel and living expenses. The combination has made it possible to continue to ask a moderate conference fee in order to attract delegates from a variety of backgrounds, including government, the academic world and lawyers active in companies and law firms.

The 1992 conference was another highlight. It was organized by Prof. Peter Seipel of the Swedish Law and Informatics Research Institute in cooperation with the Swedish Society for Computers and Law, represented by Lars Lindgren. Although its title “Software Procurement” was limited, the subjects covered were much broader including competition law, conflict resolution and the law of software in a Soviet perspective. The conference was opened by the Swedish Minister for Constitutional and Civil Law Reidunn Lauren. For the first time a book of conference papers was published in the Nordic Law and Informatics series. A total of 147 delegates from 16 countries attended. The dinner was held at Skansen, the first open-air museum in the world, and included traditional Swedish music. At the IFCLA Board meeting I was appointed as the next President. IFCLA also agreed to be a non-financial sponsor of the World Computer Law Congress to be held in San Diego in 1993.

In 1994 the Society for Computers and Law hosted the IFCLA conference in the world heritage city of Bath, England. The prestigious Assembly Rooms were the conference facilities for the program entitled “Computer Law and Business in the New Europe and Beyond”. Long time IFCLA member Christopher Millard chaired and organized (with the invaluable assistance of SCL’s Ruth Baker) the very successful conference; he was also appointed the next IFCLA President. The subjects covered ranged from developments in

information law to data protection and transborder data flows, distribution issues, software piracy and software protection, multimedia and telecommunications regulations and transactions. The cocktail reception in the famous Roman Baths and the conference dinner in the classic Pump Room provided the appropriate facilities for the 184 delegates and the 26 guests from over 22 countries around the globe. From a financial point of view Bath contributed to the financial stability of IFCLA from which we are still benefiting today.

In 1995 IFCLA was faced with a small crisis. The French AFDIT association had agreed to organize the 1996 conference. Normally, the national organizing association was given full autonomy to organize the conference the way it seemed appropriate with limited assistance from the international planning committee. It appeared that CLA, being a minority participant, wanted to play a major role and insisted that English should be the official language of the conference. Obviously, this idea did not take into account French and European cultural sensitivities and it proved to be unable to organize the 1996 IFCLA conference in Paris. Xavier Linant de Bellefonds as representative of AFDIT explained the difficulties during the IFCLA Board meeting held in Brussels in 1996.

Benoît Strowel, vice-president of the Belgian Association for Computers and Law, accepted the challenge of organizing the 1996 conference in Brussels entitled “Multimedia and the Internet: Global Challenges for Law” on short notice which he did extremely well. Not only did the conference concentrate on new and groundbreaking issues such as the Information Society, the Internet, convergence and conflicts of laws in cyberspace, it continued the tradition of having interesting social events including a dinner in Chateau de la Hulpe, set in exquisite gardens just outside Brussels. The conference was able to benefit from Brussels as the headquarters of the European Commission and several prominent representatives of the Commission addressed the conference. Due to the large turnout the results of the conference doubled IFCLA’s financial buffer. Prof. Jon Bing, one of Europe’s computer law pioneers, was elected the next IFCLA President starting the practice that the IFCLA President would be responsible for organizing the next conference.

In 1998 the IFCLA conference moved to Norway to the Holmenkollen Park Hotel just outside of Oslo. The conference “Electronic Commerce: the real trade” was opened by the Norwegian Minister of Transport and Communications Odd Einar Dørum. The program concentrated on electronic commerce and included such subjects as Uncitral’s rules on electronic signatures, liability of online intermediaries and more general Internet related issues. Three representatives from South America presented developments from their part of the world. In smaller parallel discussion sessions the hot Y2K issue, data protection and intellectual property were discussed. The conference was attended by 125 delegates from 21 countries. A dinner-dance was held on the first evening and Norwegian composer Rolf Wahlin performed his composition for bodysuit and a Next computer. Jon Bing was kind enough to invite speakers and participants to his house for an informal get together on the evening before the conference. The financial joint venture arrangement between IFCLA and CLA was terminated as the number of delegates from the US was generally small and as the international activities of CLA itself were expanding. In actual practice, the co-operation continued and US speakers continued to take part in IFCLA conferences. Yves Bismuth was elected as the next president and the Canadian IT Law Association IT.Can joined IFCLA as a new member.

The 2000 Paris conference “Computer Law in the Millennium Perspective” was another very successful IFCLA conference, held in the prestigious surroundings of the Paris Chamber of Commerce. The organizing committee consisting of Yves Bismuth, Alain Bensoussan, Jérôme Huet, Stéphane Lemarchand and Xavier Linant de Bellefonds did a splendid job. In view of the earlier issues, full autonomy was given to Yves and his French colleagues and all planning meetings were held in French. The very successful Paris conference was held in both French and English with simultaneous translation both ways. Xavier, who sadly passed away in 2005, was the general editor of the conference papers published on CD-Rom and in an upon-demand book. In addition to several attendees invited from the French judiciary, the administrative and academic world, there were over 160 delegates from 17 countries. Thomas Heymann of Frankfurt was elected IFCLA’s next President. Obviously, in view of the Internet hype the subject focus of the conference had shifted to Internet based subjects, including electronic commerce, websites, intelligent agents, data protection, and national and international regulation of the Internet. Prof. Pierre Catala closed the conference with a keynote speech putting all speakers and subjects of the conference into an overall context.

“New Views on Global IT” was the subject of the 2002 conference, hosted by the German Computer Law Society DGRI. Over 100 delegates attended the conference held in the historic center of Berlin. The keynote speaker, the German Minister of Justice Däubler-Gmelin, was replaced by a senior official of the Ministry at the last moment. Again Internet related subjects played a major role, including cybercrime and cyberspace, rights of security vs. liberties in the online world, privacy, safe harbour, domain names, taxation, implementation of TRIPS and Internet jurisdiction and enforcement. There were also various subjects on new business models, such as ASP, B2B, location-based services and not to forget the effects of new technologies on the protection and exploitation of musical works and other copyright related issues relating to new technologies. Our German colleagues under the leadership of Thomas Heymann, Alfred Büllesbach, Thomas Dreier and Hans Jürgen Garstka lived up to IFCLA’s expectations and traditions and organized the dinner in an old Schloss with a dinner-dance; a guided tour of the National Museum and a boat tour on the river Spree graciously offered by DGRI rounded off Friday’s sessions.

The 2004 IFCLA conference moved for the second time to England. It was hosted again by the Society for Computers and Law, this time in Oxford at Keble College. Under the leadership of IFCLA President Nigel Miller, the local planning committee consisting of SCL’s Ruth Baker, Christopher Millard, Harry Small, Richard Stephens and John Yates put together a program around four main themes: international outsourcing, international technology contracts, data protection and electronic and mobile commerce. Lord Justice Brooke opened the conference. Willam Dutton, director of the Oxford Internet Institute, delivered the keynote speech: “Iron laws of cyberspace: computers, law and the social sciences”. The gala dinner was held in the great hall of Keble College with Prof. Richard Susskind explaining his views on the future of law. Attendance was again from approximately 20 countries across the globe with over 130 delegates.

The 2006 IFCLA conference will be held in Amsterdam. The organizing committee consisting of Alfred Meijboom, Gijsbert Brunt, Arno Lodder, Gerrit-Jan Zwenne,

Kees Stuurman, Rob van den Hoven van Genderen, Louis Jonker and myself put together an interesting program centered around several themes: privacy and data protection, new technologies, ADR, outsourcing, public procurement, new business models for licensing and several internet related issues. We expect that many delegates will attend.

To conclude this history it is obvious that IFCLA has been able to attract to its conferences organized every two years a consistent number of international delegates. Many have joined our conferences several times; at the Amsterdam 2006 conference there will be a number of speakers and delegates who attended our first Amsterdam conference many years ago. IFCLA has thus fulfilled its first and most important objective of providing speakers and delegates the opportunity to learn and benefit from an international exchange of ideas and opinions. In order to stimulate discussions among the participants, IFCLA has generally resisted the temptation to have panels and short presentations by a large number of speakers. IFCLA's long term goals have always been and will continue to be exchanges of information, and promotion of harmonization and integration in IFCLA's broad field of interest. All who have participated in the IFCLA conferences as faculty, delegates and organizers have contributed to this interchange of ideas and opinions among international IT lawyers with different ideas, perspectives and experiences in the legal profession. In short, the members of "the IFCLA Community" have not only contributed to and benefited from the 20 year IFCLA leadership in international IT law conferences but they have also enjoyed themselves at the social events. To end with a more personal note: over the years my wife Marie-Anne and I have met and kept in contact with our many IFCLA international friends located across the globe. This has been a rewarding part of being involved with IFCLA since its very beginning.

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