

18 January, 2021

Senate Standing Committees on Economics
Parliament House
Canberra ACT 2600

To the Senate Standing Committee on Economics,

I am grateful for the opportunity to make a brief submission for the Committee's consideration, as it conducts its inquiry into the proposed News Media and Digital Platforms Mandatory Bargaining Code. I write in my capacity as the inventor of the World Wide Web, which I invented in 1989, first developing an information management system and then implementing the first successful communication between a Hypertext Transfer Protocol client and server via the internet. The World Wide Web is now accessed by more than half the world's population, including an estimated 21 million Australians.

My comments do not address the entirety of the proposed Code, but are limited to the area where my perspective is most relevant. Specifically, I am concerned that the [Code](#) risks breaching a fundamental principle of the web by requiring payment for linking between certain content online.

On the web, the sharing of content rests on the ability of users to do two things: to create content, typically text but also other media; and to make links in that content to other parts of the web. This is consistent with human discourse in general, in which there is a right, and often a duty, to make references. An academic paper is required to list references to other papers which are related. A journalist is normally required to refer to their sources. The discourse of bloggers involves links from one blog to another. The value of the blog is both in the text and in the carefully chosen links.

Before search engines were effective on the web, following links from one page to another was the only way of finding material. Search engines make that process far more effective, but they can only do so by using the link structure of the web as their principal input. So links are fundamental to the web.

As I understand it, the proposed code seeks to require selected digital platforms to have to negotiate and possibly pay to make links to news content from a particular group of news providers.

Requiring a charge for a link on the web blocks an important aspect of the value of web content. To my knowledge, there is no current example of legally requiring payments for links to other content. The ability to link freely -- meaning without limitations regarding the content of the linked site and without monetary fees -- is fundamental to how the web operates, how it has flourished till present, and how it will continue to grow in decades to come.

Like many others, I support the right of publishers and content creators to be properly rewarded for their work. This is without doubt an issue that needs addressing, both in Australia and around the world. However, I firmly believe that constraints on the use of hypertext links are not the correct way to achieve this goal. It would undermine the fundamental principle of the ability to link freely on the web, and is inconsistent with how the web has been able to operate over the past three decades. If this precedent were followed elsewhere it could make the web unworkable around the world. I therefore respectfully urge the committee to remove this mechanism from the code.

With many thanks for your kind consideration.

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Sir Tim Berners-Lee invented the World Wide Web while at CERN in 1989. He is the Co-Founder of the World Wide Web Foundation, Co-Founder and President of the Open Data Institute and Founder of the World Wide Consortium (W3C). Sir Tim holds positions at Oxford University and Massachusetts Institute of Technology (MIT). He is the co-founder and CTO of Inrupt, a startup launched to ensure the success of the Solid platform to give people control of their own data and to re-decentralize the Web. In 2004 he was knighted by H.M. Queen Elizabeth and in 2007 he was awarded the Order of Merit. He was awarded the ACM Turing Award in 2017, referred to as the "Nobel Prize of Computing." Tim is a long time defender of Net Neutrality and the openness of the web.