



Making Sense of Internet Governance: Identifying Public Policy Issues

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Outline

- The “G-word”
- Enumerate Existing Internet governance regimes
- Taxonomy for identifying policy issues
- Discussion of 4 specific policy issues

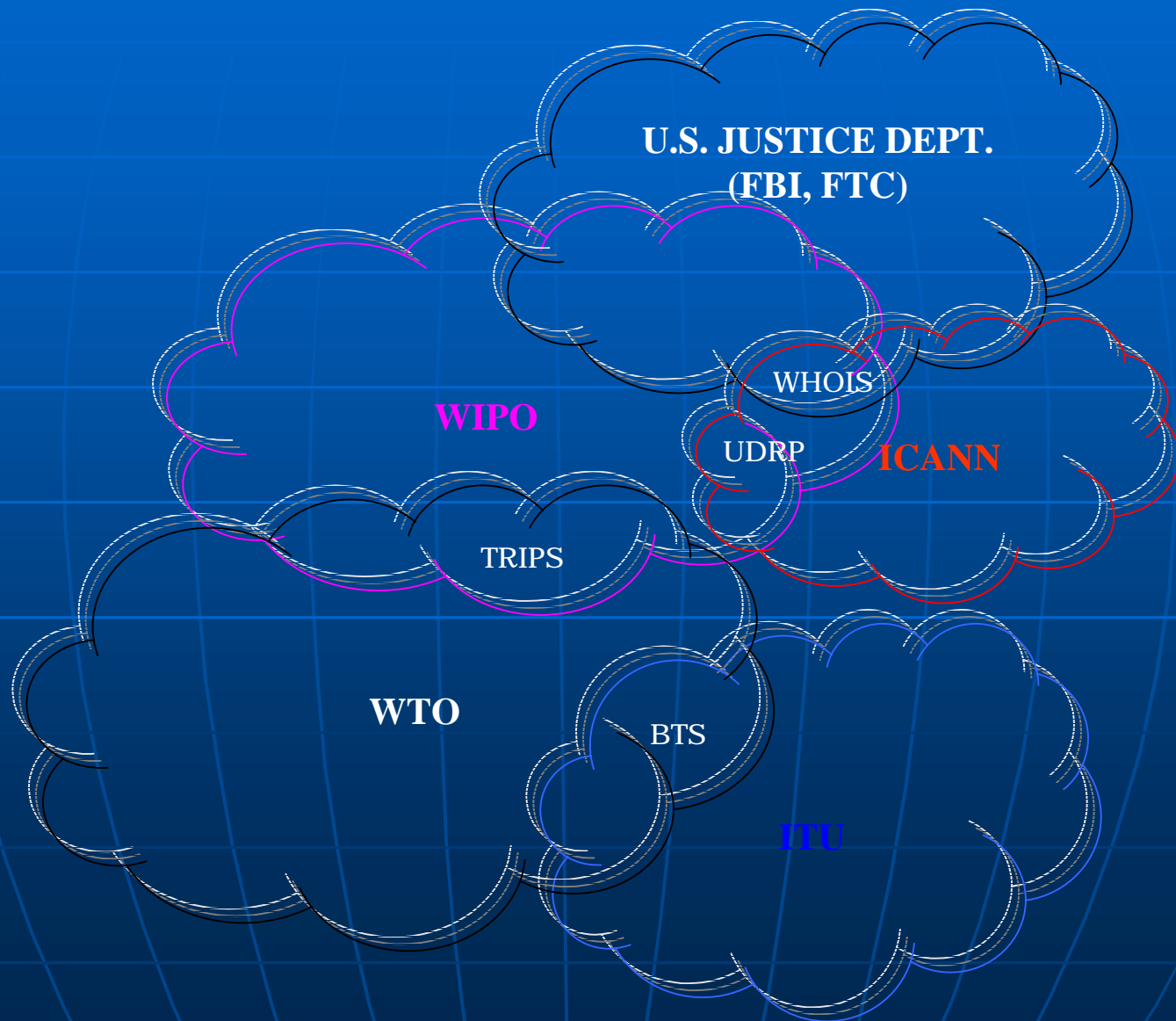
Existing Internet Gov Regimes

- ICANN
 - Private contracts used to address policy issues in intellectual property, competition policy, law enforcement, resource allocation
- Cybercrime Treaty (CoE)
 - Hacking, Child porn,
- WIPO
 - "Internet copyright treaties" (Dec. 1996); 'Casting treaty; domain name disputes and rights
- UNCITRAL and Hague Convention Private Law
- WTO
 - TRIPS, Telecom services
- Strong States exporting rules
 - U.S. FTC, U.S. ACPA
 - EU competition policy decisions, Privacy Directive

Proposed Int-Gov Regimes

- Content regulation
 - Bertelsmann Foundation classification scheme
 - Council of Europe “right of reply” on web sites
- Settlement regime for ISPs
 - APEC, Australia

Figure 1 - (Some) Internet Governance Regimes



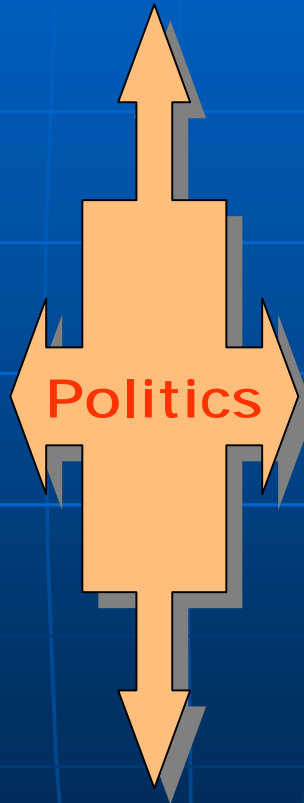
Public Policy issues in Internet Gov

■ Meta-Domains

Jurisdiction

Cooperative Law
Enforcement

Global Resource
Assignment



■ Policy Domains

- Content regulation & culture
- Data Protection, Privacy, Surveillance
- Intellectual property and fair use
- Trade & E-commerce
- Competition Policy
- Security/Survivability
- Wealth Redistribution

Whois, Data Protection, ICANN

- The Whois protocol and directory
- Transformation of the Whois
 - Intellectual property holders/monitors
 - Law enforcement
- Conflicting regimes
 - Privacy, data protection norms
 - LEA, IPR interests in cheap access
- Is ICANN the best forum to resolve this?
 - Somewhat biased representation
 - Identity in cyberspace goes beyond ICANN's mandate

Music downloading

- “Regime” established via RIAA lawsuits.
Targets:
 - End users
 - ISPs
 - Technical circumvention
- Jurisdiction issues
 - E.g., KaZaa
- Fair use definition
- IPR is too important to be left to the IPR lawyers/WIPO

gTLD addition (ICANN)

- Ad hoc beauty contests
 - Discretionary selection
 - Rules made up each time
 - Extensive vetting of business plans
- Discriminatory effects against
 - Entrepreneurial start-ups
 - Non-OECD actors
- Need to apply trade principles
 - ICANN process a violation of trade norms

Spam

- Law enforcement coordination
- Infrastructure regulation?
 - Hopefully not
- Capacity for end user-driven technical adjustments
 - Filters
 - Caller ID
 - Attention bonds