

Media Aesthetics

# **11 Internet Law, Policy and Governance**

# 01: Introduction: Does Internet Law Exist?

- **Legal issues in**
  - Internet and business: electronic commerce laws, online contract law, online financial law, online gambling, cyber-fraud
  - Internet and health: telemedicine, online prescribing, online pharmacies
  - Internet and equity: gender and race online, online identity, unequal access to the internet (digital divide)
  - Internet and education: online courses and degrees, plagiarism, use of computers in schools, content filtering for minors
  - Freedom of speech issues: freedom of expression, obscenity, pornography, vilification, protection of children, cultural rights, minority rights, cyberbullying
  - Intellectual property issues: copyright law, patent law, trademark law, gifts and online exchange, fair use provisions
  - Privacy issues: cryptography, protection for online transactions, personal information privacy, employment privacy, data security, the right to be forgotten
  - Security issues: cybercrime, spamming, online harassment and cyberstalking, hacking, identity theft, the internet and terrorism
- The unique attributes of digital information, the global nature of the internet and network infrastructure, internet's series of layers of media and communications law

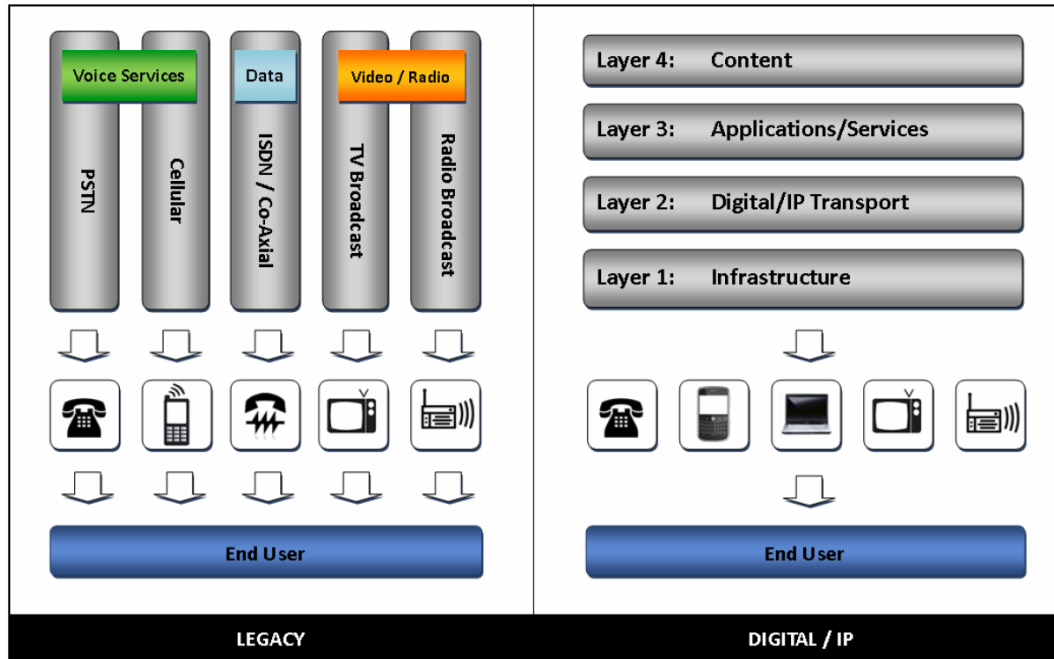
## – Difficulties

- 1. Digital networks are typically non-transparent: anonymous or hard to trace back to an original source and evidence; hard to follow traditional structures of regulation
- 2. Complicating the predominantly national basis of laws, policies and legal systems; conflicts of norms; bypassing by rerouting; domestic vs. foreign regimes
- 3. Questions of whether internet law does, or should, exist; 'internet law' marked for by other media and communications technologies

## – Arguments

- Against internet law: Judge Frank Easterbrook, 1996, 'Cyberspace and the Law of the Horse'; laws for horses can be applied to other things and not horse-specific, then, we do not need to think about different laws for cyberspace
- The counter-argument: need to be developed with an awareness of network architecture

- Breaking the link between media content and delivery platforms
  - Platform-based and Convergent media



# 02: Approaches to Internet Governance

- By

# 03: Convergent Media Policy

- UK

# 04: Copyright and Intellectual Property Law

## Costs and benefits of a copyright system

	Benefits	Costs
Short run	Greater revenues to rights holder	<ol style="list-style-type: none"><li>1. Access costs to users</li><li>2. Administration costs</li><li>3. Transaction costs in trading rights</li></ol>
Long run	Greater incentives to supply copyright works for rights holders	User innovation is obstructed by the costs of compliance

# 05: Copyright Law Reform

- **Critics** of laws and policies based upon **strong copyright protection** in the digital environment
  - Hidden costs for content users
  - Costs for later creators; tracing copyright holders, seeking permissions and having limits set to transformative use
  - Information as 'public good' and 'Metapublic good' as well; costly fetter on our development
  - New knowledge is a combination of both individual and social labour; rights to a single individual can be problematic
  - Overstated benefits to content creators; copyright-based industries
  - The effect of criminalising behaviours such as file sharing, peer-to-peer exchanges, content remixing, repurposing of content and creative content reuse



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# Conclusion

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