

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

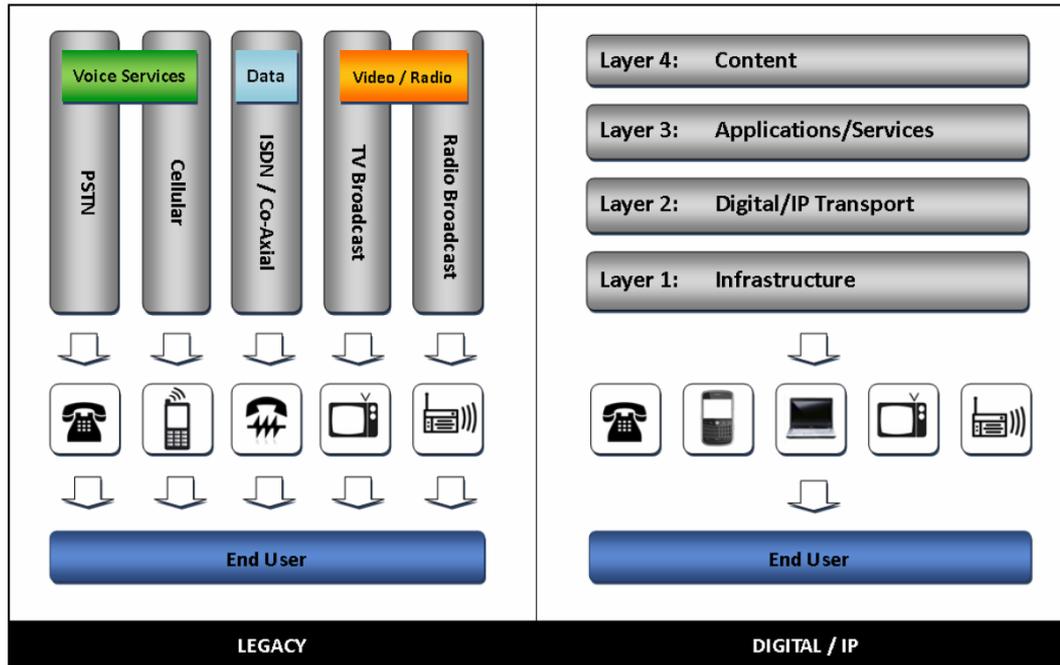
– Difficulties

- 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">1. Access costs to users2. Administration costs3. Transaction costs in trading rights
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
