Governance

- Governance is a service that governments and other authoritative bodies perform.
- Defined by Oran Young as “The establishment and operation of social institutions...capable of resolving conflicts, facilitating cooperation, or, more generally, alleviating collective action problems.”
International Intergovernmental Regimes

- Defined as systems of rules, norms, procedures, and informal practices that constrain the behavior of governments of nation-states.

- International governance and international intergovernmental regimes are not the same because some international governance can occur with only minimal involvement of governments.
Theories about International Regimes

- Hegemonial stability theory
  - Regimes change when the distribution of international power changes; regimes tend to favor hegemonial powers.

- Epistemic communities
  - Regimes cannot emerge in the absence of consensus among activists and technical experts (e.g., environmental regimes)

- Constructivism
  - Regimes are artificial social constructions that do not necessarily depend on power distributions or scientific/technical consensus
International Regimes for ICTs

- The Domain Name System
- E-Commerce
- Intellectual Property Rights
- The Digital Divide (e.g. the DOT Force)
- Internet Governance Forum
The Domain Name System

- Origins in the system administered by Jon Postel
- Postel regime generalized into the Internet Assigned Numbers Association (IANA) by the Internet Society
- IANA establishes ICANN in collusion with the US Department of Commerce
- ICANN comes under strong criticism for Commerce veto (EU; Milton Mueller)
DNS-Specific Issues

- Integrity of root server system
- Global Top-level domains vs. country domains
- Need to regulate registrar monopolies (Network Solutions/Verisign) or make registry industry more competitive
- Cyber squatting vs. trademark and brand-name protection of large firms (UDRP)
- .xxx domain dispute
E-Commerce Governance Issues

- Should there be policies to promote migration from bricks and mortar to bricks and clicks or just clicks?
- How is e-commerce to be regulated?
- Is there a geographic location where the transaction takes place (for taxation purposes) and if so what tax is to be charged?
### History of Copyright Act

<table>
<thead>
<tr>
<th>Year</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1790</td>
<td>Congress passes copyright act</td>
</tr>
<tr>
<td>1830</td>
<td>Act expanded to published music</td>
</tr>
<tr>
<td>1856</td>
<td>Act extended to published plays</td>
</tr>
<tr>
<td>1870</td>
<td>Act extended to works of art. Library of Congress become clearing house.</td>
</tr>
<tr>
<td>1897</td>
<td>Act extended to public performances</td>
</tr>
<tr>
<td>1909</td>
<td>Act extended to reproductions (piano rolls)</td>
</tr>
<tr>
<td>1912</td>
<td>Motion pictures added</td>
</tr>
<tr>
<td>1976</td>
<td>Sound recordings and unpublished works</td>
</tr>
<tr>
<td>1980</td>
<td>Computer programs</td>
</tr>
<tr>
<td>1992</td>
<td>Audio Home Recording Act</td>
</tr>
<tr>
<td>1998</td>
<td>Copyright Term Extension Act</td>
</tr>
</tbody>
</table>
Increased Focus on Protecting Intellectual Property

- RIAA, MPAA attacks on file sharing
- Digital Millennium Copyright Act of 1998
- Counterarguments by scholars about the negative aspects of overly ambitious “digital rights management”
FILE SHARING MONSTER

gripping novelet by GEORGE E. CLARK

"Fair use!" she cried out, but it was much too late...
Jar Jar Binks: The Phantom Edit

- [Wikipedia story on it](#)
- [2001 story in Salon.com](#)
- [NPR story (audio)](#)
Intellectual Property Rights

- Digital Millennium Copyright Act (DMCA) of 1998
- Inducing Infringement of Copyrights Act of 2004
- The Broadcast Flag Decision of the FCC
DMCA authorized methods for digital rights management

- Licensing
- Watermarking
- Registerware
- Tethering
- Privacy tax
Other DMCA provisions

- Limits on caching
- Prohibits links to DMCA-illegal material
- ISPs told to act expeditiously to block illegal content or activity
- Special leeway for libraries
- Compulsory licensing to webcasters with terms regulated by Library of Congress
Okinawa Charter

- G8 agree to it in June-July 2000 at the Okinawa Summit
- Puts forth principal of inclusion:
  - “..everyone everywhere should be enabled to participate in and no one should be excluded from the benefits of the global information society.”
- States G8 commitment to bridging the global digital divide
- Establishes the Digital Opportunity Task Force (DOTForce)
Jar Jar Binks: The Phantom Edit

- Wikipedia story on it
- 2001 story in Salon.com
- NPR story (audio)
Four Areas of Action for DOTForce in Okinawa Charter

- Fostering policy, regulatory, and network readiness
- Improving connectivity, increasing access, and lowering costs
- Building human capacity
- Encouraging participation in global e-commerce and other e-Networks
7 DOTForce Teams

- National e-strategies
- Access and connectivity
- Human capacity building
- Entrepreneurship
- ICTs for health
- Local content and applications
- Global policy participation
DOT Force Results

- Variety of projects with a variety of funding sources begun (see Appendix II in paper)
- DOT Force formally ceased operations after the Kananaskis summit
- Hand off to UN ICT Task Force and the World Summit on the Information Society in 2003
Distinctive Features of DOT Force

- Multi-stakeholder representation
  - G8 governments
  - Private firms
  - Non-profit 0rganizations
  - International organizations
- Constitutes a response to criticisms voice in Seattle and elsewhere (G8 led by Japan and Canada in 2000 and 2001)
Internet Governance Forum

a multi-stakeholder forum for policy dialogue on issues of Internet governance. The establishment of the IGF was formally announced by the United Nations Secretary-General in July 2006 and it was first convened in October/November 2006.
Agenda for Dec. 2008 IGF Meeting in Hyderabad

- Reaching the Next Billion
  - Access
  - Multilingualism
- Promoting Cyber-Security and Trust
  - Dimensions of cyber-security and cyber-crime
  - Fostering security, privacy and openness
- Managing Critical Internet Resources
  - Transition from IPv4 to IPv6
  - Global, regional and national arrangements
- Emerging issues: The Internet of tomorrow - Innovation and the evolution of the Internet