1. Title:

Public and industry regulatory initiatives in the field of intellectual property enforcement

2. Date and Time:

27/02/2013
14:30 - 16:00

3. Venue:

Conference Room 6

4. Concise session description and agenda:

Over the past few years, the protection of intellectual property rights has become one of the key areas of the Internet governance discussions. With intellectual property continuing to be one of the pivotal issues both at a national and international level, government and industry actors alike are testing various ways to address infringement that is taking place in and through the Internet.

On the one hand, some governments, including those of the UK and France, are focusing on legislative frameworks to tackle issues of piracy and the downloading of illegal content. These initiatives are framed under the rubric of public law and are required to go through the traditional, parliamentary processes. In this regard, amongst the advantages of public regulation, one could enumerate the democratic legitimization of rules, the expectation of public regulators to exemplify a certain degree of expertise and be motivated to purse social objectives in specific areas and, since regulators can be provided with incentives to enforce social policy, their rules can, in principle, not be easily subverted. At the same time, however, public regulation offers some notable disadvantages – it is normally highly bureaucratic, it is inflexible and requires a long time for its implementation.

On the other hand, we are also witnessing initiatives, where the industry has taken the lead to curb online piracy, most notably in Ireland and, recently, in the United States. These initiatives are framed under self-regulatory frameworks. Amongst the advantages of private regulation, one could note the ability of self-regulatory groups to establish efficient product standards, the lowering of the cost of production and the fact that industry regulation is, generally, more
prompt, flexible and effective. Additionally, there are also some noteworthy disadvantages with private regulation. In particular, private regulation may easily fail to protect democratic values; it can neglect basic standards of justice; it is often less accountable compared to traditional rule making; and, because of the Internet, it is highly dependent on computer code, which by nature circumvents legal and political institutions that ideally ensure just and democratic values.

With this in mind, the Internet Society is organizing an event seeking to examine the efficacy of both private and public tools in the enforcement of intellectual property and their impact on digital content and the Internet itself. Amongst other, panelists will address the following questions:

- Between the two models, which one is the most efficient way to deal with issues of copyright infringement?
- How does each system address issues relating to due process, transparency and the rule of law?
- What are the associated costs and what is the economic impact of such mechanisms on users?
- What are the privacy concerns of such systems – if any?
- What impact do these mechanisms have on the Internet – if any?
- Do public and private regulatory scheme encourage or discourage creativity and innovation?
- Do these mechanisms incentive or dis-incentivize the creation of content?
- Do such mechanisms pay regard and encourage new business models?

5. Names of the organizer(s) of the workshop and their affiliation to various stakeholder groups (government, the private sector, civil society and intergovernmental organization):

Mr Konstantinos Komaitis
Policy Advisor
The Internet Society, NGO/Civil Society
Switzerland
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6. Names and affiliations of the panelists and the remote moderator:

- Marco Pancini: Google (Confirmed)
- Sylvie Forbin - Vivendi (Confirmed)
- Raegan McDonald: AccessNow (Confirmed)
- Wendy Seltzer: W3C (Confirmed)
- Theresa Swinehart: Verizon (TBC)
- Carl Schonander: US Goverment (TBC)
- Benjamin Farrand: University of Strathclyde (moderator - TBC)
- Remote Moderator: TBC

7. Contact person:

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