Session Proposal Form

First Multistakeholder WSIS+10 Review Event
25-27 February 2013, UNESCO HQs, Paris

We confirm that we are interested in co-organizing a session at the 2013 WSIS+10 Review Event. We are aware that UNESCO is not in the position to provide any funding for the organization of the session, but that facilities for remote participation will be offered. We also agree that my proposals will be published on the UNESCO website for the consultation with other stakeholders and that UNESCO is allowed to establish links to the websites mentioned below. Generally, a session lasts 90 or 75 minutes.

Please return your proposal to wsisteam@unesco.org before 10 December 2012.

1. **Title**: Public and industry regulatory initiatives in the field of intellectual property enforcement.

2. **Concise session description (please also indicate modality, target audience and expected outcomes)**:

   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 legitimation of rules, the expectation of public regulators to exemplify a certain degree of expertise and be motivated to pursue 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 dependant 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?

3. Our Organization is pleased to finance the EN/FR interpretation (USD 2580) of this session
   □ No □ Yes
   □ Yes, plus also interpretation into □ Arabic □ Chinese □ Russian □ Spanish

4. This session will have a focus on:
   □ Recent Developments □ Future developments, foresight, vision
   □ Other

5. Provide the name 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, Geneva Switzerland,
   The Internet Society is a non-governmental organization

6. Provide the names and affiliations of the panelists you are planning to invite (please respect to the extent possible gender and geographical balance as well as the principle of multistakeholder participation):
   Mr. Marco Piancini, Google (confirmed)
   Ms. Raegan McDonald, AccessNow (confirmed)
   Mr. Carl Schonander, US Government (confirmed)
   Ms. Sylvie Forbin, Vivendi (Confirmed)
   Ms. Wendy Seltzer, W3C (confirmed)
   Mr. Jeff Brueggeman, AT&T (confirmed)
   Moderator: Susan Chalmers, InternetNZ (confirmed)
   Remote Moderator: Mr. Luca Belli (confirmed)

7. Contact person:
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   Organization: The Internet Society
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