



REGULATION OF INTERNET CONTENT

ISTANBUL, TURKEY
NOVEMBER 2012

-
- What are the goals of Internet content regulation?
 - Against whom should the content codes be enforced?
 - What types of regulatory regimes are found elsewhere?
 - What are some positive steps that the regulatory authority could take to protect the public vis-à-vis the Internet?
 - What types of content should be restricted on the Internet?
-

- Rise of the internet
 - Broadcasting over the internet and mobile networks
 - Increased transmission speed
 - Prevalence of cheaper satellite receivers, computers and other equipment
 - Convergence
 - Digitalisation
-

Effects of technological advances in electronic media



- Converged technology has led to converged regulation, and converged regulators with authority over more than one type of communication (e.g., both broadcasting and telecommunications)
 - Independent regulation—more specialized, fast-moving environment where real technical expertise is needed
 - Light-touch regulation—recognition that with everyone able to take photos on mobile phones and post content on websites, the time when governments can easily control the media sphere has passed
 - Media more difficult to control—new questions of jurisdiction
-

-
- Is the media outlet headquartered in the territory?
 - Are there offices in the territory?
 - Are the means of transmission in the territory?
 - Terrestrial broadcasting, cable operators
 - Satellite broadcasting—uplinking
 - Internet—cable, phone lines, ISPs
 - Are the content creators and providers in the territory?
 - Is it possible for users to access without any other presence by the media outlet in the territory?
 - Internet
-

-
- If there is no jurisdiction (no attachment to the country as explained), the regulator cannot take action against the media outlet
 - There may be limited action possible (take-down of content from cable or internet, etc.)
 - Co-operation with other regulators

Reasons for Regulation of Communications Generally



- Ensure technical quality
- Boost the sector and encourage growth
- The special role of media in society
- Protect the public and consumers (particularly minors)

-
- Content may be harmful to minors
 - Content may encourage harm to adults, incite violence, crime and disorder, carry messages of racial and ethnic hatred, offend religion or other values
 - Need to encourage growth in the sector

How does this affect Internet regulation?



- Lighter regulation than other media most everywhere.
 - There seems to be a hesitation to burden what is seen as an exciting new medium with excessive restrictions.
 - Internet requires activity by the user.
 - Also, there is a recognition that, absent filtering, little can be done to prevent access to internet content, as restricted content can be hosted and accessed from abroad.
 - Until relatively recently, the internet was most similar to print media, made up largely of text and static photographs. All of this is changing as technology for streaming audio and video content is improving.
-

What are the goals of Internet content regulation?



- Send a message and set an example?
- Bring it in line with regulation of content on other electronic media?
- Justify filtering system already in place?
- Focus on homegrown content?
- Complement filtering system already in place?
 - Make it more transparent
 - Gain public buy-in
 - Capture content that filtering system misses
- Eventually replace filtering?

Against whom should the content codes be enforced?

- Users (Saudi Arabia, China)
- Content providers/creators
- Internet Content Hosts
- Internet Service Providers
- Some or all of the above

What types of regulatory regimes are found around the world?



- Filtering software at ISP/server level
 - Symbolic list of banned URLs (Bahrain, Singapore)
 - Filtering software that prevents access to certain broad categories of content (UAE, Saudi Arabia)
 - Pro
 - Prevents access to large percentage of content deemed inappropriate in the UAE
 - Cons
 - Prevents access to acceptable content
 - Fails to prohibit some content

What types of regulatory regimes are found around the world? (continued)



- Complaints-based enforcement
 - Regulator issues a take-down order in response to user complaints
 - Used in Australia
 - Pro
 - Is not as “overbroad” as filtering software, as it targets only inappropriate content
 - Con
 - Is removed only after being visible online
 - Only blocks access to content hosted abroad for those who voluntarily use filtering software

International Telecommunications Union (ITU)



- The International Telecommunications Union (ITU), a United Nations agency, decides how to address the issues of Internet governance and determines the roles and responsibilities of telecommunications companies, content providers and ISPs.
- However, major international players like the European Union and the United States, which host the world's largest and most lucrative private Internet companies, oppose increasing the ITU's power over Internet regulation, both in the areas of finances and content, for the sake of freedom and net neutrality.