

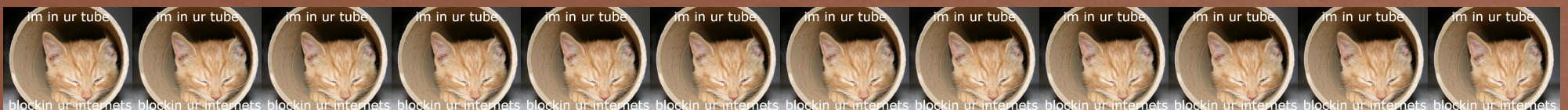
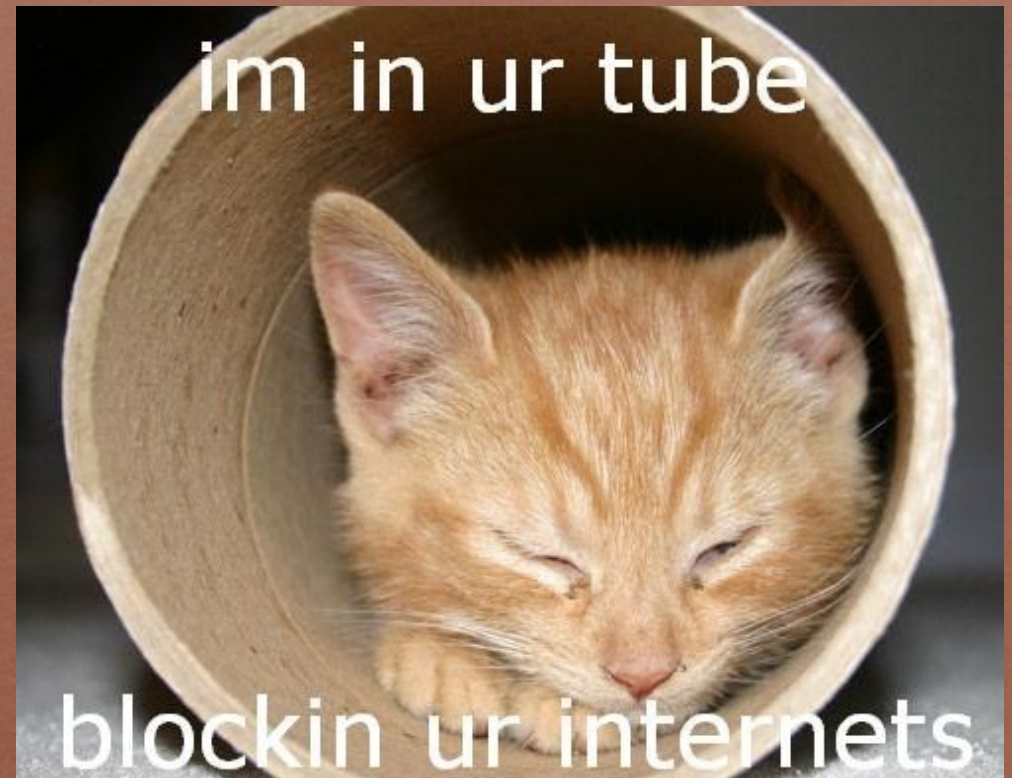
Im in ur tube
blockin ur internets
The Politics, Perception and Parody
of Network Neutrality Legislation

Daithí Mac Síthigh
School of Law, Trinity College Dublin
GikII 2007 - London, 19 September 2007

From Cats to Cat-5

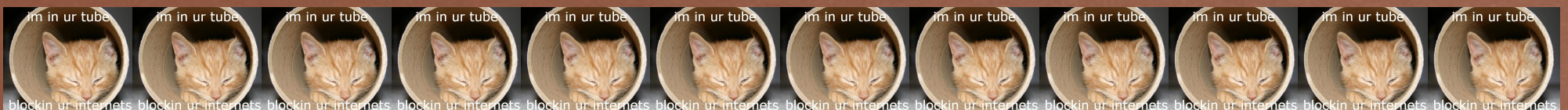
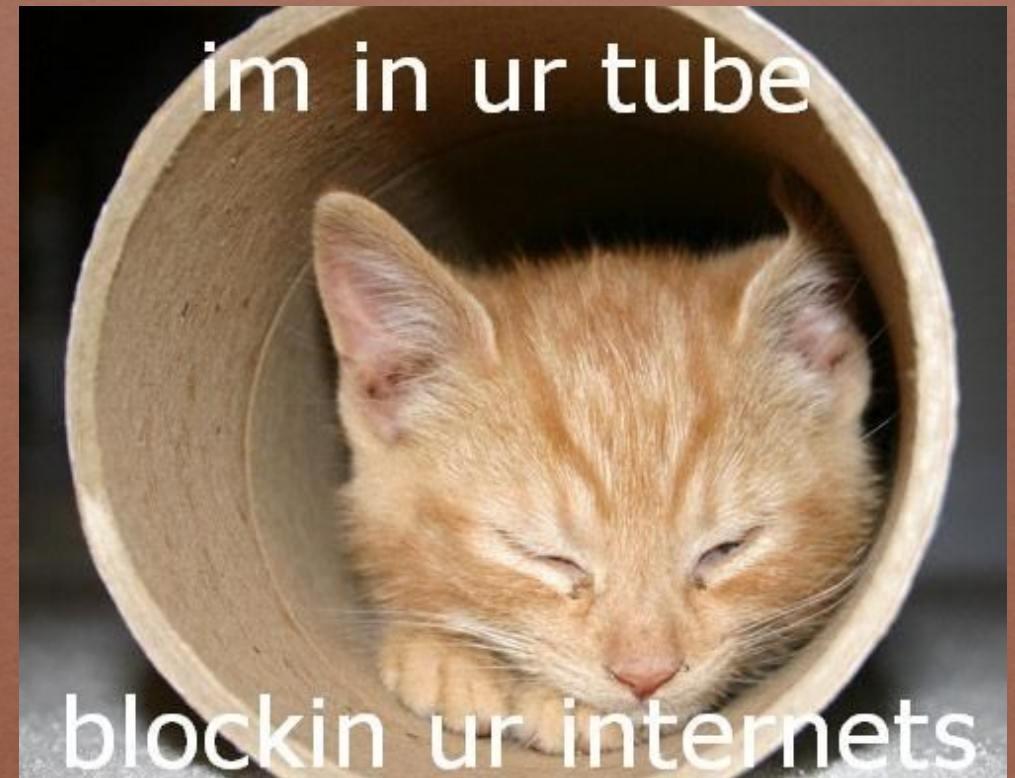
- You see, wire telegraph is a kind of a very, very long cat. You pull his tail in New York and his head is meowing in Los Angeles.
- And radio operates exactly the same way: you send signals here, they receive them there. The only difference is that there is no cat.

·(Albert Einstein)



Net Neutrality

- US Legislation
- FCC Proceedings
- International Perspectives
- Contested Definitions



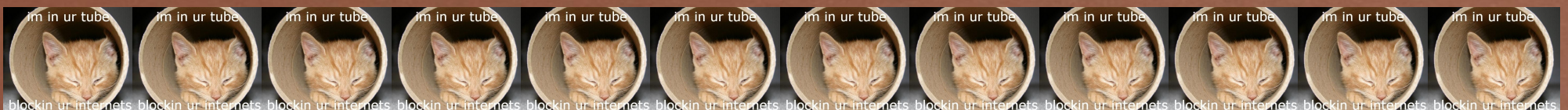
Here's To You, Senator Ted Stevens

- Ten of them streaming across that internet and **what happens to your own personal internet?** I just the other day got, an internet was sent by my staff at 10 o'clock in the morning on Friday and I just got it yesterday. Why? Because it got tangled up with all these things going on the internet commercially.
- So you want to talk about the consumer? Let's talk about you and me. **We use this internet to communicate and we aren't using it for commercial purposes.**



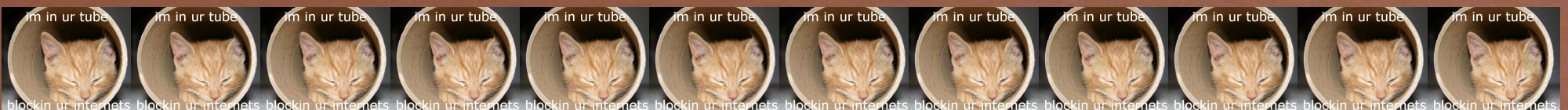
Here's To You, Senator Ted Stevens

- They want to deliver vast amounts of information over the internet. And again, the internet is not something you just dump something on. **It's not a truck. It's a series of tubes.**
- Now I think these people are arguing whether they should be able to dump all that stuff on the internet ought to consider if they should develop a system themselves. **Maybe there is a place for a commercial net but it's not using what consumers use every day.** It's not using the messaging service that is essential to small businesses, to our operation of families.



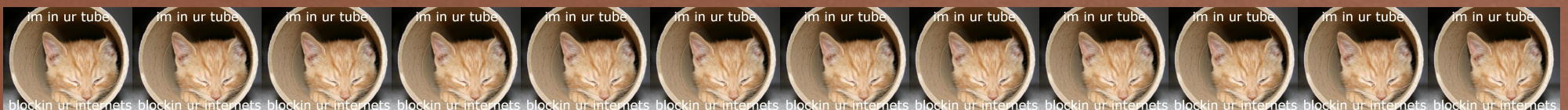
The Same Internet

- "American consumers should not be forced to accept a 'one-size-fits-all' broadband service that places critical medical monitoring and health care **on the same footing as music and video downloads** or noncritical communications"
 - <http://www.usiia.org/pubs/eHealth.pdf>
(see also DoJ to FCC p 12)



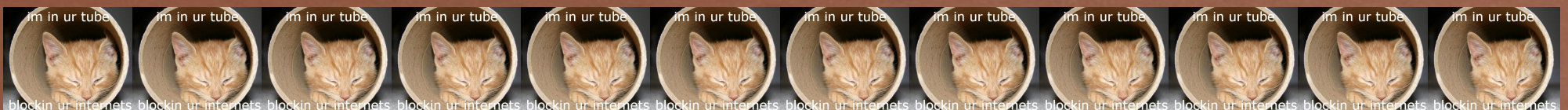
Brita: You Deserve Better

- In a television commercial for an in-home water filtration system, a drinking glass emptied and then filled at the same time as a woman flushed her toilet. The woman was then shown drinking the glass of water. Superimposed on the image were the words “Tap and toilet water come from the same source”. A voice-over at the end of the commercial asked viewers: “Don’t you deserve better?” In the magazine advertisement for the same product, below a woman whose hair resembled a floor mop was advertising copy that read “You deserve better than the water you mop with.”

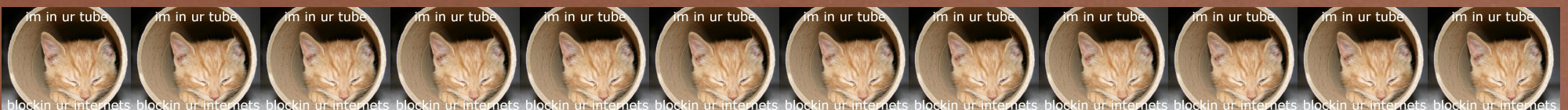


Use Protection

- “Other commentators, however, have urged the FCC to consider **imposing prophylactic ‘neutrality’ regulations** to prohibit what they regard to be undesirable differentiation in the provision of Internet services”
 - Department of Justice ex parte filing to FCC, September 2007

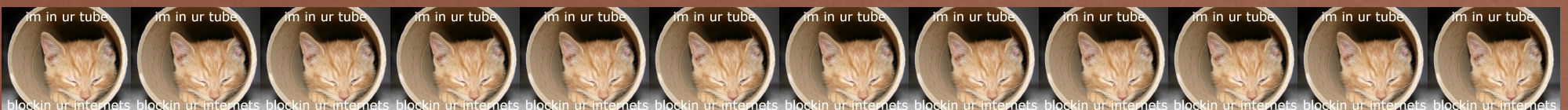


Save The Internet

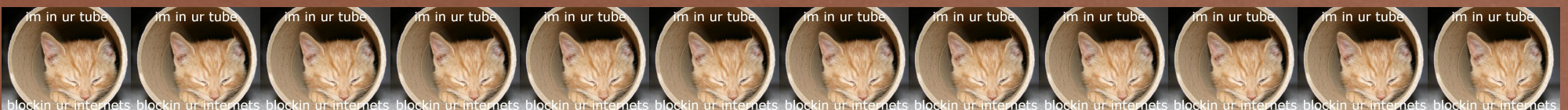


Save America

- “Broadband providers also need the ability to prioritize Internet traffic in order to (1) **serve public safety officials better during emergencies...**”
 - DoJ to FCC



In A (Pearl) Jam

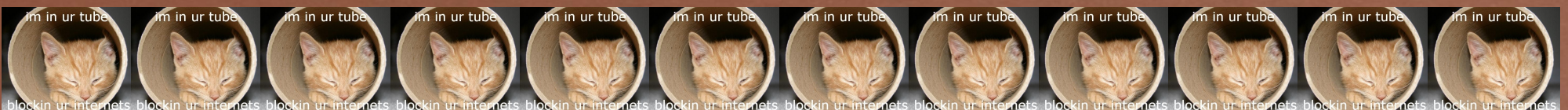


Four Freedoms

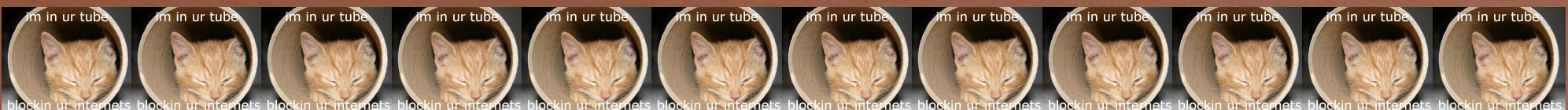
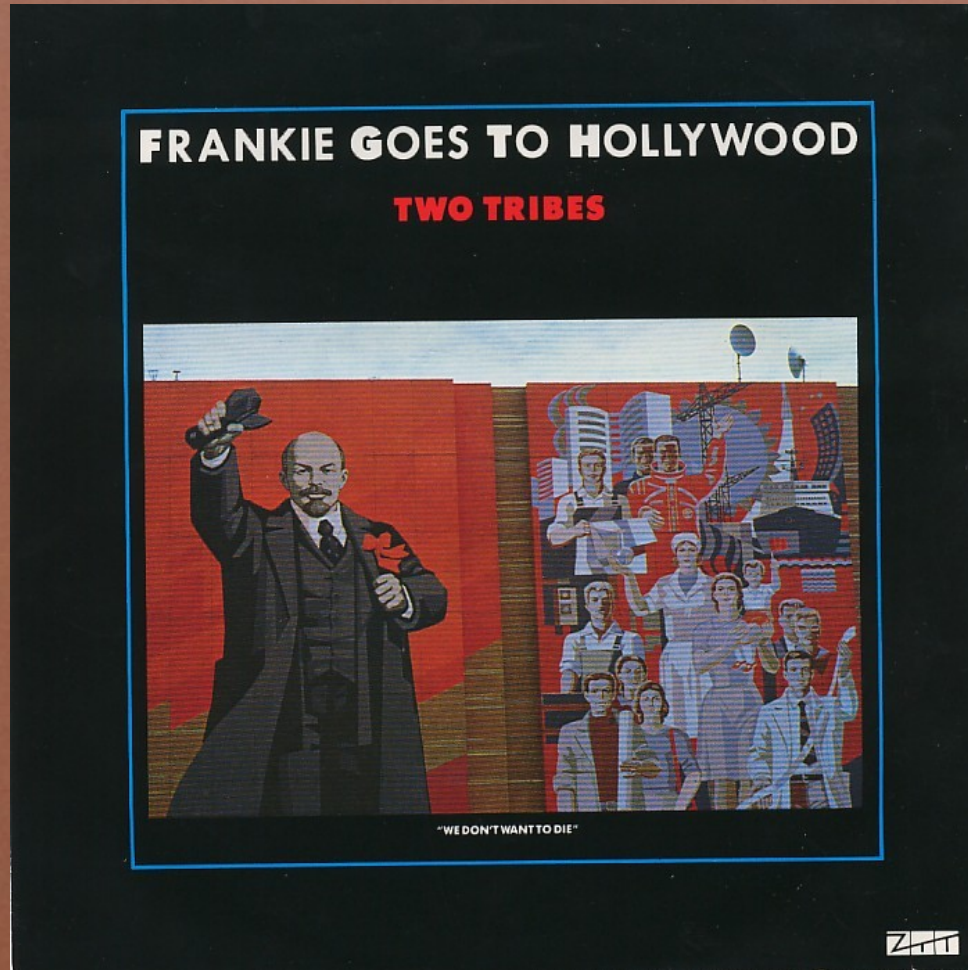
1. *Freedom to access content.*
- *Freedom to run applications.*
- *Freedom to attach devices.*
- *Freedom to obtain service plan information.*

1. Consumers are entitled to the lawful Internet content of their choice.
2. Consumers are entitled to run applications and services of their choice, subject to reasonable limits of law enforcement and network management.
3. Consumers are entitled to connect their choice of legal devices that do not harm the network.
4. Consumers are entitled to information among network providers, application and service providers, and content providers.

All of these principles are subject to reasonable network management.

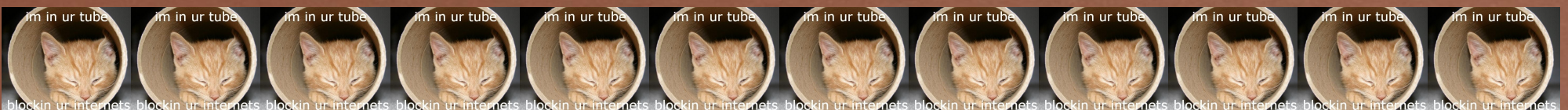


Individuals v Big Business



Copowi!

- We are the first Internet access provider to guarantee our commitment to net neutrality, which means we are committed to keeping the Internet open and fair.



Choices, Choices

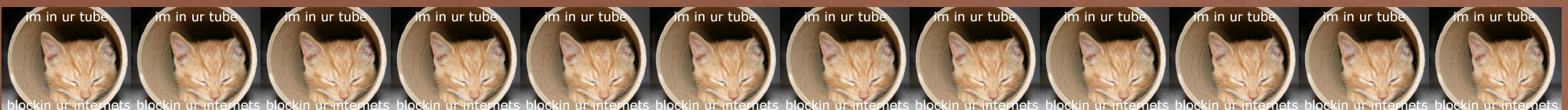
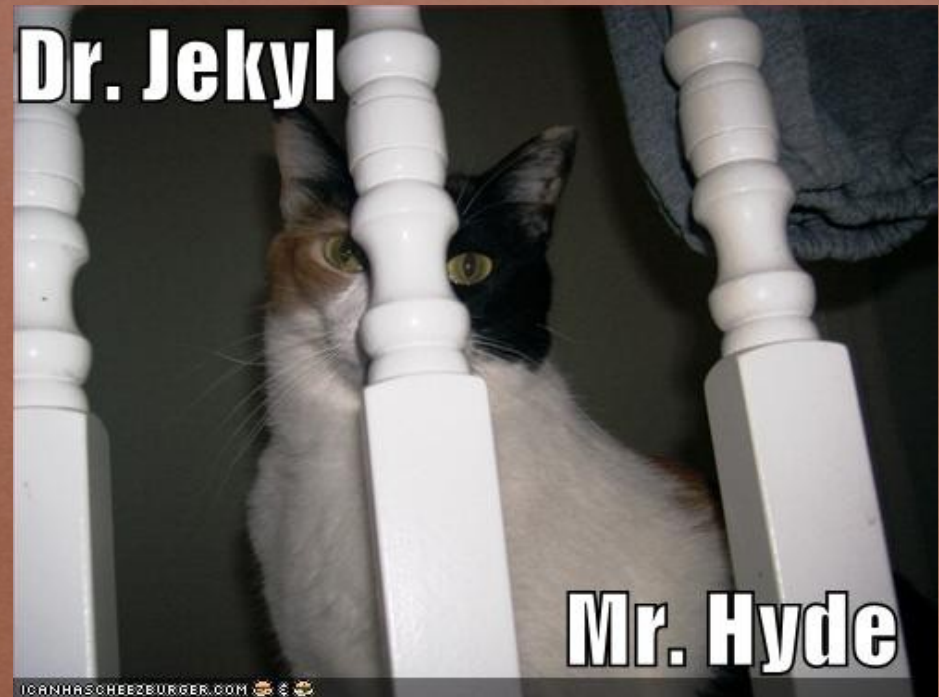
• **"Which of the following two items do you think is the most important to you:**

Delivering the benefits of new TV and video choice so consumers will see increased competition and lower prices for cable TV

OR

Enhancing Internet neutrality by barring high speed internet providers from offering specialized services like faster speed and increased security for a fee?"

Verizon poll for Senate
18 September 2006

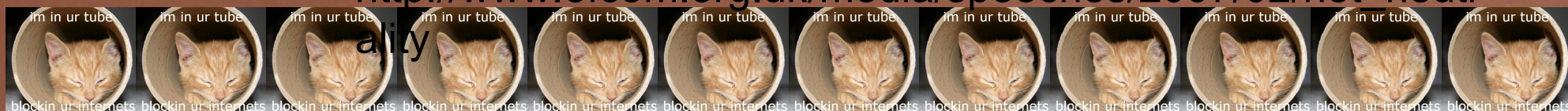


Com Of It

- As the UK has such strong retail ISP competition, these problems, and therefore a strong case for new ex-ante legislation, are much harder to imagine.
- We also believe that **we already have the tools**, in the form of the European Framework, to address issues in relation to net neutrality as they arise.
- In summary **we don't believe that net neutrality is as significant an issue in Europe** as it has been in the US.

- David Currie, Chair of Ofcom

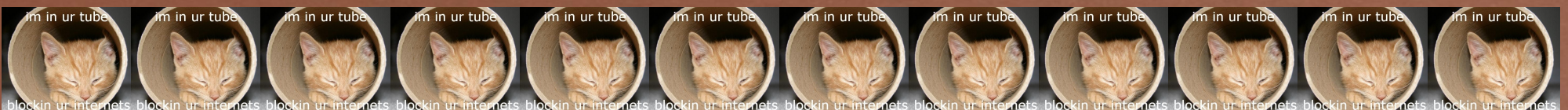
http://www.ofcom.org.uk/media/speeches/2007/02/net_neutrality



The Future Of Ideas



- Lawrence Lessig's 2001 book (chapter 10)
- Argument on 'cable ISPs'
- **Just because it hasn't happened doesn't mean it can't happen**

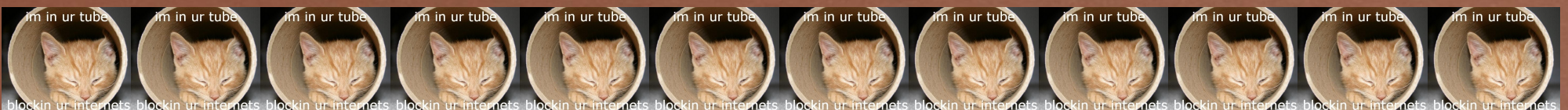
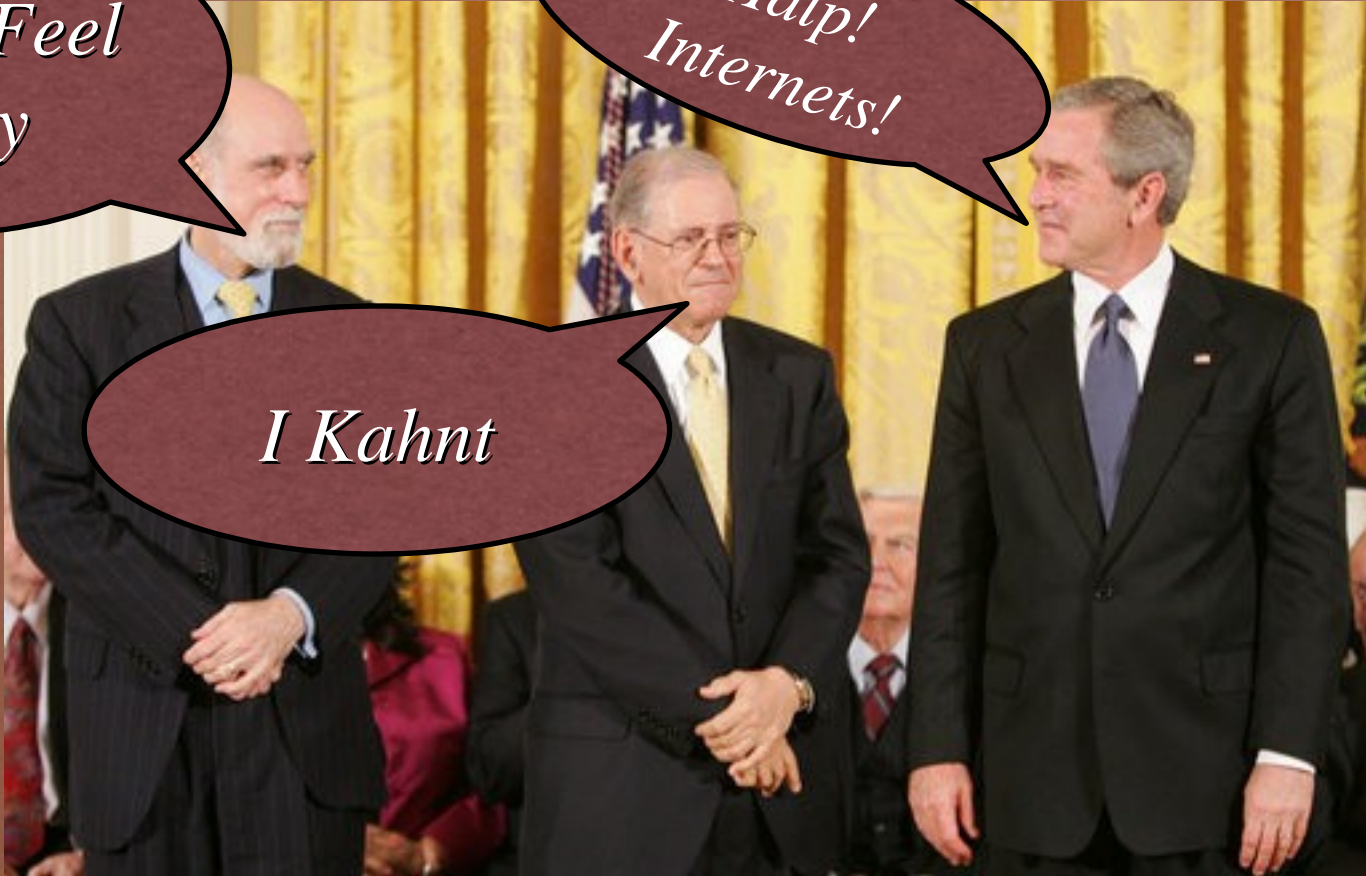


Very Important People

*I Cann Feel
Lucky*

*Halp!
Internets!*

I Kahnt



Justified and Ancient

(Stand By Your LAN)

(The Justified Ancients of WWW)

- Robert Kahn, the **most senior figure in the development of the internet**, has delivered a strong warning against "Net Neutrality" legislation.



- http://www.theregister.co.uk/2007/01/18/kahn_net_neutrality_warning/

- The web should remain neutral and resist attempts to fragment it into different services, **web inventor** Sir Tim Berners-Lee has said.

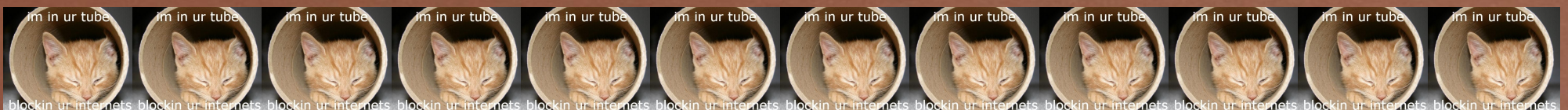


<http://news.bbc.co.uk/1/hi/technology/5009250.stm>



Are you feeling lucky?

- In our filing with the FCC, we explained our strong support for the **adoption of a national broadband strategy**
- (With the Internet tax moratorium due to expire) Google recently joined Don't Tax Our Web, a coalition of companies and associations dedicated **to extending the current moratorium and reducing barriers** to the Internet's continued growth.
- If we need to, we will step up our advocacy efforts to **make sure that politicians and regulators don't impose unnecessary regulations** which would stifle the fantastic growth of user-generated content.
 - all at Google Public Policy Blog
- **And how about regulating search engines (or privacy)?**
 - *"Oh Noes!!11 Do Not Want!: No Government Regulating Internets"*

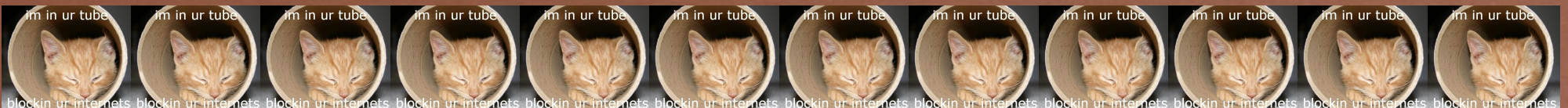


Speakers

I baked you a constitution but I ate it

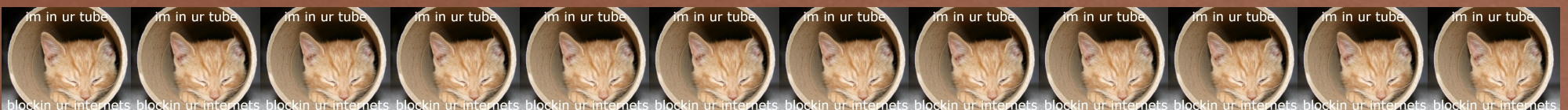
- Net Liability for ISPs: Don't you dare call us speakers! We are mere conduits!
- Net Neutrality for ISPs: We are speakers! We are speakers! We are speakers!

- http://scrawford.blogware.com/blog/_archives/2007/2/16/2742494.html
- May, "Net Neutrality Mandates: Neutering the First Amendment in the Digital Age" (SSRN)



Regulation

DON'T
REGULATE



Observations

- First Amendment
- Freedom To Communicate
- Consumers / Users / Producers
- Methods of Regulation
- **Power And Control**

