

## World Internet Policy Project (WIP2) Workshop 06th July . Auditorium B201

9:30am-11:00am

**Session 1: Data, privacy and trust**

### **Privacy , Cyberliteracy and Health electronic data: a syncretic dilemma?**

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In the last decade, millions of people all over the world have searched for medical related information on the net. This is the third most popular activity people do online (Pew 2008). An increasing number of "health seekers" use the internet to find and exchange health related information by using search engines, particularly Google (Murero 2010 ongoing; Eysenbach, 2008; Murero, Rice, 2006). Are people aware that their engine query data might be detected and used for public health purposes?

According to an award winning letter published by Nature, online search of medical information using web engines is so diffused that Google query data are believed to detect in advance the diffusion of certain diseases and medical conditions. For example, in the case of seasonal influenza, the local spreading of the epidemia among the population can be drawn in advance by matching online searches with IP address. According to Google Trends, these "predictive epidemia maps" are built on the bases of information on symptoms and subsequent medical treatments that are searched for on the web. This methodology is not limited to the United States but can be applied to several countries (Ginsberg, Mohebbi, Patel et. al, 2008) .

However, this new and unexplored scenario implies several crucial questions regarding ethical and privacy issues. For example: Are people aware that their search queries and IP address might be detected by search engine providers? Should people be informed about this? If yes, how they should be informed? Should policy makers use health electronic data without people's permission in case of pandemics? Should policy makers use health electronic data to face future epidemics? If that is the case, then which are the implications?

Engine query data from consumers are providing unprecedented information to public health organizations, policy makers but also to commercial companies. Research on this scenarios is very scarce. Based on ongoing empirical research (128 surveys, 7 focus groups, 2 pilot studies, 12 in-depth interviews) the present study addresses this gap focusing on several privacy and ethical issues.

Preliminary results show that online "health seekers" perceive the engine provider as the owner of their queries. However, the large majority of people present a very low "cyberliteracy". Almost no one has an idea of what an IP address is. This is true also for highly educated people. Another interesting finding is that, in the case of a medical emergency – such as the H1N1 pandemia- the majority of people would completely renounce to their own privacy if that resulted in an important benefit for the medical community and the collectivity.

Further empirical evidences and possible future implications concerning international regulations on privacy and ethical issues will be discussed during the presentation of this paper.

### **Conceptualizing Internet Trust**

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What kind of theoretical framework is required to discuss Internet Trust if 'trust' to have the same meaning as it does in other social and business contexts? And, given such a framework, what are its implications for the technical, social and legal mechanisms that must be provided to support that notion of trust?

Luhmann and Barber, independently, propose the role of trust is to create certainty in the face of uncertainty and thus allow action as opposed to endless indecision.

Misztal elaborates this line of thought by discussing the role of different forms of trust, Habitus, Passion and Policy, in creating different forms of order in society that act in concert to reduce uncertainty.

Habitus is a system of dispositions acquired by an agent through participation in society and may be seen as the set of implicit rules or conventions that exists below conscious and rational thought .

Passion is trust arising from the development of the intimate social bonds between people based on shared values and experiences. It is the "internalized trust" that arises from those basic face-to-face interactions.

Policy operates at the conscious dispositional level. It is built on the set of dispositions that we consciously hold towards individuals and groups. In modern societies we go beyond interaction with known individuals and extend trust to anonymous others. What reduces the uncertainty in dealing with anonymous others?

Luhmann argues that these interactions in modern societies give rise to abstract mechanisms of interaction, such as Money and Power. These abstract mechanisms, which Luhmann calls generalized communication media, substitute for the personal relationships built up in face-to-face societies and their role is to provide equivalent certainty to personal trust. But this then leads to a need for systems trust, which is the belief in the ability of these abstract mechanisms to guarantee 'equivalent certainty'. Thus, Luhmann sees systems trust as the cost, and necessary underpinning, of the modern, networked, society. This theme is picked up by Giddens: "Trust in abstract systems is the condition of time-space distanciation and of the large areas of security in day-to-day life which modern institutions offer compared to the traditional world."

It is possible to 'trust' anonymous individuals because interaction with them is through generalized communication media, through generalized systems of exchange, that are themselves supported by systems trust. We posit the general goal of any online trust framework is either, to reflect the societal trust frameworks built on Habit, Passion and Policy, or to establish a new generalized communication medium to carry the burden of trust. In either case it must be supported by systems trust underwriting the particular mechanism.

We discuss how current technologically led 'solutions' to Internet Trust fall short of the former and simply fail to comprehend the implications of the latter.

### **Is the Web@risk?**

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When Tim Berners-Lee created the World Wide Web project at CERN, back in 1989, he was far from predicting the potential and the exponential growth of its creation. The Web started by being more of an easy way to access and share information through hyperlinks, using basic information representation structures [HTML] and simple protocols (HTTP). Although the same principles exist in the modern Web, the information access and sharing, the way this information is produced, distributed and consumed has considerably changed, and so the Web. While in the early stages of the Web the architecture was simple, the information was static and produced by one individual or entity to be consumed by many in general terms, the new Web 2.0 has a much complex architecture, the information is dynamic and produced by individual users to other individual users that share a set of common interests in virtual communities known as social Web.

Also, companies started looking at Tim Berners-Lee invention as a very interesting way of doing business. Companies use the Web on a daily basis to market and sell their products and services, interact with their clients, suppliers and business partners, collect product feedback and provide product service, improve their own business and operational processes, streamline the supply chain and many more. The Web has become an important and integrating element of the business processes and business models.

The Web had such an important impact that affected the way applications are being developed and deployed. Due to its intrinsic characteristics, many of the traditional desktop-centric applications and system are progressively being ported to the Web, allowing its users to access them wherever and whenever they wish. However, when the bases that support the Web were originally created, the security requirements were quite different from the ones that exist today. Today security requirements are more demanding and new vulnerabilities and risks are identified very frequently that need to be addressed in order to ensure the overall security and integrity of the system. The system security is no longer only dependent of the security of the networked infrastructure and the security of the deployment system. These two types of security measures are well covered by existing security systems, such as firewalls or intrusion detection systems. Nevertheless and when considering web systems, current security systems are simply not enough to counter the existing menaces. The overall security environment should not only include the network and deployment infrastructure but also the application itself.

The web application development is an activity that has a direct impact on the security level of the application and ultimately on the overall security environment of the organization and its end-users. These web applications are subject to external attacks from malicious sources that try to compromise the way applications behave, circumvent access controls, mislead users, access non-authorized information and much more. Currently there are a set of worldwide organizations (OWASP, WASC and others) that are working in the sense of identifying which are the major threats and risks to web applications, explain how they work and how they affect and compromise web applications and which are the adequate countermeasures to implement to avoid them.

The Open Web Applications Security Project (OWASP) is an open and recognized community on the web application security field that produces documentation and projects available on a constantly growing knowledge system that provides up to date information to project managers, system architects, application developers and anyone else interested in web application security. This work proposes to provide an overview of the major web application security risks and the most important information and tools available to allow the increase of the web application security levels.

**Scott Ewing: Politics of the Internet in Australia: The NBN, the filter and beyond**

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The 2007 Federal election in Australia saw the internet become a major political issue. The then Labour opposition went to the polls with a policy to develop a national broadband network (committing \$13 billion of public money) and to implement a mandatory internet filter for 'inappropriate material'.

Since the election of the Labour government both these policies have undergone significant changes. This paper will outline these changes and present data from our 2009 survey to shed some light on Australians' perceptions of these issues.

11:30am-1:00pm

**Session 2: Literacy and empowerment****Redefining Freedom of Expression through Internet: Indian Perspectives on the need of a new policy**

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Freedom of expression is cardinal to the existence of a democracy any where in the world. India, being the largest democracy in the world, has accorded the 'right to freedom of expression' a status of a fundamental right, which is enshrined under article 19(1) of the Indian Constitution, and has brought the 'freedom of media' under the ambit of the 'individual freedom of expression', equating the freedom of media with that of the freedom of individual. The concept was all right as long as traditional media-print and radio-had been the dominant players as there were rigid 'gate keepers' to check the necessary and relevant from the irrelevant.

But, with the arrival of the electronic media such as Television, the age old journalistic 'gate keeping' practice has become either superficial or irrelevant altogether. Today many Indian TV channels are churning out more stuff which in the frame work of 'gate keeping' would not have been allowed a decade back.

After the entry of 'internet', which facilitated the new forms of journalism such as 'citizen journalism' as an 'alternate media', the 'freedom of expression' is no longer subject to the 'gate keeping' practices of traditional media. As a result the government today is not in a position to curb the millions of messages pouring in from internet into the main stream flow of news content from various walks of life.

Though government is in a position to apply blockades to some spurious websites, which deal with the messages packed with terrorism and religious/communal hatred, the surveillance is not sufficient enough to block the reproduction of these messages elsewhere from the blocked websites or e-mails. At the same time, the Supreme Court of India recently ruled out that the messages hosted on the blogs/facebook/twitter are subject to the same jurisdiction of article 19(1) of 'freedom of expression' and which, if violated, would attract the provisions of article 19(2) which is justiciable under IPC (Indian Penal Code) 499 and 500.

But the Supreme Court judgement has attracted a lot of criticism from those who believed in 'free media' through 'citizen journalism' than on the print and electronic media which mostly catered to the 'commoditization of news' or 'corporatization of the news'. Most of the critics felt that the Supreme Court judgement tantamounts to curbing the constitutionally guaranteed 'freedom of expression' per se which it has so far jealously guarded. Though the government has brought stricter laws into force by suitably amending the cyber crimes, there is an equal sense of realization that as the internet keeps expanding the use/misuse of internet grows beyond the government's control. More so, in a highly populated country like India, no law can be implemented absolutely perfectly. Given the lacunae in the law and the mounting inability of the government to cope with the use/misuse of internet, the country is moving ahead to a situation where the 'freedom of expression' through internet is to be either redefined or to be removed totally from the ambit of article 19 (1) of the Indian constitution which equated the media freedom and the individual freedom.

Even China, which is highest populated country in the world has to grapple with the problem of internet use/misuse and due to its stricter laws on cyber media, the world's largest internet media group 'Google' has withdrawn itself totally from this part of the Asian continent. But, one can understand that China is not a fully democratic country like India. At the same time, India in terms of population, is not same like the US or UK or Europe. The problem, therefore, before India is colossal from two perspectives. Firstly it has to retain its democratic character. Secondly it has to allow the internet access to more grass root levels which means more democratization and more 'free expression of views' which sometimes may not go well with Indian culture/paradigms of governance.

Without compromising on either 'freedom of expression', how to evolve a newer media policy which is capable of protecting and regulating the national and global interests in the frame work of 'globalized' message flow. Recently the government lifted the curbs it partly imposed on porn sites. At the same time, the government is finding it difficult to protect the younger/vulnerable age groups from the hazards of watching violent/paedophilic websites.

Hence, the present study proposes to discuss the various prospects and consequences of liberalized internet policy especially to a country which is unique both by virtue of its democratic character and which is highly populous in the world. Any such policy debate with reference to India would be of immense implications both for China, Tibet, and other Asia-Pacific rim countries.

#### **Users as distributors: European Cinema in P2P Networks**

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Emphasizing dangers from peer-to-peer (P2P) technologies, the movies' industry continues to look for sanctions against those individuals who download and share media goods online. However, the exact economic effect of file sharing remains quite difficult to determine.

Although it is natural to think of industry protective strategies, this analysis departs from the idea that, given the steady decline in the distribution channels for European movies, new distribution channels may emerge. The combination of content and viewers in the same environment bolsters the presence of European cinema on P2P networks when compared to the off-line world. Given the funding procedure of European Cinema based on public funding, as opposed to the US tradition, this might be a first step in terms of changing the business rationale of European movies' distribution towards a model of open network and commons. In this ambit, one might ask: is P2P a threat or an opportunity to European Cinema?

In order to try to give an answer to this broad question, we will firstly develop a conceptualization of European Cinema and then provide a description of the P2P phenomenon. The final part of the paper will deal with a comparison between cinema theatre consumption and its availability in P2P networks. The output of this comparison is the development of the *P2P Cinema Distribution Index* (PCDI), which will help us to assess the actual impact of P2P networks for the distribution of European Cinema.

#### **Media literacy in Europe: controversies, challenges and perspectives – The Euromeduc Project**

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Since two years, EuroMeduc, a media literacy project funded by the European Commission under the Lifelong Learning programme, has involved the active participation of media literacy practitioners and researchers from 30 countries. Special attention has been given to small education bodies because they have unparalleled hands-on expertise. EuroMeduc thus aimed to enhance the quality and relevance of literacy projects by way of feeding the results to existing networks and fostering more intensive, better structured exchanges. In addition, EuroMeduc aimed to identify drags, opportunities and actions to be taken. Within this remit, participants to the project have agreed more than 70 recommendations worth influencing education, science and policy. In Paris (France) the CLÉMI, in Brussels (Belgium) MÉDIA-ANIMATION, in Faro (Portugal) the CIAC at the University of Algarve and in Bellaria (Italy) the Development Agency ZAFFIRIA have hosted all steps of the project.

- A cycle of three seminars managed by expert groups. Each of them addressed a strategic issue: media literacy as resulting from media production by the youth at school and outside (Paris – 2008); lifelong media literacy: innovative practices beyond school (Brussels – 2008); media literacy and internet appropriation by the youth (Faro – 2009).

The future of Media Literacy in Europe claims that it is time to listen to the different actors and this was one of the principal objectives of the Euromeduc project. In fact, since Media Literacy experts convened in Belfast, back in 2004, different actors and initiatives have grown in number and in quality. In 2009, more than 350 practitioners, researchers, policymakers and media professionals from 30 countries have gathered several times in Paris, Brussels, Faro and Bellaria to take stock of current research and practice. Their recommendations were finally published in a reference book – The Euromeduc Controversies, Challenges and Perspectives – which was made public in the end of 2009.

The participants on this project took up the main themes of Media Literacy in Europe at a time when this field was starting to achieve some genuine recognition. Finally, following the Bellaria congress, 350 participants have met again and worked together at shaping a combination of more than 70 recommendation measures and steps to be taken by the respective media policy makers. The resulting book carries the title "Media literacy in Europe: controversies, challenges and perspectives" and includes key-note articles pertaining to the issues addressed by this project. Its content will be presented and commented within the actual context of the European Union policy towards Media Literacy and, also, taking into consideration what is being done in other parts of the world, aiming to contribute to raise the awareness of European and national policymakers to the actions that remain to be taken in Europe in order to fulfill the wish of the European Commission to have Media Literacy recognized formally in the different national education systems and beyond.

**Slumdog Internet: Freedom of Expression and Broadband Regulation in Brazil**

Gilson Schwartz

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"Multimedia", "multiplatform" and "multichannel" information and communication systems are accelerating a societal evolution towards an audiovisual paradigm or "iconomy". This evolving infrastructure is leading our societies to a digital convergence of economic processes, technological innovations and communicational practices. Intimacy and privacy are at stake as "television" turns out to become "telosvision". In Brazil, the promotion of "digital inclusion" for the masses has progressed along peculiar path which has not favored the "personal computer" (projects such as the OLPC – one laptop per child – have not caught public resources) as compared to policies which focus on the audiovisual dimensions of communication, high definition terrestrial digital TV for a start. The political, economic and cultural battle for bandwidth has come to a climax while the regulatory agency, ANATEL, undergoes severe critical public debates. As the Lula mandate comes to an end, a State company, TELEBRAS, is converted from financial asset to a real company which, under a strong funding of the National Treasury, will command the expansion of broadband access for the masses in 21<sup>st</sup> century Brazil. Appointed by the President, the new State company's president, Rogerio Santanna, former Secretary of Logistics at the Ministry of Planning, is connected to Tarso Genro, former Minister of Justice and a leading proponent of "knowledge society" policies. Public control of strategic communication infrastructures may be one of the major contributions of the post-privatization cycle that after all prevailed during the Lula mandate. BNDES is a major investor at Oi, a company formed after the merge of Brazil Telecom and Oi as a result of a buyout which is still under debate by Opposition leaders. This evolving regulatory and proprietary scenarios has already led private sector leaders and companies to a series of condemning speeches and court actions. The activation of a dormant State company as a leading agent in the transformation of telecom markets into a broadband, predominantly audiovisual public networks, brings issues such as freedom and expression to the fore. The "telos" in the network is at stake, as well as the capacity of the people to leap forward in terms of human development and as communities with the skills to appropriate the new storytelling strategies enabled by digital inclusion programs. From small to big screens, intelligently connected to collaboratively designed interfaces and computing clouds, the "tele" paradigm of previous infrastructural revolutions (centered on the conquest of space, territories and property) has evolved into a complex and flexible matrix of interactive audiovisual networks which are managed, organized and regulated in terms of different "telos", purposeful local development projects that call for a new social flow of creative energies. This "telosvision" society is supposed to lead our digital life into a new emancipatory literacy notwithstanding the encompassing surveillance practices that come along with a growingly complex and surprising panopticum. Property, privacy and intimacy are precariously protected. The balance between national and foreign interests has been directly and sensitively affected by the latest regulatory trends in Brazil. Given our entrance into the "telosvision" society, a web 3.0 semantic environment which is fast becoming an internet of things and services, the evolving regulatory ecology of the Brazilian telecom infrastructure requires renewed critical engagement in favor of a virtuous "mediapolis" (Silverstone) as audiovisual media bring more light and form to individual and collective desires and energies. This paper explores this "audiovisual turn" in Brazilian public programs geared towards the so-called "digital inclusion" of underserved communities.

2:00pm-3:30pm

**Session 3: Citizens and political system****Freedom of Connection - Freedom of Expression:****The Changing Legal and Regulatory Ecology Shaping the Internet**William H. Dutton, Anna Dopatka, Michael Hills, Ginette Law, and Victoria Nash  
Oxford Internet Institute, University of Oxford

Presentation based on a report prepared for UNESCO's Division for Freedom of Expression, Democracy and Peace. The opinions expressed in this report are those of the authors and do not necessarily reflect the views of UNESCO or its Division for Freedom of Expression, Democracy and Peace.

Defenders of freedom of expression have raised growing concerns over how legal and regulatory trends might be constraining freedom of expression at the very time that the Internet has become more widely recognized as a major medium for fostering global communication. These concerns are reinforced by surveys that provide some evidence of encroachments on freedom of expression, such as through the filtering of Internet content. Despite developments in Internet censorship and filtering, this network of networks continues to bring more information to increasing numbers of individuals around the world, particularly as mobile communication extends its reach to vast numbers of individuals without access to more traditional communication resources. However, freedom of expression is not a technologically predictable outcome, and it can be diminished unless it is more explicitly addressed by policy and practice.

This presentation provides a preliminary view of the evidence behind these concerns, and how they can be addressed through more systematic research, and discussion of policy and practice. It is an effort to begin an original overview and synthesis of legal and regulatory trends that could reshape freedom of expression in the information age of networked societies. It offers a framework that places developments within a broad ecology of actors, objectives, and strategies for shaping the role of the Internet and Web in local and global communication. The findings reinforce the significance of these concerns, while acknowledging countervailing trends and the open future of freedom of expression. Based on these findings, the report points toward a need to more systematically monitor a wide range of legal and regulatory developments that directly—and indirectly—shape the future of free expression on the Internet in local and global contexts.

### Digital Dissent

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Let us make two statements right at the beginning of the paper. Firstly, following Warkentin's[i] notion, political action or protest, for that is the nub of the matter, is a human activity. Secondly it follows from this that when we talk of virtual civil society, virtual groups etc we are talking of protest activity which may involve technology but is fundamentally a human action. In today's world it is 'impossible to ignore the new forms of interaction facilitated in cyberspace and the threats and opportunities that these offer'[ii]. Some see cyberspace as being a place where "the Internet offers a potential for direct democracy so profound that it may well transform not only our system of politics but also our very form of government"[iii]. The virtual world is often viewed as either separate from, or as an adjunct to 'real life'. We argue that they are one and the same. Indeed it could be argued that given restrictions upon traditional protest demonstrations cyberspace is one area that is left where the freedom still reigns. In western democracies, there is a discernible crisis of confidence regarding the ability of traditional political systems to live up to the increasing public aspirations as they reject leviathan like political parties and seek other, more flexible and varying solutions to their fluid and fragmented lifestyle issues and concerns, as identified by Beck .[iv] We can see that this political disenfranchisement and detachment from traditional form of politics[v] as evidenced via declining party memberships[vi] has opened up new and competing forms of political engagement. Following Habermas[vii] the diffusion of political activity, complexity and the pace of change has rendered public spheres more complex and thus more fragmented. The Internet and associated technologies have had a firm impact on the political sphere with regard to a number of issues not least of which is that of the potential to facilitate the establishment of a richer democracy, both qualitatively and quantitatively, and at present one can only see that impact becoming greater.

### New Media, Citizens, and Parliament in Portugal: The Continued E-Democracy Gap and Lessons from the Obama Experience

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Our goal is to analyze the Portuguese Members of Parliament (MPs) use of Information Communication Technologies (ICT) in their daily work and their views on the role that ICT plays in a democratic system. In a previous article one of the researcher co-discussed the origins of what was labelled the e-democracy gap in Portugal (Cardoso *et. al.*, 2006). We revisit this issue to see how, if at all, the situation has changed in six years. That article argued against several deputies' beliefs that weak vertical communication between the elected and the electors resulted from the small number of Internet users, the weak participatory quality of the citizens, and insufficient secretarial support (although we recognize that the latter continues to be a problem). A 2009 Hansard Society report (Williamson), however, presents a similar e-democracy gap in the UK, which does not suffer from the above problems. So the roots of the participatory deficit must be deeper than the arguments the Portuguese MPs offered. We suggest that comparative analysis needs to be carried out regarding this issue throughout Europe to see how many nations suffer from the problem, what its root causes are, and if they do not have the problem, why that might be.

Because adaptation to New Media must be viewed from a broader perspective, we demonstrate that not only are there varied examples of civic participation via New Media between citizens and parliament, but that there is also an absorption of New Media use in the routines and management of parliamentary functions by many of those entrusted with those duties in the last several Portuguese legislatures.

Our thesis is that New Media, under the current methods of political institutional integration of the media, enables an increase in public participation vis-à-vis democratic institutions such as parliament so long as politicians' attitudes toward the public, and of the latter toward the former, change. But again, to what extent, if at all, is this in fact occurring?

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<sup>1</sup> Carlos Cunha is also a faculty member at Dowling College, NY and would like to thank the institution for its support from the Release Time and Travel and Research Fund Programs.

Generally, previous comparative West European results show that MPs were still in an initial, exploratory phase regarding the exploitation of the full range of these new technologies to support their parliamentary and partisan activity, to the extent that privileged traditional media (television, radio, and newspapers) were still favored for political communication. Representatives concentrated primarily on internal communication (between deputies of the same party and/or with the party structure), especially via e-mail, and not so much on external communication with constituents. Deputies resisted seriously considering electronic public participation, whether via e-mail or online forums, for varied reasons: the incapacity/difficulty to respond to the volume of requests; the quality of the messages sent by the public; and the problem of Internet access that restricted its use to a portion of the population (all legitimate concerns) (Cunha *et al.*, 2004). Has the emergence of Web 2.0 and Social Media altered these earlier trends? It has not among parliamentarians in the UK, and is not doing so in Portugal. But in the US the Obama candidacy, and now administration, has embraced these technologies. We expect this to become the wave of the future as the trend gravitates to Europe. The main issue with which we are left is how rapidly the uptake will be across the Atlantic.

We divide this analysis in two parts. First we study MP survey results from 2008,<sup>2</sup> which included a set of questions about the use of ICT by the deputies in their daily routine in the Assembly of the Republic. These results will be compared with national data to see if MP ICT use follows national trends, and with the results of a 2001 study to analyze the differences observed in this six-year period.

Then we examine ICT use in the U.S. Obama candidacy and administration as a paradigmatic case of political use of New Media and of the applications that ICTs can have in this domain. We recognize that Portugal differs from the US and that institutional factors will make adoption of the type of interaction evident in the US challenging for Portuguese MPs. We also recognize that a more apt comparison would be with the US Congress rather than the Presidency. However, since in this second section we take a normative approach, we deemphasize these concerns. The normative purpose is to show how ICT use in Portugal is far from reaching its potential in the interaction between citizens and politicians.

### **The thin balance between security and fundamental rights - the (proposal) of the Brazilian Bill of "Civil Rights Framework for Internet"**

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The Ministry of Justice started in the past year a collaborative process for the establishment of a civil-rights based legal framework for the use of the Internet. The main goal is to structure rights and responsibilities for using the web, as well as providing access and contents. The idea is to regulate conflicts related to privacy and freedom of expression in Internet not by criminalizing or restricting the rights, but rather by the guarantee of fundamental rights established by the Constitution.

The behaviour of Internet users is sometimes incongruent with the law. Mainly because the legislation is inappropriate in relation to the social practices, techniques and demands. Additionally the judiciary has made controversial decisions that affect directly or indirectly the fundamental rights.

This debate is structured in two phases of 45 days each. The first phase (finished on December 17th) was based on the selection of key issues, like privacy, liberty of expression, network neutrality, storage of logs, legal responsibilities and Government guidelines. During this period, the Public consultation received more than 800 contributions from civil society as well as official reports of important institutions on the matter. The second phase – which started on April 8th, 2010 - was reopened by the publication of the complete draft of the project of the bill. This phase has already reached around 600 comments. The final document will be submitted to the National Congress.

In many countries the regulation of the Internet has been highlighted by legislatures with proposals tightening censorship and control, disregarding privacy and citizens rights. The Brazilian project take an opposite direction, considering Internet access as a civil right, fundamental to the exercise of citizenship, freedom of expression and access to information.

This project can create a safeguard for websites, as it prevents the removal of Internet contents without judicial order. The proposal also foresees to limit the storage and use of personal data. Both aspects are seen as pillars of the protection of privacy and freedom of expression.

So far, this project may be regarded as highly innovative and inspiring, by the way how the process is conducted and the issues being discussed.

The objective of this presentation is to show the key aspects of Brazilian project, how controversial issues are managed, highlighting their innovations and limitations.

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<sup>2</sup> This analysis is based on the results of the study "The Portuguese MPs in Comparative Perspective: Elections, Leadership and Political Representation" conducted at CIES-ISCTE (Freire, Viegas e Seiceira, 2009) in which we were in charge of MPs and ICTs. In this project a questionnaire was applied to Portuguese MPs of the Tenth Legislature (230 deputies), in a personal, direct interview.

4:00pm-5:30pm

**Session 4:** Regulation and rights**The cultural bias of internet policy**

Ursula Maier-Rabler, Gudrun Haindlmaier

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The proposed paper takes a meta-perspective on Internet policy. Based upon a comparative analysis of ePolicies among selected European Union member states, the paper aims to introduce the concept of information cultures as analytical framework.

The mentioned topics like 'freedom of expression', 'privacy and data protection', and 'copyright and intellectual property' are highly culturally biased. Privacy for example is perceived differently in different countries/cultures. Therefore policies have to be "culturally translated" in order to achieve the targeted goals. The same is true for freedom of expression or intellectual property.

This contribution reports the result of a study carried out at the ICT&S Center at the University in Salzburg in order to identify different information cultures in Europe. It was triggered by questions like: why is it, that the patterns of diffusion and usage of ICTs differs quite considerably within the countries of the European Union, respectively between EU countries and other Western countries, like the United States or Canada? Why is it, that in certain countries, the Internet is welcomed as a new source of information and knowledge, while in other countries the Internet is firstly associated to information overload and dangerous content? Why is it, that politics and administration in some countries quickly found a way to establish a better relationship with their citizens, while others feel disturbed in carry out political practice and administrative power?

Besides well-researched explanations for such differences on economic, political, legal, or social level, the concept of the so-called information culture is considered to contribute additional explanations for those differences. What are information cultures? Basically, they refer to the attitudes and needs connected with information and access to information as well as information sharing and rights connected with information and communication. Consequently the importance of information and communication infrastructures, like the Internet, differs in various countries (cultures) due to cultural values.

The study identified indicators for different information cultures in Europe and presents the results of a cluster analysis according to those indicators. The resulting 7 clusters built the basis for a comparative policy analysis among 8 characteristic countries. Do concrete policies actions differ according to different cultures? The policy analysis is based upon a policy model which differs between techno-deterministic access and skills approaches and mutual-shaping approaches which focus on individual cognition and overall capabilities.

The hypothesis was, that in open, transparent, and flat-hierarchical "information-friendly cultures", the policies are more likely to support and foster the potential of the Internet, than in more hierarchical, top-down-structured and closed "information-restrictive cultures".

Besides theoretical conceptualization of information cultures, the main target of this paper is to discuss an empirical approach to measure information culture and to cluster European countries according to different dimensions considered relevant for a country's' information culture, such as e.g. democracy, historical-ethnic context, participation, questions vs. answer-orientation, legal system etc..

**Protection of Intellectual property on Knowledge-based content**

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There is a need for a system flexible and effective enough capable of preventing and inhibiting unauthorized access and use of digital knowledge-based assets. This system should also be capable of managing, monitoring, controlling, securing and tracking the access and usage according to the established privacy and private/fair use. Intellectual property is now facing some new challenges and rights management systems are a technological approach that tries to meet these challenges. These systems allow the management of rights in digital environments permitting the flexible specification of rights, rights policies, conditions and terms of usage, and online negotiation and contracting of rights and rights policies, based on a security infrastructure for secure preparation, distribution, prevention of misuse and consumption of protected digital works, having in mind privacy protection, account and key management and usage tracking.

Institutions acting in the educational and research area are great producers but also the major consumer of intellectual property and knowledge-based content. Academia is also under pressure because copyright is at the core of intellectual property. There are different opinions on the enforcement (or not) of rights owners on the new knowledge-based digital products. In academic area "fair use" is the current and accepted doctrine but sometimes is misunderstood and rights owners are easily not observed. However the pros and cons of applying rights management are very complex and sometimes contradictory. This has

led to the existence of two different approaches: the open access movement and rights protection and management.

In the real World copyright holders use different licenses schemes/types to license or give permission to use their work. An alternative to existing rights management systems is the Creative Commons initiative, having as a main objective to promote content sharing and reutilization by using open access schemes. However, this initiative, despite the tools it gives to users is not seen as a real alternative to rights management because there is a lack of representations of licensed terms (only six) being adopted as a rights expression that neglects the "enforcement" of rights on user side. Rights management could be the technology that enables the rights protection of content owners.

In this proposal we will discuss some of the most important issues about intellectual property in the knowledge-based content field and the factors that affect both of the above identified movements and also the implications related with rights management that could arise in some academic sectors like academic administrative activities, e-education and digital libraries.

Identifying the most important actors, their roles, content lifecycle and the most important threats that affect digital knowledge-based content materials rights owners is a topic that will be addressed. The authors will align some technological protection measures that could prevent content misuse relatively to copyright with some threats typical of educational environment, giving this way a framework of what we can apply to satisfy some basic requirements on content protection that interested parties on this context have when access and use educational content.

### **File Sharing and Internet Access - a Legal Perspective**

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Copyrights are exclusive rights granted to the author of an original work as a way of rewarding him for having created and shared his work.

These exclusive rights - and in general all industrial property rights (IPR) - can be considered as today's main pillar of a knowledge-based economy for its importance to research and development - being a mean of investment return for IPR holders and thus a way of stimulating artistic creativity and scientific progress. However, the technological development experienced in recent decades - particularly that which led to the widespread use of the Internet - have created new threats to copyright as it is now introduced in a new environment (the digital environment) that enables new ways of violations, against which this right is still partially unprotected.

It is then necessary to understand how international treaties and EU directives protect copyright and how this protection extends to the digital environment. Moreover, it is also interesting to understand the reactions that have been taken against this new kind of IPR violations.

Thus, in this paper will be examined one of these new forms of copyright infringement - by file sharing - and some reactions that have been sparked internationally by these infringements. It will also focused, in particular, some legal actions concerning file-sharing programs and a new arising legislative trend of copyright protection - the so-called "three strikes law".