Global Policy Weekly - March 12, 2013

by Emily Barabas [1] March 12, 2013



CDT's Global Policy Weekly highlights the latest Internet policy developments and proposals from around the world, compiled by CDT's Global Internet Freedom Project [2].

FREE EXPRESSION

A new <u>draft law in Burma</u> [3] may revive provisions of the 1962 Printers and Publishers Registration Act, a law used to censor opposition to the former military regime. The proposed law bans material that could "disturb the rule of law," "incite unrest," or "violate the constitution and other existing laws." It also requires publications to register with the national government. Those that fail to comply are subject to fines and imprisonment. Free speech advocates had welcomed recent actions to relax press restrictions, including the <u>dissolution</u> [4] of the national censorship board, Press Scrutiny and Registration Division (PSRD), in January.

Legislators in Azerbaijan are drafting <u>proposed legislation</u> [5] that will limit children's access to the Internet. Social Policy Committee Chair Hadi Rajabli is currently reviewing possible approaches to the bill. Legislators are studying the Russian approach to Internet regulation, among others. Russia's <u>"blacklist" law</u> [6] allows government to censor a range of sites it deems inappropriate without trial.

Researchers at Rice University released a <u>study</u> [7] examining censorship practices on Chinese micro-blogging service Weibo, focusing on the speed at which posts are removed from the site. Within the study's data set, about 5% of the deletions take place within 8 minutes of being posted, 30% occur in under a minute, and 90% take place within a day. These results indicate that authorities must be censoring in nearly real time, likely with the assistance of technical screening tools.

The European Parliament is preparing to vote on a <u>non-binding resolution</u> [8] supporting a ban on pornography in the European Union. The resolution calls for private sector companies to police pornography across all forms of media, including on the Internet. If the parliament endorses the "report on eliminating gender stereotypes in the EU," the European Commission can decide whether it is appropriate to draft corresponding legislation. <u>Critics</u> [9] say that while the resolution is unlikely to result in law, the proposal inappropriately supports privatization of free speech regulation. CDT's new representative in Brussels, Jens-Henrik Jeppesen, <u>further discusses the resolution in PolicyBeta</u> [10].

INTELLECTUAL PROPERTY ENFORCEMENT

The latest round of <u>Trans-Pacific Partnership (TPP)</u> [11] negotiations are underway in Singapore. The meeting convenes delegates from the United States, Canada, Mexico, Australia, Brunei, Chile, Malaysia, New Zealand, Peru, Singapore and Vietnam to discuss trade practices between participating countries. <u>Critics</u> [12], including <u>CDT</u> [13], have raised concerns about the secretive nature of TPP negotiations and the potential adverse consequences of new IP enforcement practices.

A Court of Appeal in New Zealand granted [14] Internet businessman Kim Dotcom the right to sue law enforcement for improper searches on his property (judgment [15]). Dotcom faces accusations of copyright infringement, online piracy, and money laundering using the Megaupload file sharing website. In an earlier court case, it was revealed that the NZ Government Communications Security Bureau had been conducting surveillance on Dotcom on behalf of the FBI. The United States is now seeking to extradite [16] Kim Dotcom for prosecution in the United States.

INTERMEDIARY LIABILITY

The European Court of Justice is <u>considering</u> [17] a case on the "right to be forgotten" in Spain. A Spanish man used Google search to find an old newspaper article about the tax foreclosure auction of his home. Following his complaint, a top court in Spain ordered Google to remove the content from search results on grounds of privacy violation. Google challenged the decision, arguing that it should not be required to remove legal content. According to Google's <u>Bill Echikson</u> [18], "There are clear societal reasons why this kind of information should be publicly available. People shouldn't be prevented from learning that a politician was convicted of taking a bribe, or that a doctor was convicted of malpractice."

An Italian court <u>released</u> [19] a written <u>opinion</u> [20] explaining why it overturned the conviction of three Google employees charged with breaking privacy law. An earlier court decision found that Google had been too slow to remove a video that portrayed teenagers bullying an autistic child. The court had issued six-month suspended sentences to three executives of the company. Defendant Peter Fleisher <u>welcomed</u> [21] the new opinion, which strongly endorses the position that intermediaries like Google should not be held responsible for user-generated content posted on their platforms.

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- [12] https://www.eff.org/deeplinks/2013/03/secretive-copyright-negotiations-continue-16th-round-tpp-talks
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