

**GETTING THE
BALANCE RIGHT:
Europe and the
Internet**

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Introduction



1995

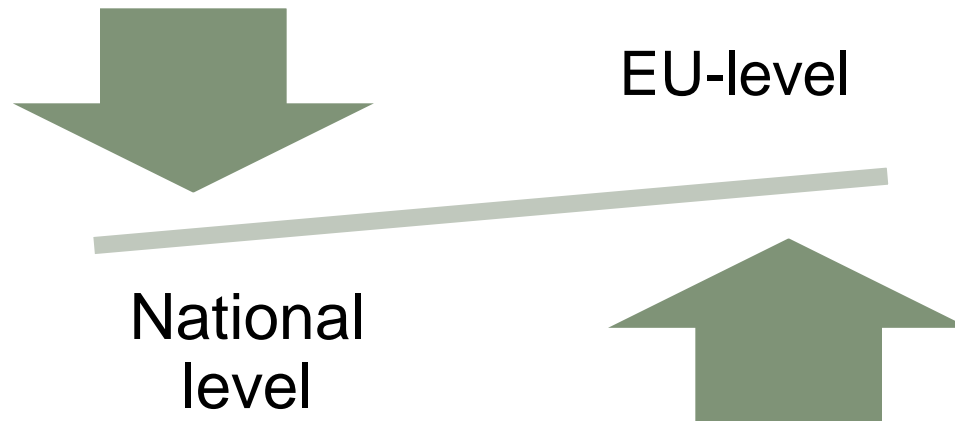


1997

The EU Vs Member States



- The EU is a system of supra national policy development
- Internet regulation is not always harmonised across Europe
- EU starting to embrace the Internet and recently published the Digital Agenda: investment in broadband networks, combatting illegal content, consumer rights. By 2020 all Europeans to have >30mbps!



Priorities issues in Europe

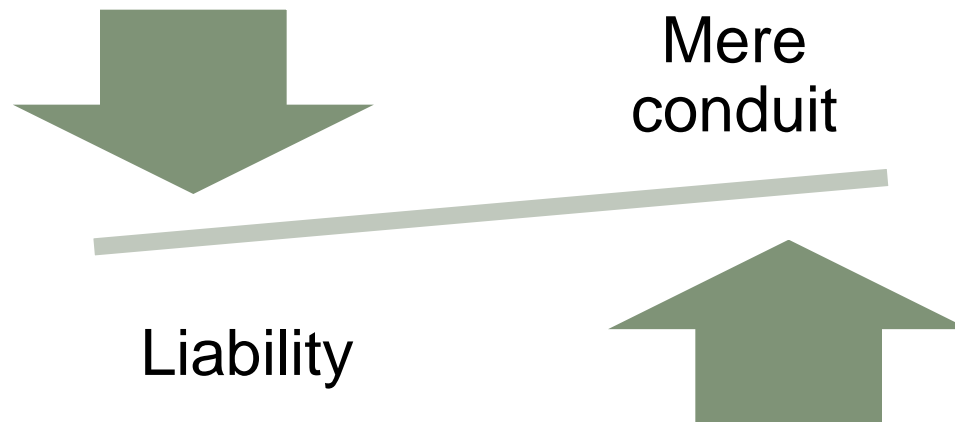


- For ISPs
 - Liability issues
 - Fair competition
 - Broadband competition & speeds
 - Making a living!
- For Regulators:
 - Broadband & the digital divide
 - Data retention & law enforcement
 - Child Protection & blocking
 - Intellectual property rights (IPR)
 - Net Neutrality

ISP Liability



- For all content: pornography, unlawful file sharing, defamation, harmful material, terrorism sites, suicide websites, racism, animal rights extremists
- Fortunately we have the E-Commerce Directive: (it's not perfect)
 - Mere Conduit status
 - no need to pre-monitor,
 - Notice & Take down
- But how long will this provide a defence?

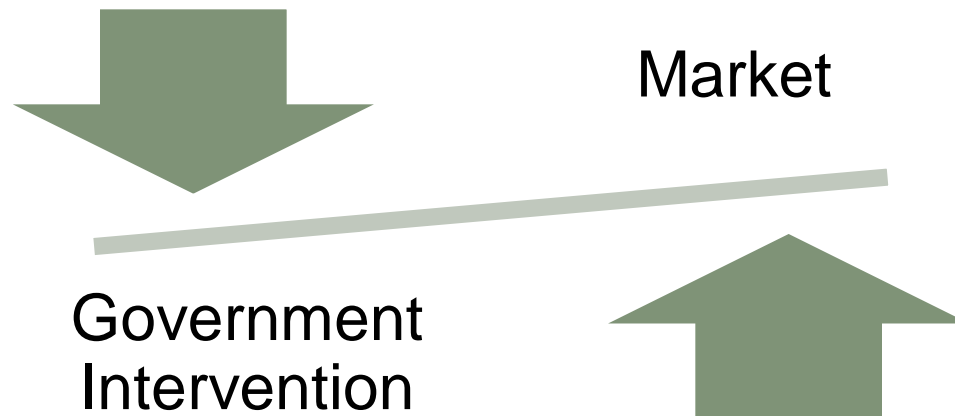


Broadband Access & Speed



For ISPs

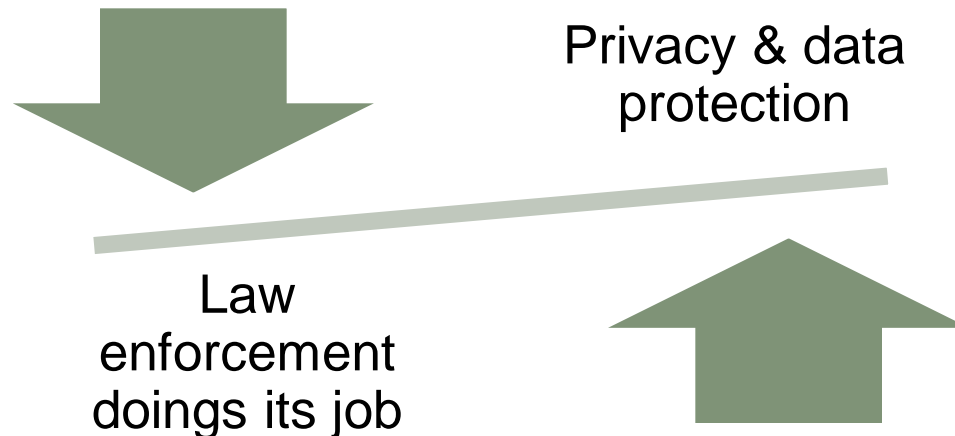
- Competition & regulation of incumbents: Functional separation
- Consumer protection & advertising standards
- Government s have finally learned to love the Internet...but they also want to control it!
- The “Digital Divide” - The Market Vs Government intervention



Data Retention



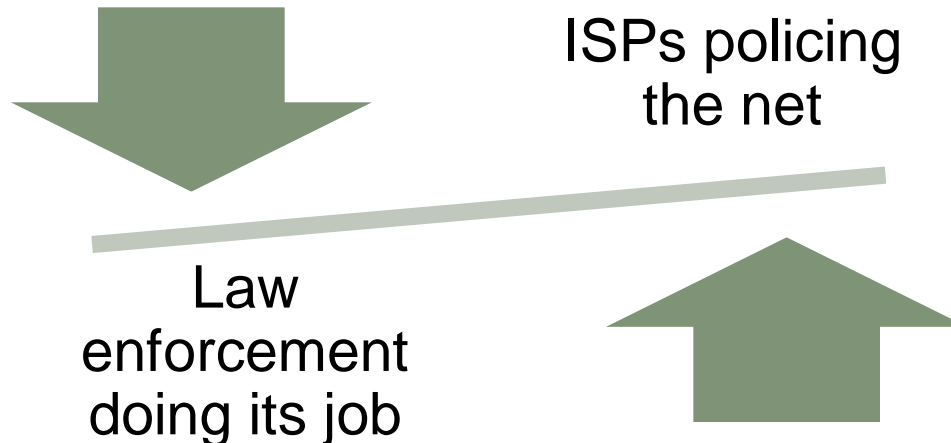
- Working with Law Enforcement (The Data Retention Directive)
- What data is needed? (Data Protection Directive)
- Who should pay?
- Extension to social networking sites, centralised warehousing
- Civil liberties issues



Child Protection &... Blocking



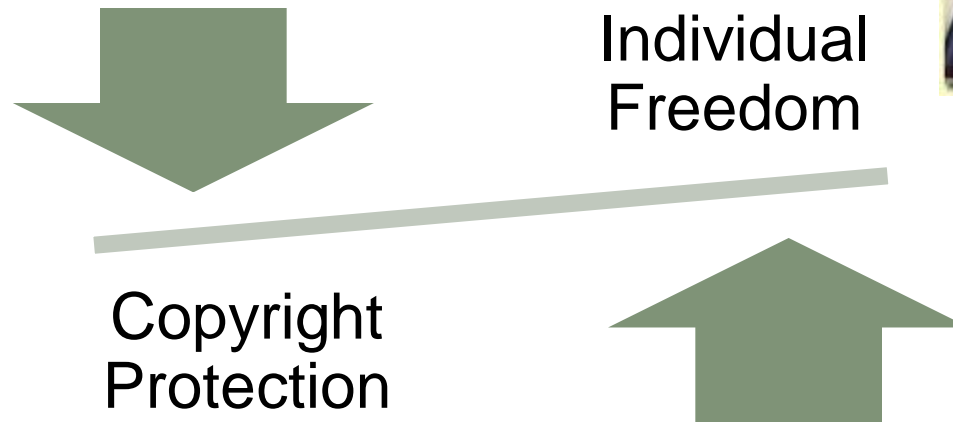
- Illegal Vs Unlawful/Harmful content
- Notice & Takedown works for illegal content such as child abuse images (CAI)
- ISPs need legal certainty - not to be “Judge & Jury”
- “To block or not to block “..that is the question!



IPR Enforcement



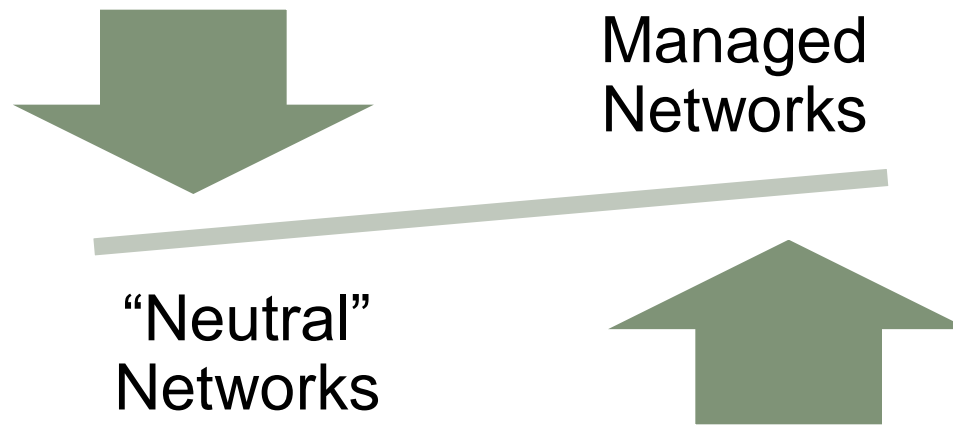
- P2P file sharing
- Three strikes and you are out?
- UK, France...laws have been passed
- Costs? Who will pay?



Net Neutrality



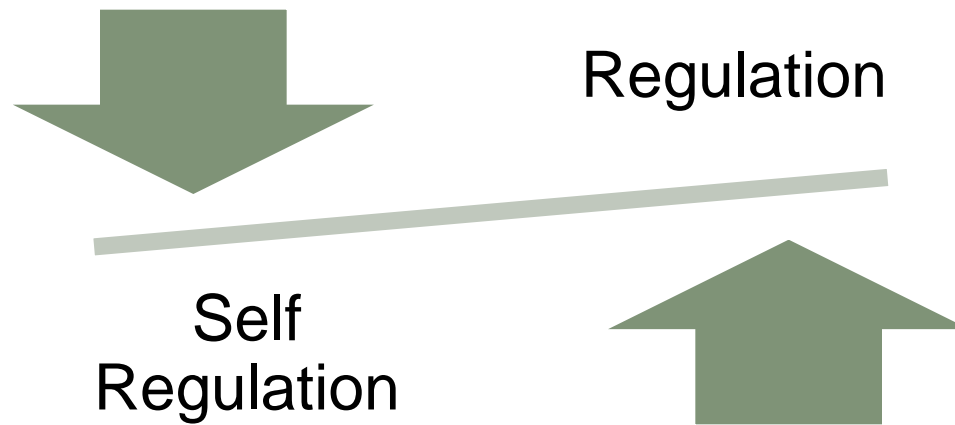
- Net Neutrality ... Traffic Management
- The debate in the US & the google/verizon agreement
- It's really about effective competition!!!



Priorities 2011 onwards



- ISPs need to educate regulators...and to keep educating them!
- Self regulation has an important role to head off laws that can't keep pace with technology
- Competition is vital for innovation
- Exchange information between world regions will help us all



Any Questions?

