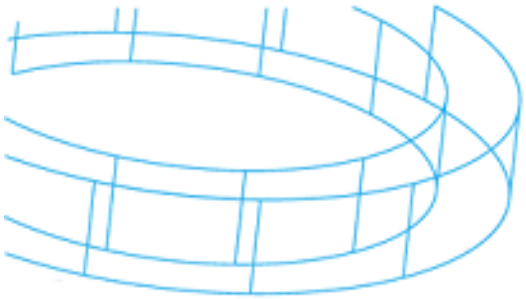


FORUM FOR THE

INFORMATION SOCIETY

# INTERNET GOVERNANCE 2012

## *Messages from Lisbon*

Lisbon, 10th of July 2012
at
FCT – Fundação para a Ciência e a Tecnologia

**ISOC Portugal – Internet Society Portugal Chapter**

**Foundation for Science and Technology (FCT) • Ministry of Education and Science**

**Portugal**

Internet Society Portugal Chapter

FCT Fundação para a Ciência e a Tecnologia
MINISTÉRIO DA EDUCAÇÃO E CIÊNCIA

# *Key Messages from Lisbon*

**OPENNESS, UNIVERSALITY AND NEUTRALITY OF THE INTERNET HAVE BEEN ESSENTIAL TO ENABLE A DYNAMIC SCIENCE AND TECHNOLOGY BASED INNOVATION** that opened new and important opportunities in business and in social and political action sustained on **freedom of expression** and impacting on **human rights**, **democracy** and **citizen's political participation** by substantially enlarging the **free public discussion space**. The Internet was a revolutionary development arising from the scientific community with its merits initially recognized only in academic and defense circles, and catching by surprise the telecommunications industry. It is essential to preserve the open, universal and neutral characteristics of the Internet and avoid its capture by particular interests that threaten the preservation of these characteristics.

**CYBERSECURITY AND PRIVACY MOSTLY RELY ON DIGITAL MEDIA LITERACY AND ON R&D AND INNOVATION.** Freedom of information flows have to be balanced with privacy. Data retention, user profiling and unauthorized access to personal information are serious threats to privacy that must be contained by adopting a **balanced framework** which must also answer to the new challenges arising from Critical Infrastructures Protection, Social Networks, the Internet of Things and Cloud Computing. We need a trustworthy secure Internet but it is **unacceptable to overly base it on law enforcement, policing and "big brother" type surveillance** as this would seriously conflict with freedom and privacy, and would be unmanageable with the gigantic dimension and complexity the Internet is assuming. Much more decisive for building up trust in the Internet is to systematically promote **digital media literacy** as a basic education and citizenship asset enabling people to appropriately protect freedom and privacy and to act securely defending against security threats, and to develop by appropriate R&D **built-in systemic security** in information and communication systems, similar to that found in biological systems as a result of evolution. The associated Innovation will open **new important economic opportunities**.

**INTELLECTUAL PROPERTY AND COPYRIGHT LEGISLATION IS OUTDATED AND INAPPROPRIATE TO INTERNET REALITY.** The current legal framework is fairly recent in human history, with its roots at the end of the 18th century, and was developed for the technological innovations of mass dissemination of information at the time, initially the press and later phonographic recording and related developments. Similarly, the technological innovation of the Internet and the associated dematerialization of content and high speed global many-to-many communication, allowing information and knowledge to be shared with others without the provider losing any bit of it and without significant reproduction costs, require a brand new regulatory framework. **A regulatory framework based on the rights of reproduction does not make sense with the radical shift from reproduction and distribution to access and advertising**. The new ***remix* creativity and culture** as well as the **everyday practices of the digital natives generation** make clear the urgency of reforming regulatory frameworks as it is **unacceptable that current socially mainstream behaviour continues to be criminalized** on the basis of old fashioned rules. Solutions as those proposed by Anti-Counterfeiting Trade Agreement (ACTA), Protect IP Act (PIPA) or Stop Online Piracy Act (SOPA) are no longer acceptable and naturally faced strong opposition.

**NEW BUSINESS AND COST MODELS ARE NECESSARY FOR INTERNET RELATED TRANSACTIONS AND ECONOMY.** The Internet substantially changed the previous share of value in the content production and distribution chain leading to the **need of re-establishing a new system** for assuring the **fair compensation** of authors and producers.

**SOCIAL NETWORKS ENORMOUSLY EXTEND HORIZONTAL COMMUNICATION IN CONVERSATIONAL-LIKE MODE.** Engaging in **conversation is the core activity in democracy**. The political power of Social Networks has been demonstrated in the Arab Spring and other situations. Social Networks more than doubled the anthropologically found usual number of human relationships of an individual in traditional societies which stands around 50. With the contribution of Social Networks **journalism** is changing from a one-to-many relationship with the public to a conversational relationship, a development with major implications to society and politics. It is also to be expected a growing use of Social Networks in **educational settings**. Social Networks are becoming unavoidable means to extend **stakeholder involvement in corporations** as well as in public and not-for-profit organizations, and to increase **professional value of individuals** at a time when most enterprises in developed countries are using them for **human resources recruitment**. These developments raise the **need to balance the different stakeholders legitimate interests** and to **prevent possible corporate or political abuses**, and also raise concerns related to the global reach of the involved multinationals.

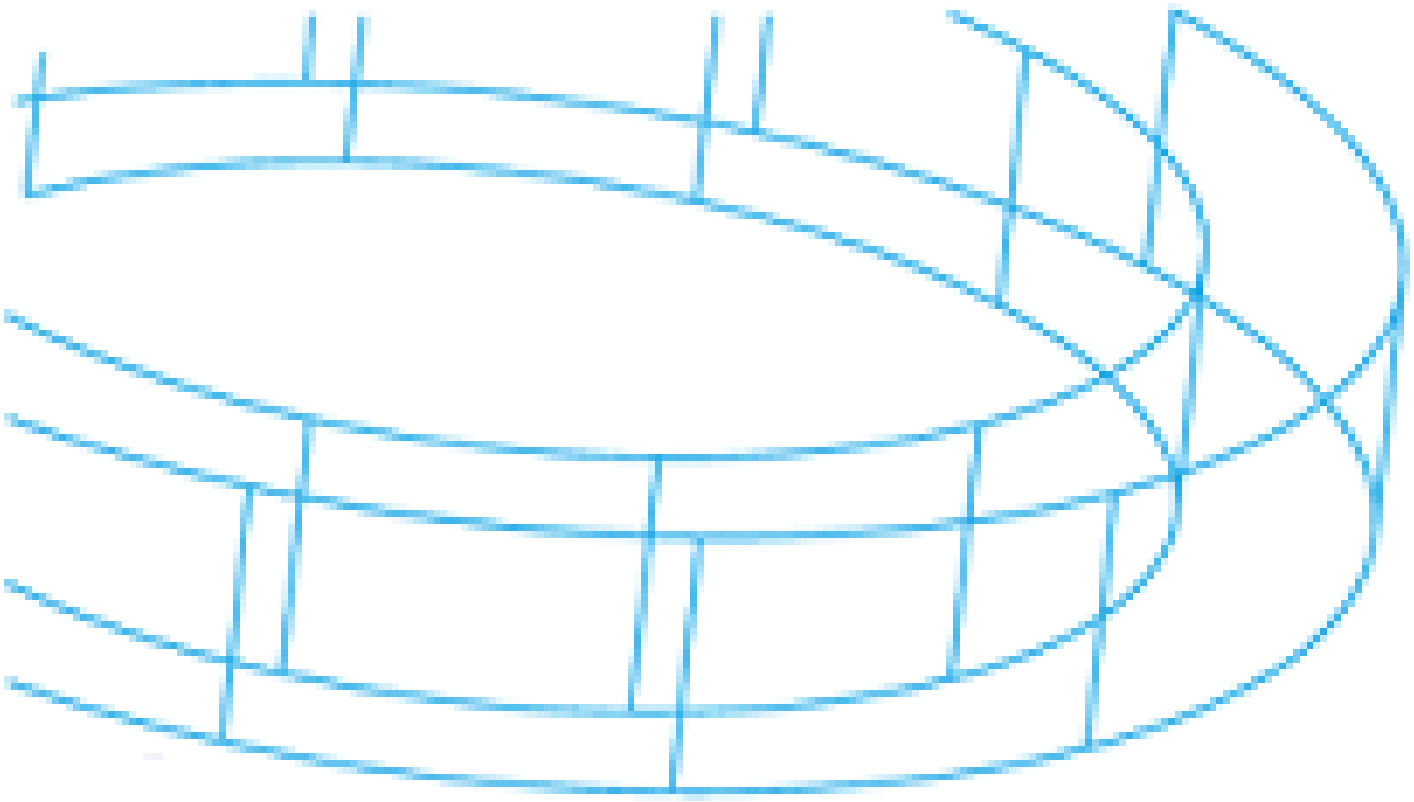
Internet Society Portugal Chapter

FCT Fundação para a Ciência e a Tecnologia
MINISTÉRIO DA EDUCAÇÃO E CIÊNCIA

**MULTISTAKEHOLDER OPEN DEBATE ON INTERNET GOVERNANCE IS ESSENTIAL AND REQUIRES CONTINUITY** due to the highly dynamic changing nature of the Internet that is constantly bringing to attention new issues and old issues in different forms. **The IGF[1] has provided a valuable platform for global multistakeholder debate**. It is contributing to identify the main problems and to build up common understanding about them in ways previously unachievable. It **triggered a wide movement of creation of regional and national IGFs initiatives** in a very similar process as the growth of an open network like the Internet itself, providing a robustness and resilience to the IGF that only open networks can provide and which is unreachable by traditional forms of institutional hierarchical command-and-control organizations. **The ICANN[2] has been deepening its multistakeholder model with visible improvements** which are particularly relevant given that it is a policy development and operational organization at the top of the Internet Domain Name System (DNS) management and not only a forum of debate. This is particularly relevant when **difficult issues have to be tackled regarding a large number of applications to new Generic Top Level Domain names (gTLD)**, related to International Governmental Organizations (e.g., .gcc[3]), public interest activities (e.g., .health), geography (e.g., .patagonia, .rome), regulated markets (e.g., .bank), regulated professions (e.g., .lawyer, .doctor, .engineer), generic economic/cultural activities (e.g., .music), religion (e.g., .islam) and several others, for which specific applicants requested ownership in several cases without being related to the subject of application. **The failures of the ACTA, SOPA and PIPA processes demonstrate the ill fate of non-multistakeholder Internet Governance processes**. Unfortunately, **the International Telecommunication Regulations (ITR) are being discussed for approval as a treaty at the WCIT[4] without the involvement of key stakeholders**; the **consideration of Internet issues in this solely intergovernmental setting under the closed ITU[5] umbrella is inappropriate and should be opposed**, even if some governments and telecommunication operators wish that the new ITR establish for the Internet a **sender-pays** system similar to telephone communications and a **breach of Internet Neutrality** justified by the consideration of Quality of Service charges for Internet traffic. Also, **the discussion of Internet issues within ITU at the WTPF[6] is inappropriate** because the discussion of Internet policy requires a flexible and a multistakeholder setting alien to ITU procedures.

**ENHANCED COOPERATION ON INTERNET GOVERNANCE HAS SUBSTANTIALLY DEVELOPED SINCE THE WSIS[7]** within and among existing organizations and there is no need of a new body for that purpose. Enhanced Cooperation on Internet Governance is understood by some countries as being the transfer of ICANN functions to an intergovernmental setting in a new agency to be created at the UN for that purpose, or within the existing ITU. Western countries and non-governmental stakeholders from the technical community, business and civil society, among others, have opposed such development because it is not compatible with multistakeholder governance and due to the conviction that **under the heavy UN bureaucracy the Internet well-functioning that has been assured remarkably well up to now might be compromised**, and this was also the general opinion of the IGF participants in this event. In particular, the ITU is considered inappropriate for such functions because it has been essentially involved in switched one-to-one telephone communications and international spectrum sharing, which involve concerns drastically different from those of the Internet pulse-packet many-to-many communications, because ITU is not built to have operational telecommunications functions, and because its procedures are incompatible with multistakeholder governance. However, **ICANN relationship with the USA Government which remains unmatched with any other Government and its functioning under USA/California Law instead of international Law were seen as highly undesirable features requiring further and urgent improvement**, even if ICANN is considered a remarkable organization, both by its unique multistakeholder structure and by the effectiveness of its top level DNS management. Anyway, **Enhanced Cooperation has been regularly addressed at IGF meetings and other multistakeholder instances, and must continue to be an open multistakeholder process**. It is unacceptable to bring the issues of Enhanced Cooperation on Internet Governance to a just intergovernmental setting or to a sectorial setting such as the ITU, and it is inappropriate to manage or even discuss Internet critical infrastructures such as the DNS in such settings.

[1] United Nations (UN) Internet Governance Forum (IGF).
[2] Internet Corporation of Assigned Names and Numbers (ICANN).
[3] Gulf Cooperative Council (GCC).
[4] UN World Conference on International Communications (WCIT), in December 2012.
[5] UN International Telecommunications Union (ITU).
[6] ITU World Telecommunications Policy Forum (WTPF).
[7] UN World Summit on the Information Society (WSIS), in December 2003 in Geneva and November 2005 in Tunis.



Internet Society™ | Portugal Chapter

FCT
Fundação para a Ciência e a Tecnologia
MINISTÉRIO DA EDUCAÇÃO E CIÊNCIA