Illegal online content and liability of Internet intermediaries: Why not shoot the messenger?

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Challenges of the online content

Sensitive content types:

- *ius cogens* content: child pornography, justification of genocide, and incitement or organization of terrorist acts
- culturally sensitive content: pornography, gambling
- politically and ideologically sensitive content: nazi, but also other censorships

but also “conceptually sensitive” content (IPR)
Who are the messengers?

*Internet intermediaries*

Internet service providers

- AT&T
- BT
- Telefonica
- TATA Communications
- Orange
- France Télécom

Content providers

- Google
- YouTube
- Facebook
- Twitter
- Megaupload
Why “shooting the messenger”? 
Content control techniques

Sensitive content types:

- DNS filtering
- IP filtering
- DPI
- Self-censorship of shared content
- User-data disclosure
Content control techniques: can it work?

Challenges:
- Web2.0
- Net neutrality
- Power of Netizens
Needs?
Waiting for a system...

- Public-private partnerships: *the duty to assist*
- Clear DON’Ts: *good cause turning into bad practice*
- Innovations: *new business models!*
Instead of conclusion

“...governments will need to create formal mechanisms to give the people who know the most about the Internet—including computer engineers and hackers—a meaningful voice in making policy”

http://www.vanityfair.com/culture/2012/05/internet-regulation-war-sopa-pipa-defcon-hacking
Questions

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