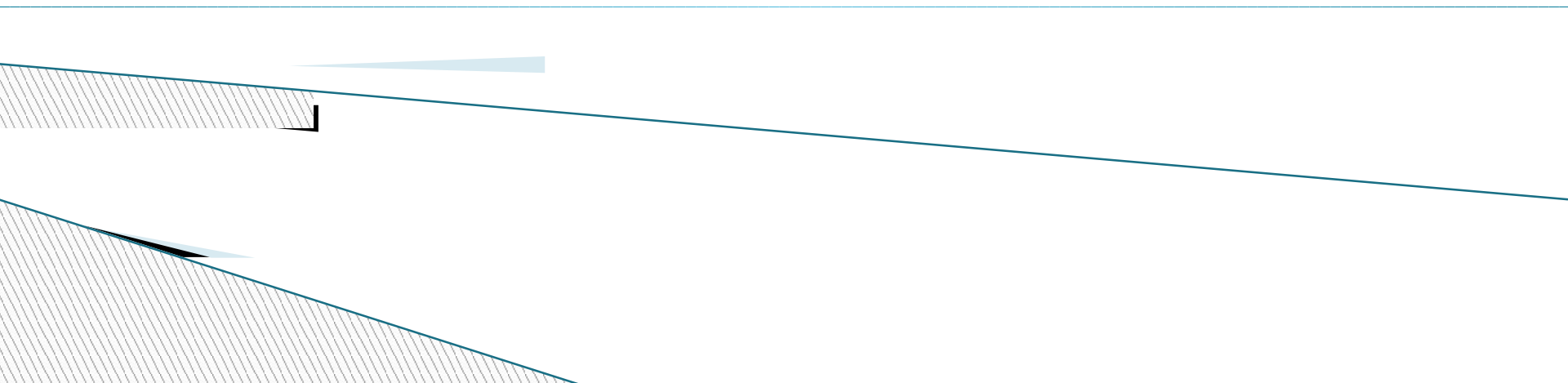


**Actual Trends  
Legal Regulation**

**in the  
of the Internet**

Michael Yakushev



# Preliminary Remark(s)

- ▶ Law is **NOT** the only “regulator” of the Internet
  - Technical standards, corporate norms (social networks), ethics and self-regulation
- ▶ **WHAT** is to be “regulated”?
  - What really needs to be regulated?
- ▶ **DANGER and CHALLENGE**: Regulating Internet vs. Cyberdefence
  - Internet Safety, Security and Resilience -> Information Security -> Cyber ‘Wars’
    - Too easy to start a “War” ☹

# Trend 1: “*Multistakeholderism*”

- ▶ Common acceptance of the ‘multi-stakeholder’s approach’
  - ‘in their respective roles’
  - Governments
  - Business
  - Civil Society
- ▶ Implementation on both global and national (domestic) level
  - Internet Governance Forums
  - G8/CoE/ITU etc.
  - ICANN
  - Universal and regional conventions
  - Domestic laws based on national consensus

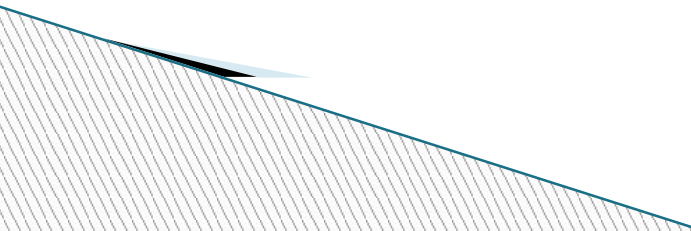
# Trend 2: *Shared Sovereignty (?)* *vs. National Segmentation (?)*

- ▶ Internet Resources: Transnational Distribution
- ▶ Internet Users: Irrelevance of Geographic Position
- ▶ Joint Efforts of MANY States Are Required
  - versus
- ▶ ‘Segmentation’ of Internet:
  - Local registration/jurisdiction
  - Local content production and limitation
  - Local DNS resources (IDNs)
  - Local legislation applicable outside formal boundaries

# Trend 3: Free Flow of Information vs. Effective Control on Content

- ▶ Free Flow of Information as Basic Human Right
- ▶ No “Arbitrary or Indiscriminate Censorship”
  - Impeding Economic Growth
- ▶ Transborder Flow of Data and Information
  - Georgia/Armenia case
  - versus
- ▶ Countering Cyberterrorism, Extremism, Child Pornography, Intellectual Property Abuses
  - ‘halyal Internet’

# Trend 4: Identity Protection

- ▶ Identification of Internet Users and Owners of Internet Resources
    - Domain Names, IP-addresses, Web-sites, Internet-Media
    - Users Accounts (Internet Service Providers, Social Networks, Other Network Services (not) requiring verifiable identification, etc)
  - ▶ Anonymity Regime
    - **Absolute Anonymity** vs. **Relative Anonymity**
    - **Active Anonymity** vs. **Passive Anonymity**
  - ▶ Identity Theft Protection
    - Should be treated as a Crime
  - ▶ Personal Data Regulation
    - Trans-National Social Networks
- 

# Internet 2020: ?

- ▶ More Resources and More Types of Resources
  - ▶ More Applicable Laws and Legal Norms from Different Jurisdictions
  - ▶ More Control over Identification Procedures
  - ▶ Universal (Regional) Conventions?
    - Cybercrime, Enforcement, Cross-border Harm
    - Prevention of 'Cyberwars'
  - ▶ Different 'Alternative' Resources (localized, personalized)
    - Next Generation Social Networks
- 