



# Internet and Free Speech

(held on 8<sup>th</sup> December 2011)

## MVV60K Media Law

Tento projekt je spolufinancován Evropským sociálním fondem a státním rozpočtem České republiky.



INVESTICE DO ROZVOJE VZDĚLÁVÁNÍ



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Internet and Free Speech

# OVERVIEW OF THE LECTURE



- The Control over the Internet
- Free Speech issues arising on the Internet



Internet and Free Speech

# THE CONTROL OVER THE INTERNET



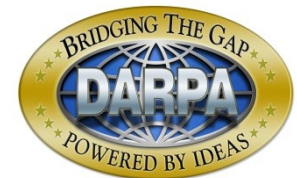
- Introduction to the history and workings of the Internet
- „Golden Age“ of the Internet and its end (beginnings of the World Wide Web)
- „Silver Age“ of the Internet (beginnings of the Internet Regulation)
- Future – „Age of Steel“ at the Internet?



*„The applications of science have built man a well-supplied house, and are teaching him to live healthily therein. They have enabled him to throw masses of people against one another with cruel weapons. They may yet allow him truly to encompass the great record and to grow in the wisdom of race experience.“*

**Vannevar Bush, As We May Think (1945)**

- **First networks appear in the sixties of the 20<sup>th</sup> century**
  - Experimental network in Great Britain (1968)
  - ARPANET in the USA (1969)
- **The development towards nowadays Internet follows**
  - TCP/IP protocol (idea from 1973)
  - DNS (1984)
  - WWW (the proposal published in 1989)





- **The Internet as we know it appears after 1993**

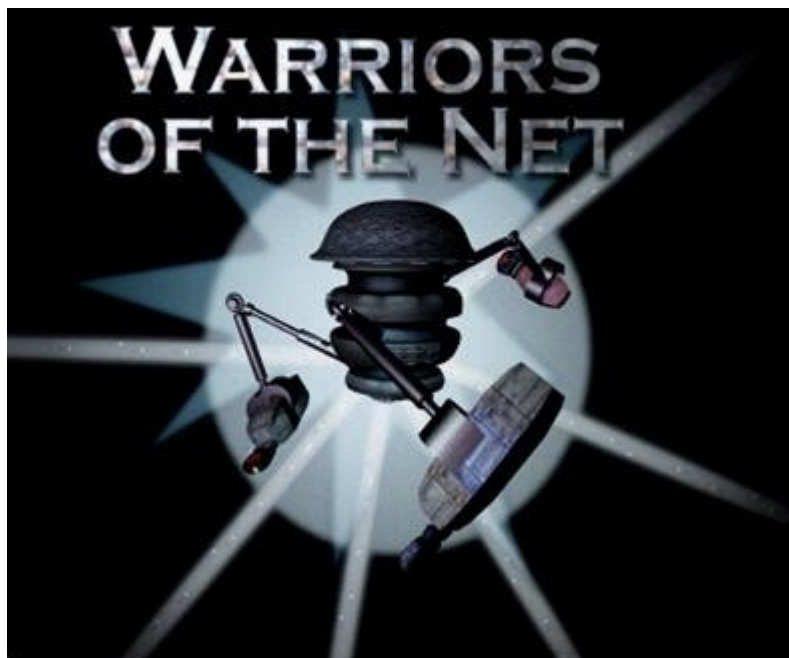
- Graphical browser MOSAIC (1992)
- Netscape Communications (1993)
- Netscape Navigator (1994)



- **Commercialization and wide introduction of the Internet**

- more than a billion of users (2006)

- **Global system of interconnected computer networks**
- **TCP/IP, WWW, e-mail, DNS**



[www.warriorsofthenet.net](http://www.warriorsofthenet.net)

*„The golden age was first; when man, yet new,  
**no rule but uncorrupted reason** knew,  
and, with a native bent, did good pursue.  
**Unforced by punishment, unawed by fear,**  
his words were simple, and his soul sincere;  
**Needless was written law,** where none oppressed;  
The law of man was written in his breast!“*

**Publius Ovidius Naso, Metamorphoses**



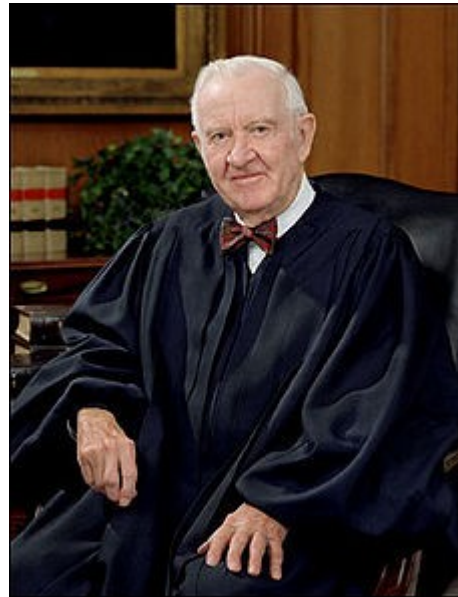
## John Perry Barlow (USA)



- **John Perry Barlow**

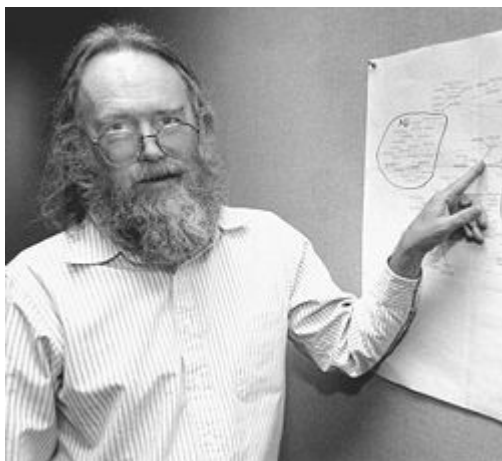
- An advocate of separate legal regime for the Internet
- Has popularized Internet
- A co-founder of Electronic Frontier Foundation (EFF)
- Has initiated the opposition against „Communications Decency Act“
- A Declaration of the Independence of Cyberspace

## „Communication Decency Act ...



... is unconstitutional!

## Jon Postel



## Vint Cerf

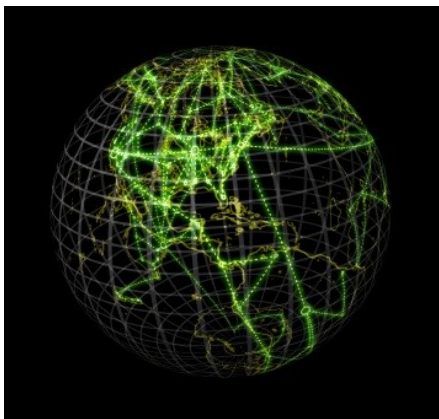


- **„Founding fathers“ of the Internet – Larry Roberts, Robert Kahn, Vint Cerf, Jon Postel, Dave Clark**
  - Academic workers sponsored by the government – engineers that have been given a task to create Internet
  - Authors of TCP/IP, SMTP
  - The originality of the Internet lies in its open, minimalistic and neutral nature
  - Internet Engineering Task Force (IETF)
  - Decisions based on consensus





**At the end of the eighties it was widely believed that the Internet has got a potential to erase national borders and substantially weaken the position of national governments.**



*„Succeeding times a silver age behold, (...)  
Then **summer, autumn, winter did appear;**  
And spring was but a season of the year; (...)  
And **shivering mortals, into houses driven,** (...)  
And oxen laboured first beneath the yoke.“*

**Publius Ovidius Naso, Metamorphoses**



- **The key point regarding the control of Internet is the management of DNS Servers (Internet Naming and Numbering Authority; root authority)**
  - `http://74.125.87.99/ = http://www.google.cz/`
  - A domain name can be of incredible value



- Initially the management of DNS servers had been in the hands of the „**founding fathers**“ – Jon Postel
- Since 1990 the authority is shared with **Network Solutions Inc. (NSI)** – it is necessary to pay for a domain name!
- The Internet turns into something the „founding fathers“ have never wanted it to be => they struggle to **regain full control**



- **The leader of the efforts – Vint Cerf**
  - Internet Society (ISOC)
  - International Ad Hoc Committee (IAHC)
  - General TopLevel Domain Memorandum of Understanding (gTLD-MoU) – „MoUvement“
  - International Council of Registrars (CORE)



**Ira Magaziner**



- **Ira Magaziner**

- Assembled a team of negotiators and persuaded Vinton Cerf to give up MoUvement
  
- Regularly visited IETF assemblies and eventually stopped MoUvement for good => CORE has not become the DNS authority



28th January 1998

Hello.

As the Internet develops there are transitions in the management arrangements. The time has come to take a small step in one of those transitions. At some point on down the road it will be appropriate for the Root domain to be edited and published directly by the IANA.

As a small step in this direction we would like to have the secondaries for the Root domain pull the Root zone (by zone transfer) directly from IANA's own name server.

This is „DNSROOT.IANA.ORG“ with address 198.32.1.98.

(...)

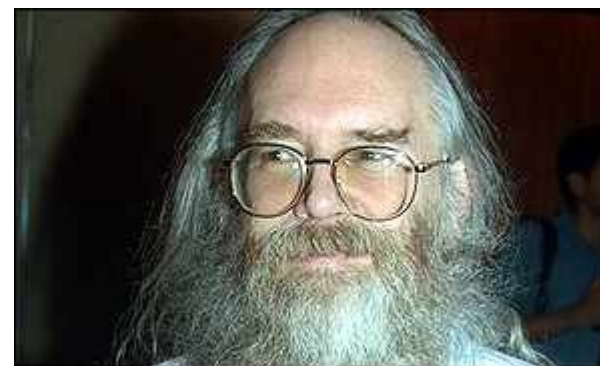
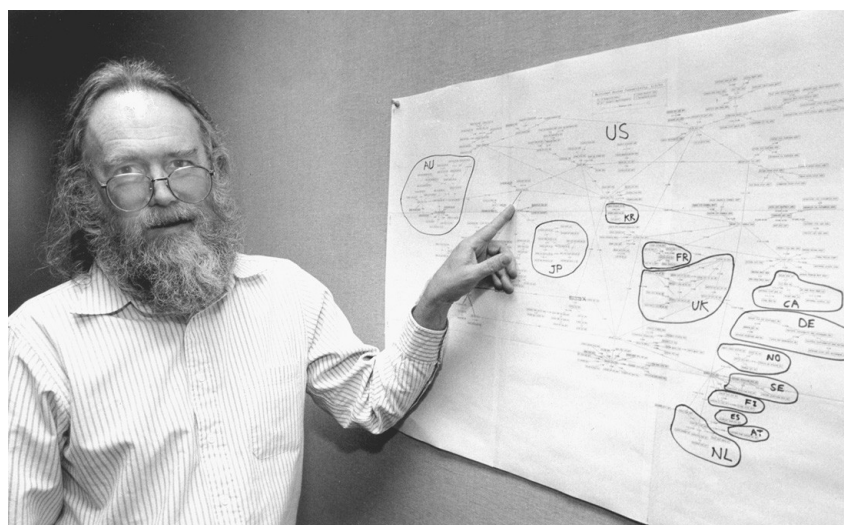
-jon.





- **Ira Magaziner calls Postel and informs him about the illegality of the deed**
- **Postel claims it is just a test**
- **Within several days the authority is returned to the servers within the control of USA**
- **Similar „test“ would be considered a criminal offence in the future**
- **Jon Postel dies within 9 months**

## Jon Postel („God of the Internet“)



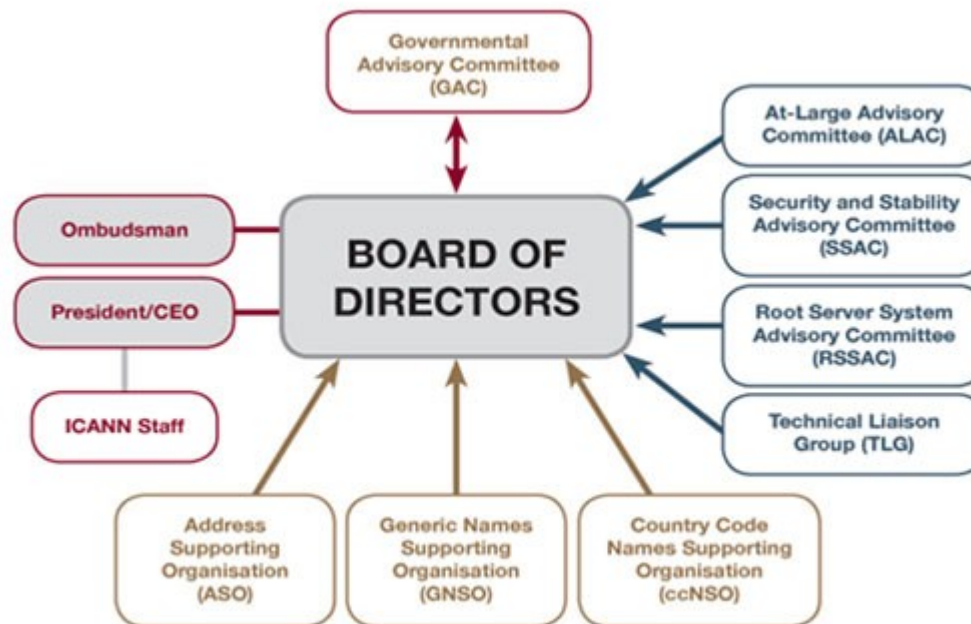
- **Internet Corporation for Assigned Names and Numbers**

- New „root authority“



- The control remained within the USA, but routine administrative tasks performed by ICANN

- Opposition from Europe => an authority to over trade mark disputes transferred to WIPO



- **ICANN was able to accomplish for what it was initially set up:**
  - Decentralization of domain names assignment
  - Substantial reduction of registration fees
  - An effective system of trade mark disputes
  - No disturbances regarding the Internet

- **The actual control over the Internet belongs to USA**
- **UN struggles for the control, but unsuccessfully**
- **The importance of the Internet is growing**

- **Grounds for the Internet „divide“**
  - Languages
  - Geographical areas
  - Commerce – distribution of goods
- **Geolocation**
  - „Choose your country“
  - Tracing packet – a list of computers visited on the way
  - 99 % probability of correctness

*„Hard steel succeeded then;  
And stubborn as the metal were the men.  
Truth, modesty, and shame, the world forsook;  
Fraud, avarice, and force, their places took. (...)  
Then **landmarks limited to each his right;**  
For all before was common as a light.“*

**Publius Ovidius Naso, Metamorphoses**





# Thank you for your attention!

Time for your questions ...

([jaromir.savelka@law.muni.cz](mailto:jaromir.savelka@law.muni.cz))

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