

## Enemy of the State?

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Ever since the Internet first spread beyond its western military and academic roots it has presented problems to governments around the world. It is the classic double edged sword, on the one hand the Internet has been a source of massive economic growth and innovation, it is at the heart of the 'knowledge economy' and the best way to get elected as the leader of the free world. On the other hand, it is an unregulated global phenomenon with no respect for national boundaries and differing social and economic traditions.

Around the world various regimes are taking actions to restrict or deny access to certain realms of the Internet. This is often justified as a means of protection either of individual morality, social cohesion or of the intellectual property rights of the entertainment industry. However, legislation of the Internet has always been a complex problem even in the most liberal societies.

There is no doubt that the internet has irrevocably rewritten the rules of mass communication, TV and radio changed the world by bringing events into our living rooms, but the internet and the mobile phone have put the power of the broadcaster into the hands of the people.

It has also broken down the boundaries between national media silos in a way which makes it even harder for a state to present a unified national perspective to its people. This was brought home to me yesterday whilst watching a video Podcast of the German national news reporting a story about race riots in western China, illustrated by video clips taken on mobile phones and posted on YouTube which had subsequently been blocked by the Chinese authorities.

As in the example above the powers that be don't always like what gets broadcast, be it home made 'adult entertainment', illegal sharing of copyright material or embarrassing evidence of internal unrest. For authoritarian regimes the problem goes way beyond the control of the media; the organisation of anti government protests like the ones we have been seeing in Iran recently also happens on line and is particularly effective where mobile internet use is well established (as it often is in the developing world).

Unsurprisingly more authoritarian regimes find the freedom to publish online somewhat challenging, with the uneasy relationship between Google and the Chinese authorities being a good example of this clash of cultures. North Korea meanwhile is a virtual internet black hole with (according to Wikipedia) a single internet café in Pyongyang!

Generally speaking liberal democracies seek to curb the worst excesses, such as the distribution of child pornography, by extending the scope of existing legislation. Whilst accepting that there are huge economic and social benefits to the facilitation of information exchange and trade which have been at the core of the internet revolution. One area which is still in complete chaos however is the problem of illegal sharing of copyright materials such as music and film.

French President, Nicholas Sarkozy has, for example, been fighting to impose a controversial scheme to combat file sharing that facilitates copyright infringement on a large scale. The bill created a government agency to protect copyright online, and gave it the right to boot repeated violators off the Internet and prevent other Internet service providers (ISPs) providing access to offenders. However, a French court has found the scheme to violate France's constitution and stated Internet access is a human right.

Similar legislation in New Zealand has just scrapped by the Prime Minister, John Key, stating: "The legislation itself needs to be re-examined and reworked to address concerns held by stakeholders and the government."

The UK also has some interesting anomalies such as the slightly odd situation created by the huge success of the BBC iPlayer which has effectively resulted in a public service organisation hitching a free ride on the back of the commercial telecoms sector – good on em I would say! It is interesting to note that the commercial TV operators have now all fallen into line behind the BBC with their own versions of the same system to the considerable benefit of the consumer.

The US has also demonstrated the limits of its commitment to free trade in the ham fisted and blatantly protectionist approach it has taken to the regulation of online gaming.

Recent initiatives here in the Isle of Man to find a way to bundle the cost of access to music files with the cost of a broadband subscription are being watched with considerable interest. There is no doubt that a viable business model which satisfies the copyright owners whilst legitimising the 'free' distribution of content would be a very valuable prize indeed.