Conference Report
OECD: Future of the Participative Internet

Privacy Concerns Raised at OECD Review Of Future Development of Participative Web

OTTAWA--Regulators, government officials, industry experts, and representatives of non-governmental organizations from 33 countries grappled with privacy issues during an Oct. 3 Organization for Economic Cooperation and Development (OECD) conference on the future of the "participative" Internet.

Attendees at the conference, "Participative Web: Strategies and Policies for the Future," spent a full day defining and debating the issues involved in the evolution of "Web 2.0," including privacy issues, but produced little in the way of concrete proposals on governing the Internet's ongoing development.

Privacy is a key issue for the Internet's future, and there are legitimate questions about whether the current system of legislation and regulations can accommodate the privacy implications of interactive Web use, such as social networking sites, Gary Davis, deputy commissioner in Ireland's Office of the Data Protection Commissioner, told conference participants.

Consent is the most critical issue that must be resolved, particularly for younger Internet users, as some of the content on social networking sites is "just shocking," he said. "I don't see that a 13-year-old or 14-year-old could have full, informed consent," he said.

There also are consent issues related to third-party content, for example the posting of photographs containing the image of a third party who may be unaware that the image has been made publicly available, according to Davis. "What rights does that person have? They have rights, but it's just a matter of articulating them," he said.

In addition, there are legitimate questions about the use social networking sites make of the personal information provided to them by individual users, Davis commented. The sites are not public utilities, so there is also no control over how they are financed and whether they use the personal information they receive to generate revenues, he said.

"Identifiable persons on these sites have rights. It doesn't matter who has put up the information," he said. "If the user knows what's happening with their data and there is a reasonable element of consent, that goes a long way toward addressing the privacy issues."

There are also major issues over who has jurisdiction over online sites, Davis said. Many companies still claim immunity from specific national privacy laws because their corporate entities are based in another country, but individuals with privacy concerns are no longer accepting those arguments. "Thankfully, users are getting better at articulating their rights," he said.

Lawyer Says Privacy Laws Outdated

John Lawford, legal counsel for the Ottawa-based Public Interest Advocacy Centre, agreed that first-generation privacy laws, such as Canada's Personal Information Protection and Electronic Documents Act (PIPEDA), are ill-equipped to deal with the privacy concerns raised by the rapid evolution of the Internet. PIPEDA is a "Privacy 101" law that has trouble dealing with the threats posed by Web 2.0 to consumers, including identity theft, spam, and spyware, he said.

"Privacy 101 laws just can't keep up," Lawford said. "We think they're very good, but it's a first life version of legislation, and nothing has brought this more to light than social networking sites."

The Internet community is at a crossroads, and hopefully groups like the OECD can address the need to improve privacy considerations for online users, he said. Major revisions are needed to privacy laws to ensure that individual citizens are more involved in designing new, more appropriate privacy rules, according to Lawford. People clearly are willing to have their information shared more than ever before, but still insist on imposing reasonable limits, he said.

Governments must be involved in helping to regulate online activity, and the next generation of privacy legislation should include a right requiring companies to provide products or services with the minimum necessary amount of personal information provided by users, Lawford said. Next-generation privacy laws should also require notifications of security breaches involving personal information. "We need to be told when our personal information is lost by companies, and it's not going to happen through voluntary guidelines," he said.

Privacy laws must include provisions to ensure individuals' anonymity, and there should be a tracing right to help individuals determine where their information has been transferred, he said. Canada's PIPEDA, for example, allows individuals to ask a company where they have passed their personal information, but that does not extend to further transfers of the information from that point on. "At the end of the day, you don't know where that information has gone, but it can be used," he said.

Governments must also amend privacy laws to provide better enforcement, according to Lawford, who added that data commissioners generally do not have powers to enforce and companies often ignore their recommendations. One avenue to put additional pressure on organizations to comply with privacy laws would be to organize user-generated "wikis" on poor privacy practices, he suggested.

Lawford stressed that it is up to organizations like the OECD and others to promote the development of strong global privacy rules. "Otherwise we're going to get a lowest common denominator version from the private sector," he said.

Over-Regulation Concerns Industry

However, former U.S. Federal Trade Commission member Mozelle Thompson, now a consultant to popular social networking site Facebook, warned that industry remains concerned with the proliferation of different standards. This is particularly problematic because there is a mix of very knowledgeable countries that implement flexible approaches and other countries that have fixed standards that may not be appropriate in the current rapidly changing environment, Thompson said.

The basic principles in existing privacy laws are generally sound, and the challenge is to apply those principles to the new Internet reality, he said. "We have to think about how that's manifested in what we're looking at today."

Facebook is particularly careful with the personal information it collects from its users, and has drawn a "line in the sand" against providing personal information to other companies, Thompson told attendees. Facebook tells its advertisers that they have to reach their customers through the site, not by purchasing their personal information to contact them directly, he said. "That would be giving away one of our most important assets, so we won't do that."

Social networking sites challenge regulators' traditional notions about information sharing and privacy, but the structure of the sites themselves affords users with real tools to protect their privacy, according to Thompson. "At the very least, we have new technology that empowers users to take more control of their information," he said.

Thompson rejected a suggestion by a conference participant that Facebook effectively authorizes the sharing of its users' personal information by allowing it to be collected by other business developers who tie their software to the Facebook site. The site provides clear warnings that applications operated by independent developers will collect the user's information, and that this is beyond Facebook's control, he asserted. "If you don't want to share information, you shouldn't download the application," he said.

The key principle involved in collecting an individual's personal information is the limitation that should apply to the purpose for collection, said Irish privacy official Davis. If information is to be used for a purpose other than that for which it was collected, the secondary use is subject to data privacy law protection, he said.

In addition, if Facebook actually handles personal information directly on behalf of third-party application developers, there may be a privacy issue in relation to the site's contract with the third party provider, Davis commented.

Jennifer Mardosz, vice-president of business and legal affairs with Fox Interactive Media, agreed that care must be taken to ensure that privacy laws do not unnecessarily inhibit the development of electronic commerce. Many Internet sites have extensive privacy options, and offering them directly to consumers puts them "ahead of the curve" in providing privacy protection, Mardosz said.

"The issues are really global, and need to be addressed in a global fashion, but industry is listening and responding," she said.

Privacy is a huge issue for the ongoing development of Web 2.0, although the number of options available for consumers to switch to alternative online services provides a built-in mechanism to somewhat offset privacy concerns, according to Cyrus Beagley, an associate principle in the media and entertainment practice with New York-based McKinsey & Co.

For example, if search engines like Google don't respect their customers' privacy or misuse the personal information they collect, consumers will easily be able to switch to a competing service, Beagley said. "But I do think there is a role for government to play to ensure transparency of where is the data and how it is being used," he said.

OECD Privacy Role Debated

University of Ottawa law professor Michael Geist stressed that the conference's mandate to review the policy implications of the ongoing development of Web 2.0 is particularly relevant for privacy issues, as that is one area of policy where the OECD and governments can clearly play a role. This is a top priority for consumers, so it should be possible to address and achieve a consensus, Geist said.

He warned, however, that there were a number of "elephants in the room," policy issues that the OECD also has to address but where there is as yet no clear consensus on how to proceed. These include intellectual property, safe harbors and liability of intermediaries, network neutrality, and the way in which governments engage with "participative" citizens, he said.

Geist, a consulting editor to BNA, compiles BNA's Internet Law News.

The OECD can play a major role in considering the future of the Internet, particularly in looking at how creativity, confidence, and convergence work across all stakeholder constituencies, Oracle Corp. executive Joseph Alhadeff, chair of the ICCP Business and Industry Advisory Committee to the OECD said. The "growing pains" of the Internet ecosystem are now morphing in less obvious ways than in the past, and the OECD can play a role in helping to determine exactly what is happening to information, he said. "You have to look forward and backward to see where you are, and that's something the OECD is well positioned to do," Alhadeff said.

Government policy still has a significant role to play in the governance of the Internet in ensuring that corporations that publish information meet their responsibilities to do so appropriately, and that infrastructure providers behave fairly, said Daniela Battisti, director of Italy's Public Agency for Economic Development.

"Here government can do something, not so much in terms of regulation, but perhaps thinking in other ways," Battisti, also vice-chair of the OECD's Information, Computer, and Communications Policy Committee, told conference participants.

In addition, users of social networking sites like YouTube, Facebook, and MySpace may not yet realize that they are creating content when they upload their personal information, photographs, and conversations, and that this information is being passed along to others, she said. "I think this is also a government responsibility," Battisti said.

Internet Resists Government Control

The Internet has been "remarkably subversive" of government control, and the participative Web that is now developing will further strain government policy and control efforts, said Keith Besgrove, first assistant secretary in Australia's Department of Communications, Information Technology, and the Arts.

But the OECD can play a role in helping policymakers address those issues, making the Ottawa conference's focus on identifying key policy issues and how they might be addressed particularly timely, said Besgrove, chair of the OECD Working Party on Information Security and Privacy. "This is a valuable opportunity for reflection," he said.

Besgrove rejected suggestions that a global governance approach is needed to oversee the ongoing development of the Internet. The OECD has looked at responses to a range of cross-border issues, including spam, malicious software, and privacy, but it may be too soon to do much more than try to support the informal mechanisms that have been developed to address those issues. "There's not much clarity, and no consensus whatsoever," he said.

Marc Rotenberg, executive director of the Electronic Privacy Information Center and a civil society representative to the OECD, agreed that trying to establish a broad approach to governing the Internet may be impossible. There was a lot of discussion at the Ottawa OECD ministerial meeting in 1998 about Internet governance, but acting on it proved problematic, Rotenberg said. "What we've learned is that the Internet resists governance," he said.

But important policy decisions are still possible that can guide the development of the participative Web, according to Rotenberg. "If we don't develop good governance-like models, power flows to a few individuals, organizations, and corporations," he said.

Richard Simpson, Industry Canada's director-general of electronic commerce, told conference participants that it was impossible to leave the conference without a "sense of amazement" at the changes in commerce and society that are being generated by the participative Web, which affects the both the role of government and the models through which companies do business online. "The sleeper in this whole thing is that we are almost reinventing our civil culture," he said.

Industry Canada official Michael Binder had kicked off the conference by noting that Canada has a long history with the OECD in promoting the development of the Internet, including a seminal 1998 ministerial meeting in Ottawa on electronic commerce. "Some of us believe we started the Internet revolution right here," said Binder, the department's assistant deputy minister for spectrum, information technologies, and telecommunications.

But Binder noted that now, with more than one billion active users, regulators are still looking for appropriate solutions for managing the Internet's growth, a challenge made even more difficult by the emergence of a more participative Internet. "People are not only using the Internet more, but participating in creating its content," he said.

Susanne Huttner, new director of the OECD's Science, Technology & Industry Directorate, told conference participants that the meeting provided a chance to discuss emerging Internet technologies and their governance. Within a "remarkably short" period of time, Internet entities like Google, eBay, and SecondLife have created a whole new way of business, one that is still evolving. "This is a terrific opportunity to check our course," she said.

The key issue for regulators is how to balance efficient governance of online activity fairly against the unpredictable changes that take place in the Internet marketplace, Huttner said. "It happens very easily when you allow it to happen ... with the Internet, it's just happening, and in real time," she said.

Further information on the conference, including archived Webcasts and transcripts of all sessions, is available at http://www.oecd.org/site/0,3407,en_21571361_38620013_1_1_1_1_1,00.html.

By Peter Menyasz

Officials grapple with ever-evolving Internet

'A lot has changed over the past 10 years,' conference told

Vito Pilieci, The Ottawa Citizen

Published: Thursday, October 04, 2007

Top executives and government officials from around the world met in Ottawa yesterday to grapple with the issues of an ever-growing, ever-shifting Internet.

From online piracy to questions of how to divide the advertising revenue bonanza, the bureaucrats and representatives of such Internet heavyweights as Amazon.com, MySpace, Facebook, Second Life and Google talked strategy -- even as they admitted that control of the Internet is constantly becoming more diffuse. "A lot has changed over the past 10 years," said Michael Binder, assistant deputy minister of spectrum, information technologies and telecommunications at Industry Canada. "People are now not only using the Internet more, but contributing to its development."

The forum, organized by the Organization for Economic Co-Operation and Development (OECD), had two goals: educate policymakers about the evolution of the Internet, and alert businesses to the major changes happening in the world around them.
With more than one billion people online, the Internet is already an economic, entertainment and political force. And the ongoing integration of processes that has been described as Web 2.0 will give people still more access to video, games and interactive services.

Internet users are producing homemade videos of news events, political commentary or entertainment content and uploading them for millions to see, said Mr. Binder, who pointed to such online services as YouTube and Facebook and the relatively new phenomenon of Internet weblogs (or blogs).

In one recent example, a student was Tasered after objecting to the political views of U.S. Senator John Kerry at a university in Florida. A video of the incident, filmed on a cellphone camera and uploaded to YouTube, was watched more than nine million times. "The average large cable-TV audience is around 800,000 people," said Jonathan Taplin, a professor from the University of California. "This is not small potatoes."

Mr. Taplin said the business models of many companies are in upheaval. In the entertainment industry, for example, people have turned to the Internet for content -- in August alone, more than two billion videos were shown on YouTube. Yet big questions remain about how Hollywood production companies and music creators should be paid for content being shared online.

He suggested that Internet service providers around the world, such as Bell Sympatico and Rogers High-Speed, be required to collect about $3 per high-speed subscriber for a fund to provide royalty payments to content owners.

In Canada, the idea would see the creation of an organization like the Canadian Private Copying Collective, which is responsible for imposing tariffs and collecting money from the sale of blank recording media.

Mr. Taplin's idea isn't new. Cable and Internet providers have been calling for new sources of revenue, reporting that they are spending billions on new high-speed Internet networks, although it may take years for them to realize on their investments. In Canada, Quebec's Vidéotron has been the most vocal proponent, even suggesting that companies such as Amazon.com and Apple Inc. should pay a tariff to transmit video and music files over the Internet.

Users "pay about $3 a month. Put that into a pool," said Mr. Taplin. "Unless we figure this out, content owners are not going to get paid for their property."

The growth of online services is explosive. Investment in new ventures doubled in 2006 to $900 million U.S. from a year earlier, said Cyrus Beagley, associate principal of the media and entertainment practice at consulting firm McKinsey & Company. Despite a softer economy in the U.S. this year, the investment pace is holding steady for 2007.

Advertising companies are increasingly looking online to flog products and services.
"We expect to see $5 billion U.S. in online advertising revenues by 2012," Mr. Beagley said, adding that the mobile Internet (or surfing the Internet on a cellphone) will drive much of the spending. In many places throughout Asia, the only access to the Internet is through mobile devices.

Mr. Beagley argued that this shift in advertising revenues will have a huge impact on entertainment, media and marketing industries. Those industries need to change their business models now or risk being left behind.

Michael Gill, chief executive with Fairfax Business Media, said consumers are choosing online services such as Craigslist.org over newspaper classified sections to sell goods.

"We have already seen the number of markets that have been challenged," he said.

Ginsu Yoon, vice-president of business affairs for online virtual world Second Life, warned the crowd that being complacent could end up costing business. And relying on business models from 10 years ago won't cut it in today's online world.

"The speed of change makes people a little concerned. I think this is a great opportunity," said Mr. Yoon.

Other topics in the wide-ranging discussion included the ethics of selling customer information to marketers, the degree of control Internet providers should have over the websites their customers can visit, and whether governments can place or should place the same regulations on the Internet that they place on traditional broadcasters and how much control should an Internet service provider have over what websites a customer can or cannot visit.

Reports on the Ottawa session will be considered at an international meeting on the future of the Internet economy in Seoul, South Korea, next June.

UNI tells OECD forum, the Future of the Internet depends on workers and affordable access

- Labour news from UNI global union - for trade unions in a global services economy. -

Speaking at the OECD Public Forum on the "Future of the Internet; The Participative Web", held in Ottawa, UNI Telecom Head Neil Anderson, speaking as a member of the panel at the final roundtable, said that the future of the Internet depended on workers participation. He said a conference talking about the "participative web" should recognise many people could not participate as they did not have affordable access or were not able to get the skills they needed to be part of this revolution and the employment opportunities that it would create. He said the policy makers at the OECD had not recognised yet that the employment opportunities also posed employment challenges that needed to be tackled, such as making sure workers had the skills and training to meed the demands. Further that there was a big gap in understanding how workers who created web content were going to be rewarded for their efforts, with creators rights and payment for these efforts still not resolved. He told the forum that companies are finding ways to convert these creators innovations into profits and innovative ways should be found to turn them into wages for creators.

Neil also told the forum that access to a universal affordable high speed broadband service was essential if all the employment and economic gains from the Internet revolution were going to be fairly distributed and realised. He said, speed really does matter and too many people were faced with slow expensive connections. Policy makers needed to find ways to encourage investment in higher speed networks and to find innovative ways to encourage and assist in that investment not just in large centres but in rural communities and developing countries.

Tide Rising at OECD for International Debate on Internet Policy

GENEVA -- Social networking, mashups and other emerging Internet tools that raise privacy and cross-jurisdictional questions will loom larger than ever before at the upcoming OECD Ministerial Conference on the future of the Internet economy, officials told us. International debate over privacy, network neutrality and the intersection of national legal systems in the virtual world is rising, officials said Wednesday during the OECD-Canada Forum on the Participative Web (WID Aug 28 p1, Aug 27 p1).

Rapid growth in participation in social networking, content sharing and blog sites are among the new ways the Internet is changing business, society and the economy, said Gary Davis, Deputy Commissioner of the Office of the Data Protection Commissioner in Ireland. The down side is privacy and copyright infringement and obscene user-created content postings, said Sangwon Ko, vice chairman of the OECD Working Party on the Information Economy and an executive director at the Korea Information Society Development Institute.

Big issues for the coming decade are social networking, especially by young people, the volume of interactions that cross international borders, and enforcement, said Hugh Stevenson, deputy director, Office of International Affairs at the Federal Trade Commission. Consent is the biggest concern about the information put on sites, Davis said. Consent for adults can be clear, but it's another matter for underaged users, he said. Consent for third parties to use data can be difficult to understand, especially when a company is sold, officials said.

The OECD Ministerial Conference must help deal with intellectual property and network neutrality concerns and the way that governments and citizens interact, said Michael Geist, the Canada Research Chair of Internet and E-commerce Law at the University of Ottawa. Defining the roles of government and international organizations is crucial, he said. But an ever-increasing amount of user data is stored in far-flung places that may have different regulatory systems, officials said.

Government should play a decisive role in infrastructure investment through wise competition policy, Ko said: "We push for facility-based competition rather than service-based competition." Government investment is less than 5 percent. But pushing for facilities-based competition increases the risk of overinvestment, Ko said. Consensus is building in support of education, federally funded research, privacy, trust, dealing with malware and improving access to affordable high-speed networks, an official said.

Private organizations are enthusiastic about balancing debate on public policy for the future of the Internet, said Marc Rotenberg, executive director of the Electronic Privacy Information Center and civil-society representative to the OECD. Groups are concerned about government approaches to consumer protection, promoting broadband deployment, competition, privacy and security, and respect for varying cultures, Rotenberg said.

Nebulous yet thorny problems will likely be aired during the ministerial, officials said: Interoperability and standards, digital identity, privacy and control are high priorities; how national legal frameworks translate into the virtual world is up for debate; liability of Internet intermediaries may be reviewed; the need for media literacy is emerging; new ways may be found to reward content creators; a large network effect that brings global users to one Internet site may smack of monopoly.

Closed meetings of the OECD Information, Computer and Communications Policy group Thursday and Friday concern high-level principles for guiding development of the Internet economy. Another meeting on the ministerial declaration and background documents will take place in March.

The participative Web conference is one of several preparations for the Ministerial Conference. Other conferences covered next-generation networks, social and economic factors shaping the future of the Internet, creation access and distribution of digital content and RFID. The OECD Ministerial Meeting is June 17 and 18, 2008, in Seoul, South Korea. -- *Scott Billquist*

OECD Calibrates Role In Fast-Changing Internet Society

OTTAWA - The Organisation for Economic Cooperation and Development, the Paris-based club of 30 of the world's largest economies, is moving fast to keep up with the newest trend on the Internet: user-generated content. Referred to generally as 'Web 2.0', this trend includes collaboratively developed websites such as Wikipedia and YouTube, social networking platforms such as Facebook and MySpace, and social news aggregators such as Digg and Reddit.

The OECD locked horns with the topic at its 3 October conference, Participative Web: Strategies and Policies for the Future, held in Ottawa, Canada's capital.

The event was followed by closed meetings of the OECD aimed at developing a work plan for the coming year before a ministerial-level meeting on the future of the Internet economy on 17-18 June 2008 in Seoul, South Korea.

Conference speakers - including senior government officials and representatives from international organisations, industry, nongovernmental organisations and media - generally agreed that the Internet landscape is rapidly changing and affecting all sectors of society. They predicted governments would need to be responsive to changes, but could not predict what those changes would look like.

"I don't think anyone can leave here today ... without a sense of amazement about the profound changes that are underway in the economy and society, brought about by the participative web," Richard Simpson, chair of the OECD information, computer and communications policy committee and director general of electronic commerce for Industry Canada. He added: "We are almost reinventing our civic culture. The changes in associational and political life are astounding."

But while everyone agreed on the transformative nature of the user-created wave, there appeared to be little agreement on how to address some of the complex issues that are arising as a result of it. These include business and legal concerns such as intellectual property rights, possible new licensing schemes, protecting Internet service providers from liability, and competition. They also include regulatory concerns such as maintaining the neutrality of networks, ensuring interoperability and standards, maintaining privacy and online identities, communicating across cultural and legal differences, and setting degrees of government involvement.

These are likely to be among the issues on the agenda of the OECD meeting in Korea, which will target creativity, confidence and convergence, according to sources.

Many of these issues were identified by Michael Geist, Canada Research Chair of Internet and E-commerce Law at the University of Ottawa, who summed up the meeting. He said panels had addressed how corporations are using new technologies innovatively and new companies being created, how education and citizen empowerment are being affected, and how networks are shifting. A role for governments and the OECD seemed to emerge on types of access, privacy and trust, and standard-setting. But Geist said there was not clear consensus on intellectual property, liability, and network neutrality.

The following is some highlights from the Ottawa meeting.

Richard Hawkins, a professor at the University of Calgary, told *Intellectual Property Watch* that at least two "bombshell" ideas emerged from the conference. One was a possible return to collective societies updated for the participative Web 2.0, and the other the possibility of moving the Internet to

public infrastructure, like roads. "These ideas are not necessarily new," he said. "[But] it may be that some of the older solutions are more viable than people thought they were."

The numbers for the "participative Web" are staggering. Jonathan Taplin of the University of Southern California said in August the total number of videos viewed online was 9.76 billion - or 24 billion minutes. YouTube alone had 2.3 billion individual videos viewed, he said. Yahoo and social networking forum MySpace average 300 to 200 million videos viewed, he said, adding that growth in these areas is some 2 to 3 percent per month. YouTube numbers far outstrip average cable television viewing, he said, and overall, investment in Web 2.0 technologies is picking up.

Governments are questioning how to monitor and regulate this newest public space. Kiyoshi Mori, vice-minister for policy coordination at Japan's Ministry of Internal Affairs and Communications, presented statistics showing that Japan's rapid expansion of broadband services through fibre optics has been matched with a rapid rise in consumption of bandwidth for services relating to the participative Web, especially peer-to-peer (P2P) use. Problem areas for the government include: traffic congestion, the need to build a legislative scheme that accounts for the convergence of telecommunications and content creation, and legal distribution of information (for instance, intellectual property rights and privacy concerns). The government is undertaking a joint study with industry to find the best way to disperse traffic, he said.

Sangwon Ko, vice-chair of the OECD Working Party on the Information Economy and executive director of the division of information industry research at the Korea Information Society Development Institute, said the Korean government is responding to the participative Web through implementation of industrial and regulatory policies. The industrial policy involves encouraging research and development, innovation in content, software and hardware, as well as promoting human resources and venture capital for content. Korea also is building infrastructure, which should address neutrality issues on the Internet, and is addressing privacy and copyright infringement and other content concerns. Korea has the world's highest per capita broadband penetration.

Anne Bucher, head of unit for the European Commission Information Society and Media directorate general, said the Commission is still formulating an approach to the participative Web, which she said policymakers did not fully anticipate. She cautioned governments not to rush into legislation and policy changes to address such "disruptive trends" before better understanding the long-term implications.

Bucher said online social networking is governed by self-regulation fairly adequately at this point. But she raised warnings about some areas such as IP rights, noting for example that the online community SecondLife has begun issuing US-oriented copyrights to creators that may not be enforceable outside the United States. A need to help protect users' rights may emerge as well, she said.

On competition and the participative Web, Bucher said the first test may have arrived in the notification to the European Commission of a proposed takeover of DoubleClick by Google. She also said that the participative Web has not extended significantly to professional purposes, and said that closed, or "walled garden" communities are the basis for innovation on the new Web (such as Apple's iTunes store, or Facebook). Others in the conference highlighted the importance of open standards and open source approaches to information.

The social nature of content generation raises questions about who owns what, and how far ownership extends. Martin Senftleben, an intellectual property law professor at the Free University of Amsterdam, described how the participative Web has renewed the Internet question of balance

between the free flow of information and the protection of rights over content. Senftleben said content providers are focused on rights to databases and to trademarks. Users, meanwhile, who are transforming existing content, or adding value to it, would normally be exempted from copyright restrictions. Exceptions exist for uses such as libraries and press, but users may be discouraged from activities out of fear of being accused of infringement, he and other speakers said.

Bucher said questions remain as to the extent of rights one has over their own creation online, which jurisdiction applies, and on whether and how to continue to use digital rights management to control content. Senftleben also cited questions about ownership, generally handled under end-user licence agreements for each site. Bucher said government's role can be in educating users about their rights. But on control over copyrighted material, Gasser asserted, "I believe DRM and technological protection issues are dead. It just failed as a response to piracy."

Taplin also said that DRMs are not working and proposed that a collective licensing agreement be developed "so that the owners of content and the artists that created it will get paid." Because, he said, "to believe that there is some wonderful scheme that a hacker in Finland or Russia is not going to break within 24 hours of its release is, I think, an illusion."

Others highlighted the social implications beyond the capacity of governments. Urs Gasser, director of the Research Centre for Information Law at the University of St. Gallen and a fellow at the Harvard Law School Berkman Center for Internet and Society, described a project analysing children born into the digital age. These so-called "digital natives" are more participatory online – meaning that their involvement with the user-generative Web goes beyond intellectual property rights and begins to change notions of identity, security and privacy, creativity and freedom of expression, and the credibility of information, he said. Gasser described potential roles for government in each area, such as protecting privacy, ensuring limitations and exceptions to copyright, and ensuring interoperability of platforms.

Marc Rotenberg, executive director of the Electronic Privacy Information Center and a civil society representative to the OECD, said civil society groups would seek governments to focus on consumer protection, broadband deployment, competition, privacy and security and respect for different cultures.

Keith Besgrove, chair of the OECD Working Party on Information Security and Privacy and first assistant secretary in the communications department at Australia's Information Technology and the Arts agency, said policymakers "should not respond to rapidly changing ephemera," but rather focus on more fundamental changes on economy and society. He acknowledged that it is not always apparent which is which, but suggested first asking the question, "Do we think this is actually going to make a significant difference or is this just, you know, the latest buzzword?"

Sacha Wunsch-Vincent, organiser of the event for the OECD, said, "The Internet and its inherent interactive capabilities are obviously not new. Yet - similar to 10 years ago at the first OECD Ministerial on E-Commerce - we feel that from a policy-makers' perspective the participative Web introduces so many new market and potentially regulatory components that policy thinking on many items will need to start from afresh."

William New may be reached at wnew@ip-watch.ch.