# Making Rules on the Internet
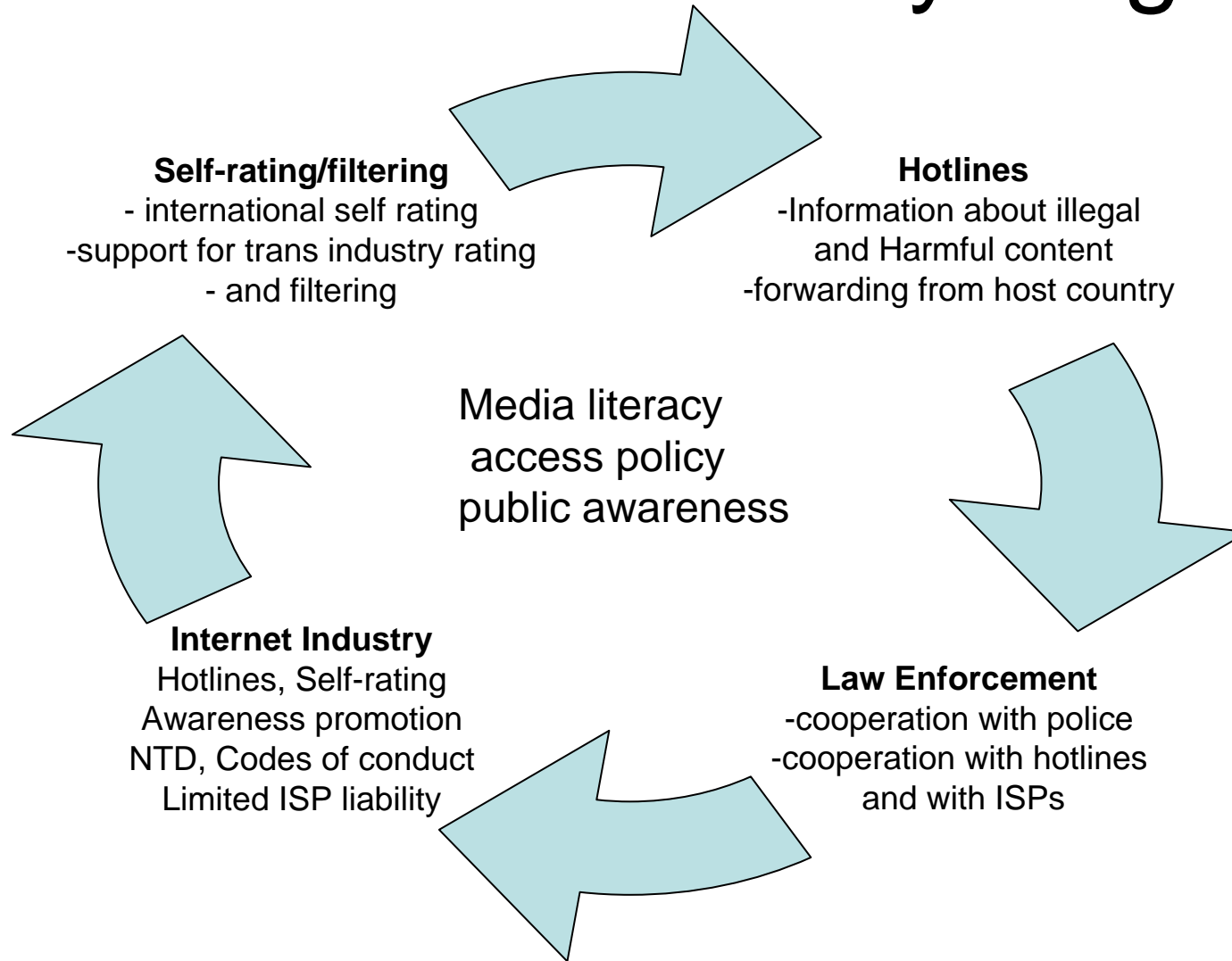
Damian Tambini

Oxford University

Programme in Comparative

Media Law and Policy

# Internet Content: Early Regime

**Self-rating/filtering**
- international self rating
-support for trans industry rating
- and filtering

**Hotlines**
-Information about illegal
and Harmful content
-forwarding from host country

Media literacy
access policy
public awareness

**Internet Industry**
Hotlines, Self-rating
Awareness promotion
NTD, Codes of conduct
Limited ISP liability

**Law Enforcement**
-cooperation with police
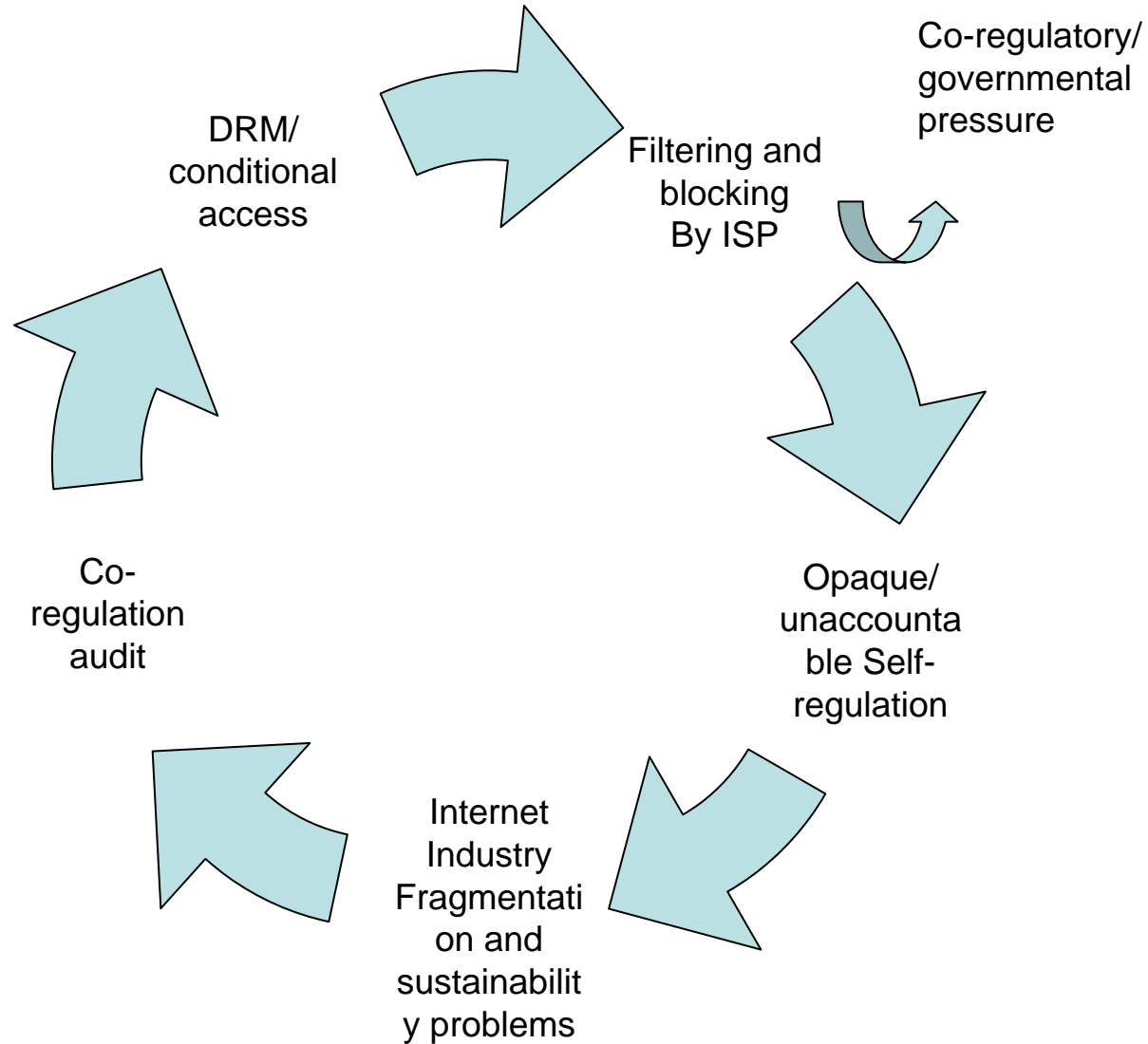-cooperation with hotlines
and with ISPs

# Emerging Cracks?

- Effectiveness (particularly illegal content)
- Procedure (NTD)
- Sustainability
- Failure of voluntary rating
- Perverse consequences
- Jurisdiction

# Newer developments?

- Server level filtering (BT clean feed, Telnor)
- Search level filtering (German FSM code)
- Opaque, unaccountable self-regulation
- Instrumental/ state driven co-regulation
- Zoning and enclosure
- Technological lock down (e.g. DRM).

# New Challenges

# Gus Hosein Slippery Slope

- "if you begin with one form of content regulation, even with the most noble intents the rest will naturally follow. Other forms of regulation will arise either intentionally, using the "verification" technologies to verify someone's geographic location to prevent access to non-indecent information, or less directly through the chilling of online speech for fear of surveillance."

# Policy prioritisation

- Need to return to first principles: truth democracy self expression

- Combining positive and negative approach to media freedom

- One size does not fit all. In some cases there are effective safeguards for FOE.

- Define and articulate basic standards of openness and publicness in rating, filtering, blocking

# Policy 2

- When are we really headed for a slippery slope?
- How rules are made and disputes settled is important:- as well as what rules are
- 'Prescribed by law and necessary in a democratic society'