



Governance of the Domain Name System and the Future Internet: Legal, Economic and Political Challenges

8–9th September 2014
Gamle Logen, Grev Wedels plass, Oslo

Day 1 – Monday 8th September 2014

0915 Coffee / tea / fruit

0945 **Welcome: Lee A. Bygrave** (University of Oslo (UiO))

Morning session: Law and economics of DNS governance
Chair and moderator: **Lee A. Bygrave**

1000 **New gTLDs: Legal and economic issues**
Tobias Mahler (UiO)

The presentation will assess the ongoing expansion of the gTLD namespace, focusing on the gains and losses it causes for various stakeholders. The assessment will treat the expansion not simply as a legal regulatory problem but attempt also to canvass it in economic terms, as a market for products and services, subject to economic laws of supply and demand.

1045 Coffee / tea / fruit

1105 **Institutional life-cycles in ccTLD governance: Lessons from the case of .au**
John Selby (Macquarie University, Australia)

Applying a model based on New Institutional Economics, the presentation will examine the governance of the .au ccTLD, particularly in its early years of operation, and thereafter consider the lessons that the case study offers for stakeholders in other jurisdictions

1150 Panel discussion based on presentations by Mahler and Selby

Panellists: **Nigel Hickson** (ICANN)
Hilde Thunem (UNINETT Norid AS)
Martin Boyle (Nominet, UK)
Steinar Grøtterød (Dot Global AS)
John Selby
Tobias Mahler

1300 Lunch

Afternoon session: Internet governance by contract

Chair and moderator: **Kåre Lilleholt** (UiO)

1345 Introduction by chair/moderator

1350 **Internet governance by contract: its rationale, utility and legitimacy**

Lee A Bygrave (UiO)

The presentation will consider the role of contract in DNS governance and in Internet governance more generally, discussing why contract is often preferred over statute as a legal tool for such governance. It will also assess the relative utility and legitimacy of contractual regimes, focusing on the regimes established by ICANN and Facebook.

1435 **Contract, multistakeholderism and user empowerment**

Emily Weitzenboeck (UiO)

A number of Internet experts (e.g. Tapscott, Williams, Benkler) have claimed that the Internet has increasingly enabled Internet users to play active roles in developing Internet services and in governing the net itself. This presentation will examine the extent to which this claim holds true, particularly with regards to the multistakeholder model for Internet governance and particularly in light of Internet-related contractual frameworks.

1520 Coffee / tea / fruit

1535 **Automated Contracting and the EU Consumer Rights Directive**

Christiana Markou (European University, Cyprus)

Agent technology has long been promising to enable online marketplaces within which software agents negotiate and conclude binding contracts on behalf of buyers and sellers. Evidence suggests that this kind of automated contracting is not an unrealistic vision. The presentation will discuss how the Consumer Rights Directive could apply to such contractual processes as between sellers and consumers, and also as between online marketplace providers and the consumers using their services.

1615 Discussion of presentations by Bygrave, Weitzenboeck and Markou

Lead commentator: **Karin Sein** (University of Tartu)

Day 2 – Tuesday 9th September 2014

0900 Coffee / tea / fruit

Morning session: Internet governance policy development

Chair and moderator: **Markus Kummer** (Internet Society)

0925 Introduction by chair/moderator

0930 **Evolving the Ecosystem: Institutional Innovation in Global Internet Governance**
William Drake (University of Zurich)

The NETmundial meeting's outcome document added impetus to proposals for institutional reforms or additions that have been "in the air" for sometime. This presentation will outline six key examples: strengthening the IGF; institutionalizing a clearing-house function for knowledge sharing and policy facilitation; creating mechanisms to support multistakeholderism at the national level; advancing "enhanced cooperation;" the IANA transition; and the globalization of ICANN and its accountability framework.

1030 Coffee / tea / fruit

1050 **The role of the World Trade Organization in Internet governance**

Mira Burri (University of Bern)

The presentation will show that the WTO, despite being disconnected from Internet governance debates, regulates critical aspects of Internet communications and commerce. It will also show, however, that the WTO faces serious limitations. The presentation will examine these limitations, along with the latest developments in preferential trade agreements. It will further consider the role of trade venues in shaping global Internet governance solutions.

1125 Discussion of presentations by Drake and Burri

Lead commentator: **Chris Marsden** (Sussex University)

1215 Lunch

Afternoon session (i):

Aspects of the human rights dimension in Internet governance

Chair and moderator: **Rolf H. Weber** (University of Zurich)

1300 Introduction by chair/moderator

1305 **The international and transnational politics of governance of online expression**
Ben Wagner (University of Pennsylvania)

The presentation will argue that current approaches to the governance of speech online are overly focussed on formal law and private policies. It will then present an alternative approach that focusses on private and public practices to gain a better understanding of speech regulation. This analysis will

then be used as a basis for understanding wider Internet regulatory trends that influence Internet policy making.

1350 **Privacy post-Snowden**

Ian Brown (Oxford Internet Institute)

After a year of revelations about the Internet surveillance capabilities of the US National Security Agency and its counterparts around the world, the presentation will consider the longer-term impact on Internet governance. Are US concessions on IANA and the domestic legal framework governing foreign surveillance enough to deflect challenges to the existing loose multistakeholder model? Or will there be continued pressure for greater state involvement, more localised data storage and flows, and other changes being promoted by non-US allies? Would technical changes be effective in reducing foreign intelligence collection? And could development of better privacy protection in international law reduce some of the pressure for these changes?

1435 Discussion of presentations by Wagner and Brown

Lead commentator: **Joseph A. Cannataci** (University of Groningen)

1515 Coffee / tea / fruit

Afternoon session (ii):

Aspects of the economic dimension in Internet governance

Chair and moderator: **Giovanni Sartor**

(European University Institute / University of Bologna)

1530 Introduction by chair/moderator

1535 **Net neutrality, privacy and innovative business models**

Jonathan Cave (University of Warwick)

1615 Discussion of presentation by Cave

Lead commentator: **Ian Walden** (Queen Mary, University of London)

1700 Conference close