A landmark information technology deal was reached at the World Trade Organization (WTO) in Geneva on the duty-free import and export of IT goods. The agreement covers over 200 classifications of IT-related products, ranging from medical devices, smart cards and global positioning system equipment, to video game consoles and e-education devices. The negotiations pave the way to finalising the agreement at the WTO Ministerial Conference in Nairobi in December.

The WSIS+10 preparations leading up to the high-level event in December are in full swing, with over 80 submissions for the non-paper made by governments, industry, and civil society. The findings of our analysis of the submissions are presented in this newsletter. The analysis – aimed at providing an overview of the main themes which were addressed, their relevance by stakeholder group, and the most frequently used words – was carried out using the IG Barometer computational methodology.

Discourse on cyberspace sovereignty and the ‘privacy vs security’ dichotomy was revived with China’s new cyber regulations, the USA’s Cybersecurity Information Sharing Act, the UN GGE’s agreement on cybersecurity norms, leaked Hacking Team documents, and one of the largest data breaches to date, which saw the data of millions of AshleyMadison.com users released online. The UNIDIR Cyber Stability Seminar was held in Geneva; the Tallinn Manual is being updated.
A bit quieter summer in Geneva was dominated by a cybersecurity seminar at UNIDIR, launch of ITU’s Trends in Telecommunication Reform report, and an IT deal at the WTO.

UNIDIR Cyber Stability Seminar 2015: Regime Coherence discussed how current and future norm-setting cyber initiatives can be coordinated to further the development of a pragmatic global approach to cyber stability. The most lively debate was on the impact of the next Report of the Group of Government Experts (GGE) on the development of international law for cyberspace (which deals with subjects such as the use of the Internet for peaceful purposes, restraining from attacks on critical infrastructure, and self-defence). Diverse groups of participants also contributed by providing governments, academia, civil society, and business perspectives to the development of cyber policy.

The ITU launched its annual report Trends in Telecommunication Reform, documenting the steady increase in wireless Internet of Things devices (estimated to be up 60% compared to last year), social media use, and big data. According to the report, over 2.07 billion people are now active social media users (81% of them on mobiles) and each spends, on average, approx. 2 hours and 25 minutes per day on social platforms.

A landmark Information Technology trade deal was reached at the WTO in Geneva for duty-free import and export of IT goods. Following the last negotiating round (14-18 July), chaired by the EU’s Ambassador Angelos Pangratis, the participants reached an agreement on the Declaration on the Expansion of Trade in Information Technology Products and the list of products attached to it. The latter includes 201 IT-related products ranging from medical devices, smart cards, and global positioning system equipment to video game consoles and e-education devices. This paves the way to finalising the agreement at the WTO Ministerial Conference (15-18 December 2015) in Nairobi, Kenya.

The Geneva Internet Platform (GIP) held its regular briefing on Internet governance (IG), covering the latest developments in the field. Every last Tuesday of the month, the monthly IG briefing provides a zoomed-out update of the major global IG and digital policies developments. Join us for the next meeting on 29 September, 13.00-14.00 CEST, either online or at the GIP premises in Geneva (WMO building).

Anytime you see this icon, there is more background material in the online version. Alternatively, visit www.giplatform.org/digitalwatch for more in-depth information.
More than 80 submissions for non-paper were made to the WSIS+10 process by 31 July. A draft zero paper taking into account the contributions received is expected at the end of September, inviting comments by 15 October. A second draft will be ready by the end of November to feed into the High-Level Meeting of the General Assembly on WSIS+10 Review in mid-December.

Of the 74 submissions present online for non-paper contributions, we analysed 66 documents (excluding those submitted in languages other than English, submissions with no substantive content, and short documents with little information) to provide an overview of the main themes addressed, their relevance by stakeholder group, and the most frequently used words. The IG Barometer computational methodology (www.giplatform.org/barometer) used here combines classical text-mining approaches with Diplo’s taxonomy for IG issues.

The analysis revealed that the most relevant IG issues overall were: Digital development (97.8%), Online education (95.6%), Telecommunication infrastructure (93.3%), Access (91.1%), and Capacity development (88.9%). Sentiment analysis was also performed to detect the usage of emotionally charged words in the documents, revealing that the most positive tone of discussion was present on the following issues: E-Commerce (100%), The Internet of Things (97.8%), Privacy (95.6%), Root Zone (93.3%), and E-Money and Virtual Currencies (91.1%).

Further computational analyses revealed the order of relevance of various IG issues per stakeholder group:

- **Private Sector**: Digital development, Taxation, Online education, Telecommunication infrastructure, and Access;
- **Technical community and Academia**: Internet Protocol Numbers, Online education, The Internet of Things, Digital development, and Capacity development;
- **Civil Society**: Digital development, Privacy, Human Rights, Rights of people with disabilities, Access;
- **Government Sector**: Digital development, Telecommunication infrastructure, Access, Human Rights, Online education;
- **International Organisations**: Digital development, Online education, Taxation, Copyright, and Women’s rights online.

The UN Group of Governmental Experts agreed on cybersecurity norms such as not attacking the critical infrastructure. Work on updating the Tallinn Manual has started.

China’s draft cybersecurity law aims to maintain ‘cyberspace sovereignty’; work resumes on banking cybersecurity regulations.

Leaked documents revealed Hacking Team (Italy) sold surveillance software to European governments.

More breaches: Embargoed press releases stolen for insider-trading; ICANN’s website hacked; major ‘dating site’ hacked and data of millions of users published.

WSIS received 82 submissions from governments, civil society, and business (read more on page 3).

SCO Brics Summit Ufa Declaration refers to the need for ‘a universal regulatory binding instrument on combating the criminal use of ICTs under the UN auspices’.

China refers to ‘digital Silk Road’ during EU-China Summit in Brussels; Brazil and the USA have resumed cooperation on IG issues since NSA revelations; Italian parliament announced a Declaration of Internet Rights.


NTIA confirmed its plan to extend the deadline till 30 September 2016, and possibly beyond 2016.

IANA Stewardship Transition Coordination Group (ICG) published its interim final report, call for comments until 8 September.

Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability) published a second draft proposal; call for comments until 12 September.

Controversy over proposed changes to domain names rules, which would see private details of owners of websites classified as commercial domains to be available to public.

ICANN CEO candidate criteria announced by Search Committee seeking replacement for Fadi Chehadé.

Google argues that the Right to be Forgotten rule does not apply globally; Facebook criticises rule, while Russia’s parliament and Colombia’s Constitution Court decide on the Right to be Forgotten rule.

UN Human Rights Council Special Rapporteur on Privacy announced; Special Rapporteur criticises British surveillance oversight.

French surveillance law criticised by UN, while Germany will impose controls on exports of surveillance products.

Corporate sector negotiates with Russia to postpone 1 September deadline that would require data of Russian citizens to be stored in Russia. China’s draft cybersecurity law requires users’ data to be stored locally.
On 30 June the European Parliament and Council reached political agreement on roaming charges and net neutrality (controversy over granting providers freedom to offer specialised services on an ‘optimised’ basis); more developments expected in September and October.

In other countries, Indian Internet and Mobile Association opposes zero-rating; Bermudian mobile company launches zero rating ‘social data’ plan.

Belgian court hears Facebook ‘tracking’ case. Does court have jurisdiction? In Germany, regulator orders Facebook to allow pseudonyms.

Also in Germany, plans for new ‘Bundescloud’ will require official data to be processed in Germany.

Spain refers Uber case to ECJ: Is Uber a ‘mere transport activity’ or ‘an electronic intermediation or information society service’?

Google, with new parent company Alphabet Inc., had until 31 August to reply to anti-trust charges in EU.

Is Bitcoin’s future in danger? The consensus-based cryptocurrency needs to grow, but change can only happen if everyone agrees to increase Bitcoin’s capacity.

Australia set to join other countries treating digital currencies as money.

European Court of Human Rights confirms Estonian court’s decision which found news portal Delfi liable for offensive comments posted on its website.

ICANN vocal about its responsibilities: ‘ICANN is not a global regulator of Internet content... if content is to be policed, the burden is on these institutions, and not ICANN, to undertake such regulation.’ - Chief Contract Compliance Officer.

In Argentina, reforms to the National Anti-Discrimination Act could spur online censorship, as online platforms would be required to monitor and remove user comments which are ‘discriminatory’; Malaysian Communications and Multimedia Commission to meet Facebook, Google, and Twitter to help curb ‘false’ content in the interest of public safety.

AHEAD IN SEPTEMBER

2–4th SEPTEMBER
IGF 2015 Third Open Consultations and MAG meeting (Paris)

15th SEPTEMBER
Start of UNGA 70th session (New York)

25–27th SEPTEMBER
United Nations Summit to adopt the post-2015 development agenda (New York)

29th SEPTEMBER
GIP Internet Governance Briefing (Geneva and online)

2–4th SEPTEMBER
UN Human Rights Council 30th regular session (Geneva)

18–19th SEPTEMBER
IANA-ICANN Face-to-Face Meeting (Los Angeles)

28th SEPTEMBER
Launch of Digital Watch online observatory (Geneva and online)

30th SEPTEMBER–2nd OCTOBER
3rd Europol-INTERPOL Cybercrime Conference (The Hague)
The Human Rights Council (HRC) is an inter-governmental body within the UN system responsible for strengthening the promotion and protection of human rights around the globe. Comprising 47 UN member states elected by the UN General Assembly, it discusses all thematic human rights issues and situations that require its attention throughout the year and meets triannually in March, June, and September in Geneva.

While its work is centred on standard-setting, monitoring, and the implementation of human rights on the ground, the Council recently started to be actively involved in Internet-related discussions. It convened the expert panel on freedom of expression reflecting online rights, and it currently hosts three Special Rapporteurs on related aspects: on the promotion and protection of the right to freedom of opinion and expression (Mr David Kaye), on the right to privacy (Prof. Joseph Cannataci), the promotion and protection of human rights while countering terrorism (Mr Ben Emmerson).

The Council works closely with the Office of the High Commissioner for Human Rights (OHCHR), headed by the High Commissioner for Human Rights. The OHCHR also reports on online aspects of specific human rights conventions (e.g. child, disabilities). The HRC is also important for its convening power, making its side-events relevant venues for discussion and consensus-building. Alongside the upcoming HRC session in September, a high-level side event will discuss online child protection.

By Constance Bommelaer, Senior Director, Global Internet Policy, The Internet Society

The past 30 years have seen tremendous growth in the capabilities and reach of ICTs. The Internet, especially, has become a critical enabler of social and economic change, transforming how government, business, and citizens interact and offering new ways of addressing development challenges.

It is therefore timely that a new approach to development will be agreed this year when the United Nations adopts a Post-2015 Development Agenda based around Sustainable Development Goals (SDGs) in September 2015.

Significantly for all stakeholders involved in promoting Internet access around the globe, the new SDG agenda stresses the importance of the Internet in the overall development context.

The SDG process is not happening in a vacuum. This year is also the ten-year anniversary of the World Summit on the Information Society (WSIS+10). Assessment of its outcomes have demonstrated the value of ICTs and the Internet to development through underpinning the infrastructure for economic and social progress and through providing tools for programmes in sectors such as health, finance, and education. That value has grown with time because of rapid improvements in technology, increased bandwidth, and new services like social media and cloud computing. But this was just the beginning. It will continue to grow dynamically as ICTs’ capabilities and reach extend further during the upcoming implementation period for the SDGs.

Priorities for stakeholders and implications for Internet governance

As ISOC CEO Kathy Brown underlined in a recent blog post, the new SDG agenda has at its heart the need to involve all relevant stakeholders.

What does this mean for the Internet community and others? The sustainable development agenda raises a number of particular challenges and opportunities. In ISOC’s 2014 Global Internet Report, we have identified a few priorities for Internet development cooperation: connectivity and access for all | affordability | reliability and resilience | an enabling legal and regulatory environment | enhanced human capabilities.

To tackle these priorities adequately, an open and collaborative approach to policy, standards, and technology development will be crucial. Indeed, the Internet has developed rapidly over 30 years because it was built on a unique model of shared global ownership, collaboration, and freely accessible processes for technology and policy development.

The Internet Society and the Development Agenda

Since it was formed in 1992, ISOC has worked steadfastly to promote ICTs in development and to bring about an Internet where it is available to everyone. The Internet Society sees the Internet as a critical enabler for sustainable development.

ISOC works with other stakeholders to enhance the Internet’s contribution to development and build the capacity of Internet professionals and users. One of our concerns is that local voices of our chapters and members around the world be heard in global forums such as WSIS, the IGF, or the CSTD as they discuss ICTs and sustainable development.

Developing local technical and policy capacity is also critical. There are a number of fronts on which we need to act: • Working with other stakeholders to counter spam. • Deploying Internet Exchange Points and strengthening technical ecosystems. • Expediting the deployment of IPv6. • Encouraging multistakeholder dialogue through national and regional IGFs, etc.
ISSUE IN FOCUS

JURISDICTION AND INTERNET CORPORATIONS

Recent decisions by courts and regulators continue to confirm that operating across the ubiquitous Internet can expose Internet corporations to the jurisdictions of countries other than the country in which they are headquartered.

Google, Facebook, and Uber – to mention a few – know this all too well. There is a Facebook 'tracking' case now with the Belgian courts, while Google is contending with the applicability of the decision by the French regulator on the so-called right to be forgotten. Uber is now also facing legal action in different countries.

The Facebook case arose earlier this year when the tech giant was accused of tracking people through the 'like' button. Facebook was also allegedly tracking users who were not even members of the social media network. The Belgian privacy regulator took the matter to court, requesting it to impose fines. Facebook argued that only the Irish courts could decide, as its European headquarters are established in Dublin. More developments are expected in September.

This case is not a first for Facebook. In March, a French court said it did have jurisdiction over a case involving a French teacher’s account. The account was blocked after the user posted an image of an 1866 painting by Coubet. The case continues.

However, more recently an Austrian court decided otherwise. In a case brought by a Viennese activist over privacy violations, the court said it did not have jurisdiction. The main justification was that the claimant could not be considered a customer, as he had used Facebook for professional reasons.

It is not only the law courts that Internet corporations have to face. Privacy and data protection authorities have also tried to assert their authority on the basis that the online activities affect the rights of their citizens.

Following last year’s ruling by the European Court of Justice (ECJ) on the right to be forgotten – or perhaps more correctly, the right to be de-listed from search engine results – the French data protection authority has now ordered Google to delist links not only from European versions of the search engine website (.fr, .it, etc.), but also from global searches (.com). Google disagrees: 'We believe that no one country should have the authority to control what content someone in a second country can access.'

Similarly, Facebook has been ordered by the Hamburg Data Protection Authority to allow the use of pseudonyms on its social networking site – a practice which has so far been prohibited according to the site’s terms of service.

This attempt to assert authority over Internet corporations is why Uber has welcomed the decision which will defer its case before the Spanish courts to the ECJ. The court is now expected to rule on a number of issues, including whether Uber is a mere transport activity or an information society service.

These cases show that countries are far from reluctant to assert their authority over the companies that offer their services to users beyond US shores, especially in European markets.

On one hand, this raises the question of which law is applicable, especially in cases of conflict of laws. As Google’s Global Privacy Counsel stated, ‘while the right to be forgotten may now be the law in Europe, it is not the law globally. Moreover, there are innumerable examples around the world where content that is declared illegal under the laws of one country, would be deemed legal in others…

On the other hand, courts and other bodies are willing to show that their citizens have recourse to justice in their own country. Why should users have to go to a foreign country to assert their rights?

CROSSWORDS

Across
2 Part of the web that is not accessible through search engines, and is estimated to present 97% of the actual online content: ____ web. (4)
3 First country to implement legislation to guarantee the right to access the Internet through its universal service legislation in 2000. (7)
7 New types of malware that lock the content on a user’s device and allow attackers to ask for a ransom in return for unlocking it. (10)
12 Acronym of the software that facilitates anonymous communication. (3)
14 A European Union agency that works on and provides resources on network and information security. (5)
15 First name of the wife of the US president who was a key promoter of the Universal Declaration on Human Rights. (7)
17 A global conference on the Internet, hosted by Brazil in 2014, that resulted in a set of suggested principles. (10)
19 A phenomenon and an area of huge business potential related to collecting and automatically analysing enormous amounts of online data and data about online behaviour (3,4)

Down
1 The Convention on the Rights of Persons with ____ adopted in 2006, was negotiated in the shortest timeframe of any human rights treaty, during just eight sessions from 2002 to 2006. (12)
2 Part of the hidden web where illegal markets (of drugs, files, assassination offers, weapons, etc.) abound: ____ web. (4)
4 An adjective that describes future networks, houses, and cities based on the Internet of Things. (5)
5 A non-proprietary software (4,6)
6 An Internet company whose request for a top level domain name was rejected by ICANN since it is also the name of a region in Latin America. (6)
8 The name of the most popular cryptocurrency. (7)
9 Internet company that had to deal with close to 220,000 requests for the right to be forgotten. (6)
10 Last name of the US inventor who developed 'Pretty Good Privacy', a public and main encryption software. (10)
11 French town, seat of the pan-European organisation actively involved in human rights legislation on the Internet and cybersecurity, and the depository of the Convention on Cybercrime. (10)
13 Surname of former US CIA employee and government contractor, who leaked classified information from the US National Security Agency (NSA) in 2013, unleashing significant controversy over surveillance. (7)
16 The alternative acronym to CERT – the center or the team for responses to computer security incidents. (5)

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