TEU00311
What is the Internet doing to me? (witidtm)

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https://github.com/sftcd/witidtm
https://down.dsg.cs.tcd.ie/witidtm

Legal Stuff

- Stephen says: IANAL (I am not a lawyer)
  - And even if I were, you'd not be getting "legal advice" unless you're paying for it!
- Luckily, we have a real laywer (Eoin) on hand
  - Who'll also not be giving us "legal advice" :-)
- I'll present a layperson-view slide (or two), then Eoin can correct what I've messed up, and then we'll chat about what you think...

Legal Stuff

- Again: IANAL, but I have stumbled over some legal issues that are relevant to our topic over the years:
  - Copyright
  - Terms and conditions
  - Export controls
  - Privacy regulations

(so-called) "Intellectual Property"

- My fundamental problem is a lack of belief in so-called "intellectual property"
  - For me IP == Internet Protocol :-)
- Authors do have a right to be acknowledged, and people should be fairly paid for their labour
  - But that doesn't require (so-called) Intellectual Property Rights (IPR)
- Argument by induction:
  - Before the document containing my patent filing or carefully crafted poetry was finished, I had to make the last change...
  - Before that I made the 2nd last change...
  - ...my document started out as an empty open-office document, which is the same as every else's empty document
    - modulo device based tracking:-)
  - When did my document become imbued with some intellectual property?
- There are legal answers to the above, but they all seem to reduce to "when the overall content became novel"
  - Does that mean autogenerated random language is also (so-called) "intellectual property"?

(so-called) "Intellectual Property"

- However, despite my doubts, the rest of the world treats information as if it can be owned...
  - I'm an outlier and there are people I respect who disagree with me on this
- There are many €€€ involved in all this, which seems (in my experience) to be correlated with people being willing to suspend disbelief
- I'd encourage you to ponder what you think about this topic
  - While (IMO) so-called "intellectual property" is a not real thing, I don't do pirate video/audio
  - Pick your battles wisely!
- If you form an opinion and are consistent in following that, you may change your behaviour
  - For example, you might be less likely to work for a company that values patents highly
    - Like a patent troll – and they do exist
- @Eoin: I know I'm legally wrong but why?
- @All: whatcha think about all that?

2012 – ACTA was a bad thing

- Snow graffiti, photographed (by me) at about 2000m in the Alps near Grindlewald
- ACTA was a proposed international treaty on "anti-counterfeiting" that overreached a lot
  - https://en.wikipedia.org/wiki/Anti-Counterfeiting_Trade_Agreement - killed eventually by Eorupean parliament
- Over-reach is a common side-effect of trying to protect (IMO non-existent) IPR

Copyright

- Copyright != patents != trademarks != trade secrets
- The rules vary by jurisdiction
  - https://www.copyright.gov/help/faq/faq-general.html
  - https://en.wikipedia.org/wiki/Copyright_law_of_the_European_Union
- You can assert your copyright over almost anything you author
  - I do that for code I write, according to whatever is right for the upstream project
- Copyleft – Gnu Public License (GPL)
  - https://www.gnu.org/licenses/gpl-3.0.en.html
  - Idea is: license code and make available for free, but anyone using that has to also adhere to the GPL
  - "Viral" spread – if you use GPL code in your stuff, your stuff (probably) becomes GPL

Distributed Rights Management

- DRM refers to technologies that seek to preserve the rights of copyright owners
  - https://en.m.wikipedia.org/wiki/Digital_rights_management
- Fact is though, that equipment owners have the upper hand
- DRM attempts to prevent the equipment owner from fully controlling access to content (e.g. movies, audio) on their own devices
- Technologies: secure boot, s/w licenses, HDMI, DVD protection etc.
- Often: backed up by laws, regulation, e.g. DMCA
  - https://en.wikipedia.org/wiki/Digital_Millennium_Copyright_Act
- Fairly long history of ineffectiveness of DRM
- But... from the copyright owner's perspective, speed bumps that convince people to pay via some service provider may be sufficient

Creative Commons

- Extends ideas arising from GPL to other kinds of content (video, images, music, essays, whatever...)
  - https://creativecommons.org/
- Defines a range of licenses, not all of which are "nice," (but most are)
- Example license: CC-BY-SA is similar to GPL
  - https://creativecommons.org/licenses/by-sa/2.0/
- @Eoin, what'd I get wrong this time?
- @All: what do we all think about that?

Terms and Conditions

- I don't feel morally compelled to pay any attention to things that are deliberately obfuscatory, such as tens of pages of terms and conditions
  - But a court would likely disagree
  - I'm hoping someday one will call a halt to the nonsense
- A paper arguing that these agreements are beyond the reading ability of the "average American" and hence unfair for that reason
  - Benoliel, Uri, and Shmuel I. Becher. "The Duty to Read the Unreadable." (2019).
  - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3313837
- End-user license agreements (EULA) for software and services are similar
- @Eoin: what is the Irish situation?
- @All: what do we think about T&C's?

Export controls

- Governments do control the export of certain technologies, mostly related to military or dual-use goods or technologies – for example centrifuges for enriching Uranium
  - 1990's crypto-wars – strong cryptography was treated the same as munitions, in terms of export controls
- Wassenar arrangement – occasional but ongoing fears that that might impact on security research and the communicating results
  - https://www.wassenaar.org/
- Some goverments may try this route to control (use of) technologies like cryptography and algorithms used in artificial intelligence applications
  - There are understandable reasons why people (voters) may "like" to see regulation of technologies
- Current trend in Govt approaches: "Observability" – "we don't want to break the crtypto, we only want to see what's being said (when that's 'bad')"
- @Eoin: ... the usual... :-)
- @All: what do we think of that?

Thought Experiment on Regulation

- I don't like the idea of regulating development, use or export of Internet technologies
  - Those are really just ideas, regulating them is as silly as patenting them
- My silly thought experiment:
  - What if jurisdictions regulated any entity that has a database of more than N users?
  - Say where N==150M in the US, and N==2M in Ireland
- @Eoin: What's a good set of regulations for TOO-BIG entities?
- @All: Any chance you'd go for target diversity?

General Data Protection Regulation

- The GDPR entered into force in May 2018

- It's an EU framework that gives data subjects (people:-) rights and imposes responsibilities on data controllers and data processors (companies, basically)

- GDPR imposes responsibilities any time data can be personally identifying
    - It is consistent with the GPDR that IP addresses, as used in the Internet protocol, can sometimes be personally identifying, and hence data controllers may be required to handle them specially

- https://en.wikipedia.org/wiki/General_Data_Protection_Regulation

- https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&from=EN

- https://ec.europa.eu/info/law/law-topic/data-protection_en

GDPR principles, roughly

- Your consent is needed

- Data must be collected for a stated reason, if new uses are developed, consent may need to be re-acquired

- Consent can be withdrawn any time

- Data subjects have a right to request a copy of the information held about them by a data controller

- @Eoin: I kinda like the GDPR so this time I hope I wasn't so wrong:-)

- @All: Excercise your rights or they'll disappear!

Right to be forgotten

- That is the law, and I understand the "`copy()`" operation on computers, but...
- I don't know of any way to "`uncopy()`"
  - That's not the same as "`delete()`"!
  - Mainly because of redundancy and backups, but also networked filesystems, de-duplication, and the distributed nature of the Internet
- @Eoin: what's the semantics of RTBF?
- @All: what do you think ought (not) be forgettable?

Summary

- We discussed:
  - Copyright
  - Terms and conditions
  - Export controls
  - Privacy regulations
- What else should we have covered?