

Comparative Essay:

Patrick's part

Abstract:

Web Hosting and Privacy have always been an increasingly large issue in the Tech Industry. Many businesses have chosen to host their websites overseas due to concerns about what they will be liable for from their user's side or what information will be gathered from their users by external figures such as the certain country's government. This comparative paper will be going over the different countries Canada and Sweden, introducing their demographics and economic statistics, then diving into their Privacy laws, Data Collection laws, and finally the web hosting laws, whilst acknowledging their differences. The difference in With the knowledge and availability of these laws for each country, a business should easily be able to decide which country's laws more suit their kind of system. Whether it is the liberal side of hosting and collection in Sweden, or the more conservative side in Canada, both approaches have their pros and cons, which will be covered in this paper.

Hosting Laws:

The definition of a libel post is “a written or oral defamatory statement or representation that conveys an unjustly unfavorable impression.” This is a huge part of online hosting

The web hosting laws of Canada and Sweden are quite different. Sweden’s online service provider law falls under that of the United Kingdom. Under the UK’s law, in response to a report of a libel or defamatory claim, the service provider must take down the post if necessary within a given amount of time, with reason that the post will have a harmful effect on the person or corporation, before being sued, according to the Defamation Act of 2013. This is inherently much different from Canada’s online service provider law, where the service provider is given no period of time to remove a libel or slanderous post. Instead, the person or company the post is directed at automatically has ground for a lawsuit against the web host for the slanderous post. The target of the post can sue the host for compensation of damages, usually in the form of money, or even to shut down the website to prevent further discussion on the person or their company. This can be very problematic as situations involving such a lawsuit against Canadian hosts can limit free speech and decrease the amount of forums and communities on Canadian websites.

A first year student at the University of Guelph named Keefer Rourke, co-designed a fully anonymous micro blogging website called Tokumei.co. After creating the websites and looking online for laws about web hosting, he found that running it on his local server based in Canada could cause severe legal issues from the possibility of users posting libel statements. This problem caused the creators to stop developing the web service and wait until somebody else volunteered to run their website in a country with more liberal laws on the matter, such as the UK.

An alternate example on the side of UK law, Payam Tamiz sued Google UK over statements made on a blog called “London Muslim” on their web service Google Blogger. The statements made in the blog included accusations on Tamiz being a “drug dealer and a thief”. After Tamiz contacted Google to remove the statements, the company removed the posts after five weeks. Even though the court ruled that

Google was not the primary or secondary publisher of the content, it was said that the case was “at least arguable that some point after notification Google became liable for continued publication of the material”. This shows that according to the UK law; Google should have acted against the material sooner once the claim was sent to them.

There have been many cases where large companies start anti-defamation lawsuits against blogging websites for what users have posted about them, even if it is true. Most of the time, since the corporations have a lot of money and web hosts don't have enough money to fight the lawsuit, it can cause the company to control what is said about their services. This creates issues such as the misuse of their employees not being noticed, poor quality of service not being reported, and eventually could lead to false advertising.

From examining these laws and examples, it is clear that Canada may have a much more strict and conservative approach to user created content and web hosting, whereas Sweden and the UK follow a much more liberal form. Web hosting laws need to be revisited by countries with similar laws as Canada, as it can create major issues further down the line.

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