

Regulating Commerce and Speech in Cyberspace

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- 1 Questions to examine
- 2 Background issues
- 3 Four modes of regulation - The Lessig Model
- 4 Digital Rights Management and the privatization of information policy
- 5 Control of how information is accessed
- 6 Unwanted or unsolicited digital information - E-mail spam
- 7 Protecting free speech
- 8 Censorship
- 9 Pornography in cyberspace
- 10 Hate speech and speech that can cause physical harm to others
- 11 Network neutrality



- What is regulation by code?
- What is Digital Rights Management (DRM) technology, and why is it controversial?
- Can the distribution of some forms of e-mail spam be defended?
- Should all online pornography be censored?
- Can existing child pornography laws be applied to sexting incidents involving young teenagers?
- Should hate speech, as well as speech that can cause physical harm to others, be tolerated on the Internet?
- What is network neutrality, and what implications does this principle have for the future of Internet regulation?

The Australian parliament introduced legislation to regulate the Internet and created an uproar of protest. John Weckert (2000) asks:

- Can Internet be regulated effectively? and
- Should it be regulated?

Regulation \implies Censorship \implies Violation of Human Rights

Article 19: The Universal Declaration of Human Rights Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

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Advocates for the protection of minority opinions against the tyranny of the majority.



- Unsolicited information
- Hate speech
- Fake news and free speech
- Pornography and deepfake
- Information that causes harm, e.g. to make a bomb, to kill people, etc.



- Goodwin (2003): Medium
 - telephone - one to one
 - TV - one to many
 - Internet - many to many
- Camp and Chien (2000): a public space.

The classification affects the type of policies.

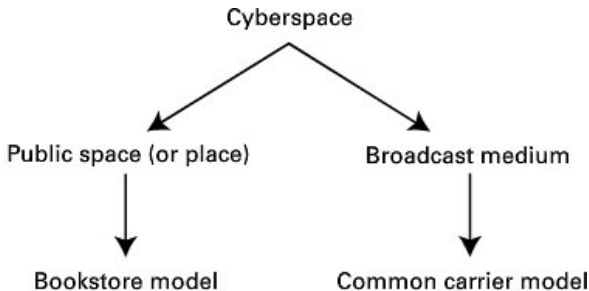


Figure 9.1 The ontology of cyberspace.



Regulation depends on the contents and the process:

- Food and drugs - **Health Canada** (FDA in the US)
- Commerce - **Innovation, Science and Economic Development Canada** (SEC in the US)
- Speech (Hate crime) - Police



- laws, e.g. to make smoking illegal in public buildings



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For cyberspace, architecture is replaced by *code*, which can limit access to the internet. For example, at the UoA, you need to sign in first before you can access the internet. To access electronic journals, you need to sign in through the UoA library system.

Note: This is quite different from browsing freely in the library at the UoA even if you were not affiliated with the university.

Digital Rights Management and the privatization of information policy



DRM (Digital rights management) - regulate the access of information using encryption

DRM + **Digital Millenium Copyright Act** (DMCA, 1998) regulate and enforce policies and laws in the cyberspace.

DMCA prohibits the development and use of technologies designed to circumvent copyright management systems, but limits the liability of ISP for copyright infringement by their users.



Concerns:

- Elkin-Koren (2000) - no more debate on public policy since manufacturers can embed code in their products that enforce the rules
- Spinello (2003) - no more checks and balances provided by the legal system
- Samuelson (2003) - DRM may violate the **fair use** provision of the copyright law



CTO of Microsoft Azure

- October 31, 2005: a blogger named **Mark Russinovich** revealed in an article that the **software protection scheme** (Sony rootkit scandal) used by Sony could be exploited by viruses or worms
- Also noted that no “uninstall” program was provided to remove XCP
- Sony responded to this criticism by releasing a software removal utility
- In a follow-up blog article, Russinovich pointed out that Sony’s removal utility merely “unmasked” the hidden files in the “rootkit” component of XCP, but did not actually remove the rootkit itself
- Finally, in November 2005, Sony provided a “new and improved” removal tool to uninstall the rootkit from affected Microsoft Windows computers.

Question: Should users trust content owners who are able to spy on them easily via the use of DRM technology?



- Elkin-Koren - because of the code, policies affecting information and digital media are becoming privatized
- Litman (2002) - has similar concerns. Example: **RIAA** tried to pressure computer manufacturers to make it impossible to download MP3 files on CD even though MP3 file format is legal and many MP3 music files are not copyrighted.
- Concerns of conflict of interest, e.g. **AOL (a carrier) merged with Time Warner** (content provider)

The use and misuse of metatags and web hyperlinks

- A metatag is a string of text that is embedded in HTML code, e.g. keyword metatag <football> or descriptive metatag <University of Alberta is one of the top universities in Canada.> Used by search engines the relevance of the page.
- Can be used for deceptive purposes, e.g. by including some keywords as metatags that are totally unrelated to the contents of the page
- Use names of competing companies



Deep linking on the Ticketmaster web site

Ticketmaster is a web site that operates in Seattle, Washington; it lists cultural events in the Seattle area and enables users to purchase tickets for those events. Microsoft, as a service to its employees, included a link from its web site directly to a page on the Ticketmaster site that described information about cultural events in the Seattle area. But Ticketmaster objected to Microsoft's use of this direct link to their sub-page, arguing that it should have a right to determine how information on its site is viewed. Ticketmaster also worried about revenue that might be lost from its advertisers, if the site's visitors systematically bypassed its top-level page, which contained various ads. Ticketmaster sued Microsoft.



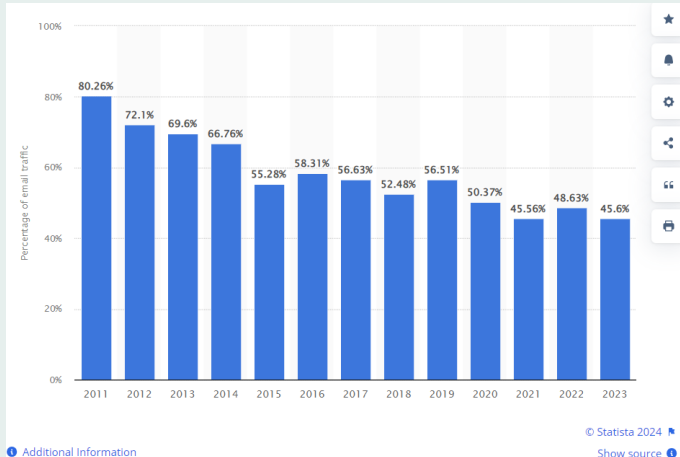
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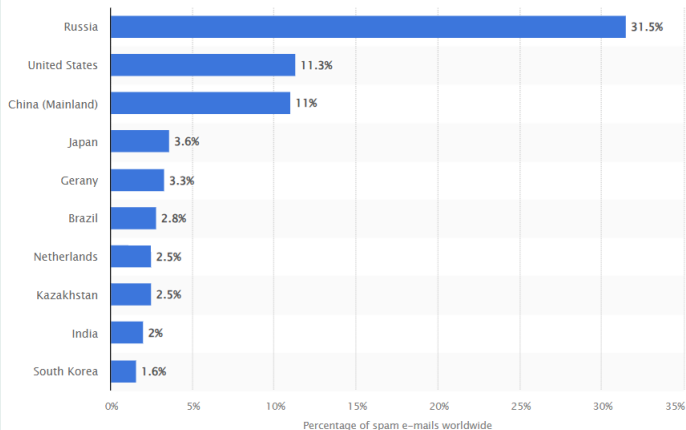
The case was settled out of court.

An artist can also argue that a visitor should view his/her work on the web in the order presented. In this view, the cyberspace is viewed as a property.

Global spam as percentage of total email (2011-2023)



Unsolicited spam by country of origin, 2023



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List of spammers

Spam

Some characteristics: unsolicited, commercial and distributed in bulk
Miller and Moor suggest spam should be analyzed based on

- content of the email
- intent of the sender
- consequences of the receiver
- consent of the receiver
- relationship between the sender and the receiver
- accountability of the sender and the degree of deception
- number of identical emails sent
- can be divided into **fraudulent Unsolicited Commercial Bulk email (F-UCBE)** and **non-fraudulent NF-UCBE**



Spinell (2006) argues:

- spam causes harmful consequences (utilitarian), e.g. financial, time, bandwidth etc.
- it violates individual autonomy because it cannot be universally applied (based on Kantian grounds)

What is phishing?

a crime for financial gain using social engineering or technical subterfuge

Email or text that attempt to acquire sensitive information of the recipients:

- usernames
- passwords **Lorrie Faith Cranor: What's wrong with your pa\$\$w0rd?** [17:41]
- credit card information

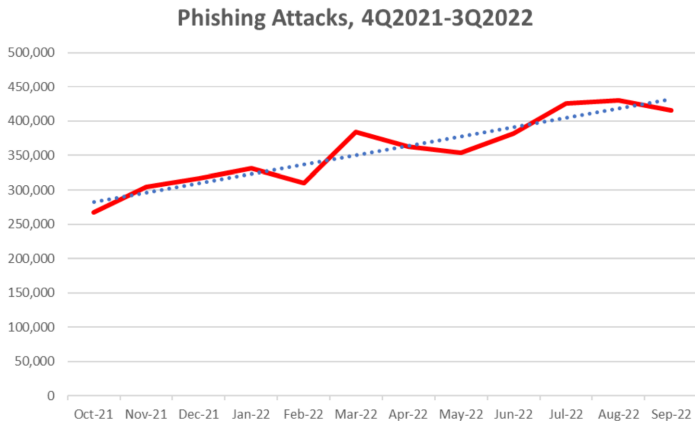
A typical strategy is to tell the recipient that there was a purchase and if you did not make it, then please click a link and confirm with your information...

You might be told that someone sent you a gift but you needed to pay for a small delivery charge....

On Aug. 31, 2017, **MacEwan University** discovered an online \$11.8M fraud due to a **phishing attack**.

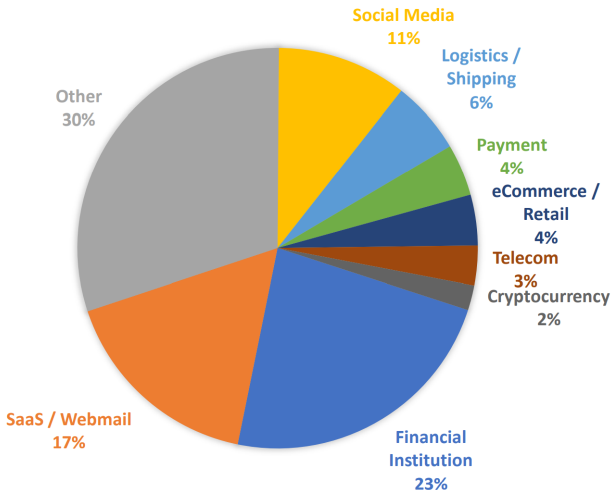
2018, **AHS** was a victim of a phishing scam

Recent email scams



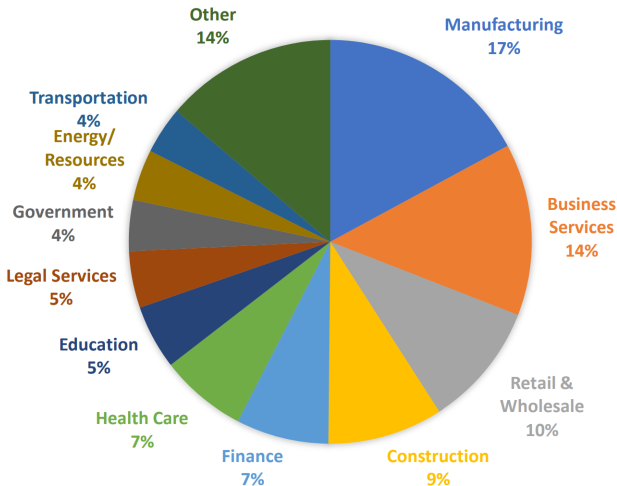
Source: Anti-Phishing Working Group

MOST-TARGETED INDUSTRIES, 3Q2022



Source: Anti-Phishing Working Group

RANSOMWARE VICTIM INDUSTRIES, 3Q2022



Source: Anti-Phishing Working Group



Took effect on July 1, 2014. 3 government agencies are responsible to enforce it (CRTC, Competition Bureau, and The Office of Privacy Commissioner). Violators could be fined up to \$10M per violation! In the US, it depends on the state.

- Asks for sensitive information
- Impersonation of companies or people you know
- Uses scare tactics
- Ask for money in advance
- Seems too good to be true



- unauthorized alteration of transmission data
- the installation of computer programs without consent
- false or misleading electronic representations (including websites)
- the harvesting of addresses (collecting and/or using email or other electronic addresses without permission)
- the collection of personal information by accessing a computer system or electronic device illegally



CASL

- started in 2014
- In 2014, Canada had 7 of the world's top 100 spamming organizations
- In 2017, it was down to 2
- In 2018, it received 5000 complaints a week - main complaint is for email sent without consent
- Between Oct. 1, 2021 and March 31, 2022 - more than 6400 per week - typical complaints - email sent without consent

- Aims at modernizing the broadcasting system for the digital age
- Regulates online streaming platforms such as Netflix and YouTube with the purpose that they contribute to Canadian content creation and support local industries
- Includes provisions for greater accountability and funding for Canadian content - level the playing field between traditional broadcasters and digital platforms
- “An Act to enact the Consumer Privacy Protection Act and the Personal Information and Data Protection Tribunal Act and to make related and consequential amendments to other Acts,” [source](#)
- Also known as the Digital Charter Implementation Act, 2020
- Passed by the Senate in Feb, 2023

What is wrong with Bill C-11?



Concerns:

- **Section 1 of the Charter:** “The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.”
- Expands the power of CRTC to encompass **all audiovisual content** on the Internet, including TikTok, YouTube, Spotify, etc.
- Increases visibility of some officially recognized Canadian content creators
- Picks winners and losers
- Main goal: Transfers revenues from digital content creators to legacy broadcasters, e.g. CBC and CTV
- **What do people say about this Bill?** [0:55]
- **Sen. Paula Simons** [11:58]: gives “**extraordinary new powers to the government to make political decisions about things.**”
- **CRTC: Myths and Facts about Bill C-11**

What is free speech?



Freedom of speech is a principle that supports the freedom of an individual or a community to articulate their opinions and ideas without fear of retaliation, censorship, or legal sanction. The right to freedom of expression has been recognised as a human right in the Universal Declaration of Human Rights and international human rights law by the United Nations. Many countries have constitutional law that protects free speech. Terms like free speech, freedom of speech, and freedom of expression are used interchangeably in political discourse. However, in a legal sense, the freedom of expression includes any activity of seeking, receiving, and imparting information or ideas, regardless of the medium used.

Source: [Wikipedia](#)



Free speech is not absolute!

- **Wikipedia:** In Canada, freedom of speech is protected as a “fundamental freedom” by Section 2 of the Canadian Charter of Rights and Freedoms.
- Section 1 of the Charter allows laws to prohibit obscenity, hate speech, hate propaganda, and anything that governments deem as required



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- The Supreme Court typically upholds laws that prohibit hate speech
- “Free speech” may be impacted by social norms and market pressure, e.g. criticism of the Bush government after 9/11 may be viewed as unpatriotic.



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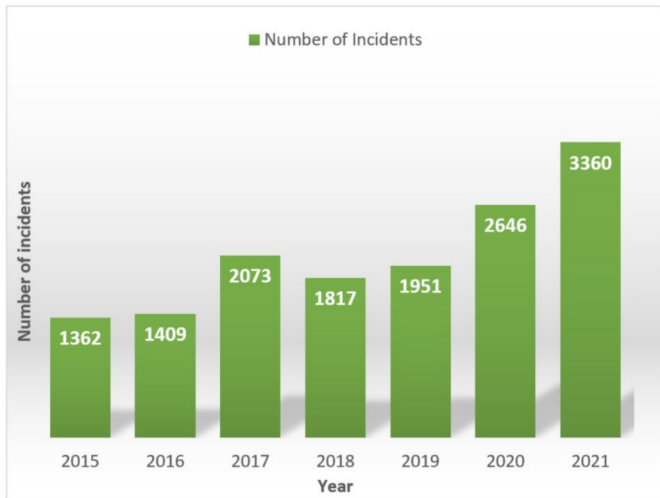
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Hate speech is speech that attacks a person or group on the basis of gender, race, religion, disability or sexual orientation.

Example: *R.A.V. v. City of St. Paul*, 505 U.S. 377 (1992) - a 14-year old boy was found guilty of burning a cross on the front lawn of a black family

Hate crime incidents in Canada



Seven significant cases in Canada



- 1 **Bill Whatcott**, a social conservative activist, distributed anti-gay flyers in Regina and Saskatoon in 2001 and 2002 - fined of \$7500
- 2 In 1990, **John Ross Taylor**, a party leader in white nationalist, was jailed for sending telephone hate messages (**HRC v Taylor**)

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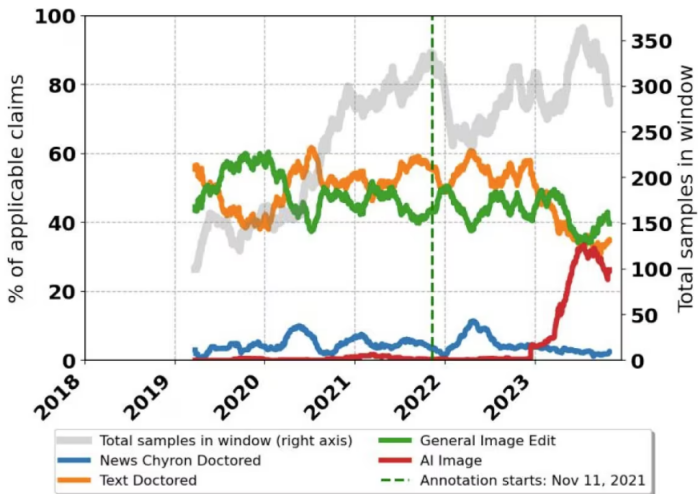
- An interview with Trump that appears in People magazine in 1998
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- CTV, Sept 16, 2024 - posted a manipulated video on Poilievre portraying him tabling the non-confidence vote because he did not like the national dental program. CTV caught lying for Trudeau [1:36]
- Many fake news came from social media

The rise of AI-generated misinformation



This chart shows the increase in AI-generated image misinformation in early 2023. (Dufour, Pathak, et al.,



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- After Jan 6, 2021, both **Facebook** and **Twitter** banned Donald Trump on their platforms. Recently, both Twitter (Nov 20, 2022) and Facebook (Jan 25, 2023) have reinstated Trump's accounts
- Facebook's algorithms reinforce political polarization - it feeds you with what you want to hear and let you share with your friends who are like you...(called "**The Filter Bubble**" by Eli Pariser)

- On Aug 27, 2024 - **Zuckerberg** admitted to be forced by the Biden Administration to censor COVID-19 content
- In his letter to the US House of Representatives Judiciary Committee,

Zuckerberg wrote:

I believe the government pressure was wrong, and I regret we were not more outspoken about it. I also think we made some choices that, with the benefit of hindsight and new information, we wouldn't make today.



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- **The Twitter Files**, 2022, some key findings:
 - **Hunter Biden Laptop story**
 - **Shadow banning** - intentionally made less visible without the users' knowledge, mainly for suppressing conservative voices
 - COVID-19 misinformation - includes suspension of accounts for spreading conspiracy theories. For example, the lab origin of the virus, efficacy of natural immunity, **side effects** caused by vaccines or COVID-19, Aspirin and COVID-19 (some **studies** show its effectiveness), and Ivermectin (still an ongoing debate), and the focused protection concept to handle the pandemic as advocated in the **Great Barrington Declaration**
 - Collaboration with DNC and government in suppressing dissenting views



- Born in Edmonton, grew up in Fairview, AB
- BA (U of Alberta, 1984), PhD (McGill, 1991)
- Taught at McGill, Harvard (1993-1998), and Toronto (1998-2022)
- Blamed Trudeau that his Dad could not attend his daughter's wedding in California because of Covid mandate on travel
- Tweets that got Peterson into trouble
- Suspended license unless he undergoes media retraining!
- CBC on Jordan Peterson
- CBC (Jan 17, 2024) Court dismisses Peterson's challenge order he undergo media training, which he might take it ...



- 2019, **Freedom House**'s report - governments and non-state actors throughout the world manipulate and use social media to infringe human rights and engage in election interference
- Should governments and platforms seek to ban online falsehoods?
- The United Nations Guiding Principles on Businesses & Human Rights (UNGPs) states that companies have a "responsibility to respect human rights" (Freedom of Speech is one of the rights)
- Article 19(3) of the International Covenant on Civil and Political Rights (ICCPR) permits governments to limit speech if 1) the speech restriction must be "provided by law" and 2) "necessary" to 3) achieve an enumerated public interest objective
- UN Special Rapporteur states that "general prohibitions on the dissemination of information based on vague and ambiguous ideas, including fake news and non-objective information, are incompatible with international standards ... and should be abolished."

- In 2019, Singapore passed “The Protection from Online Falsehoods & Manipulation Act (POFMA)”
- Goal: protect its society from hostile parties and to prevent what happened in the US election and in the UK’s Brexit vote
- Violators face criminal penalties of up to S\$50,000 and/or five years in prison
- The government was criticized for influencing the decision of two companies by Brad Bowyer
- Boyer was contacted by the Minister of Finance to correct his Facebook post claiming what he posted was false, which he complied
- Later, the government ordered an Australian website to correct its posting on Facebook, but the editor refused
- The government then issued an order to Facebook, which it complied by labelling the original post has false information

- Canada is also planning to ban Fake News
- It was started after the tragic **Quebec City shooting** in 2017
- The **fake news** spread online like wild fire claimed that the shooter was a radicalised Muslim from Morocco via two online videos by **Alex Jones** of Infowars.com and guest Matt Bracken, which ended with an innocent engineering student from Morocco arrested by police for interrogation but was later released
- Wonkete summarized Bracken's statement: "George Soros paying off young Quebecois men to convert to Islam while pretending to be Donald Trump supporters in order to do a false flag attack on a mosque, for the explicit purpose of getting people to not like Donald Trump supporters."
- China state media label **George Soros** as a "terrorist" (Interestingly, George Soros gave \$100 millions to **Human Rights Watch** in 2010)
- It turns out the shooter was **Alexandre Bissonnette**, who is not a Muslim but a far-right activist

- The above event prompted the Trudeau's government for **legislating a new law to ban 'fake news'**
- **Peter Jacobsen** commented that "it would be dangerous to go down a legislative path, because trying to regulate fake news could have the unintended consequence of curtailing free speech."
- He further added "It sounds simple when you're talking about something that's truly ridiculous, but the same process has to be applied to the truly ridiculous and what is closer to the line in terms of what's true or not."
- In 2019, the **Canadian Constitution Foundation** announced that it was launching a Charter challenge against new rules which criminalizes the distribution of "fake news" during an election campaign
- **Michael Karanicolas**, a Resident Fellow at Yale Law School, commented that "There is a reason why almost **no other democracy criminalizes** "fake news.""
- **Allen Weintraub**, Chair of the US Federal Election Commission in 2019, argues that to deter disinformation is to end **microtargeting**



Mathiesen 2008

“restrict or limit access to an expression, portion of an expression, or category of expression, which has been made public by its author, based on the belief that it will be a bad thing if people access the content of that expression.”

Mathiesen 2008

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Types of censorship

Catudal (2004) identifies two types:

- by suppression - prohibits the publication, the display or circulation of objectionable text or material
- by deterrence - less drastic, uses social norms, personal disgrace, public censure, etc.



Censorship is not new. It has been used millennium ago....

- 860-932 AD **Rhazes** - beaten blind by Muslim priest for his own writing
- 221 AD - **Emperor Shi Huangdi** - Burning of books and burial of scholars: The objective is to restrict the questioning the emperor
- 1632 - **Galileo** - under house arrest for his view of Copernican
- 2011 - **Ivar Giaever**

(Physics Nobel Prize 1973)

- resigned from APS because of his view on global warming

In the APS it is ok to discuss whether the mass of the proton changes over time and how a multi-universe behaves, but the evidence of global warming is incontrovertible?

Time magazine: Navigating the Nudity Rules on Facebook (July, 8, 2014)

We removed content you posted

We removed this content because it doesn't follow the Facebook Community Standards regarding nudity.



Jilly White

Facebook sent photographer Jilly White the above message regarding a photograph of her daughter

© ⓘ ⓘ Herb Yang



Censorship and bias are also performed by SNS and search engines:

- Are results returned by search engines biased?



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Paul Bloom, a Canadian-American psychologist, the Brooks and Suzanne Ragen Professor Emeritus of psychology and cognitive science at Yale University and Professor of Psychology at the University of Toronto, Can prejudice ever be a good thing? [16m]

Key message:

- Prejudice is often natural, rational ... even moral. The key, says Bloom, is to understand how our own biases work – so we can take control when they go wrong.



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 - **revenge porn (maybe)**
- **Apple** planned to scan US iPhones for images of child sexual abuse using NeuralHash. But **they** delayed the plan



- **SafeSearch** filter “allows user to prevent explicit content from appearing in search results”

We are not censoring any adult content, and want to show users exactly what they are looking for -- but we aim not to show sexually-explicit results unless a user is specifically searching for them. We use algorithms to select the most relevant results for a given query. If you're looking for adult content, you can find it without having to change the default setting -- you just may need to be more explicit in your query if your search terms are potentially ambiguous. The image search settings now work the same way as in web search

Google Image Search



Consider the following:

- Should online nude pictures be censored?
- Should online porn sites be censored?
- Should online sites that promote hate be censored?
- Should online sites that distribute false information be censored?
- Should Twitter censor **Neo-Nazi** accounts in Germany?
- Should Twitter ban Trump?



Art work in Cistine Chapel



Art work in Cistine Chapel

Wiki: pornography

The explicit portrayal of sexual subject matter for the purpose of sexual arousal.

It is a 100 billion dollar industry world wide!

Many paintings in the 19th century were judged pornographic, e.g.

Olympia by Manet, but now as master pieces.



Wikipedia: A 2009 study at the University of Montreal did **not** find any men in their 20s who claimed to have never viewed pornography.

Canadian view of pornography:

Under Canadian criminal law, the term “pornography” occurs only in section 163.1 of the Criminal Code, which provides a definition of “child pornography.” Pornographic material featuring consenting adults is regulated through the “obscenity” provision of the Criminal Code (section 163). In other words, unlike child pornography, pornographic material involving consenting adults is legal in Canada if it is not deemed to be obscene. As a consequence, child pornography tends to be much more clandestine and difficult to detect than adult pornography, which is readily accessible in retail stores through the sale and exchange of DVDs, videos, films, books and magazines, as well as in theatres, on television and over the Internet.



- 1857 - *Madame Bovary* by Gustave Flaubert. Went to press in 1857 after some initial attempt to block it.
- 1922 - *Ulysses* by James Joyce - banned in 1921 and finally published in 1934
- 1928 - *Lady Chatterley's Lover* by D.H. Lawrence - privately published in 1928. Published in 1959 in the US and in 1960 in the UK. Attracted obscenity trials.
- 1955 - *Howl and Other Poems* by Allen Ginsberg. Obscenity trial in 1957.
- 1996 - *The God of Small Things* by Arundhati Roy. Won Booker Prize. Published in 1997 and was charged with obscenity trial.
- ...



- What is pornography?
- Pornhub (CTV W5 - part 1 [12:27] and part 2 [10:31]) - the largest porn site, based in Montreal!
- Pornhub - founded by Canadians Matt Keezer with Stephane Manos, Ouissam Youssef, and Feras Antoon, 2007 (Who created Pornhub?)



Obscenity criteria used in the US:

- depicts sexual (or excretory) acts whose depiction is specifically prohibited by law;
- depicts these acts in a patently offensive manner, appealing to prurient interest as judged by a reasonable person using community standards;
- has no serious literary, artistic, social, political, or scientific value.

In Canada, obscenity is covered by **Bill C 163** - "(1) Every person commits an offence who makes, prints, publishes, distributes, circulates or has in their possession for the purpose of publication, distribution or circulation any obscene written matter, picture, model, phonograph record or any other obscene thing."

The above criteria are difficult to enforce.



Amateur Action

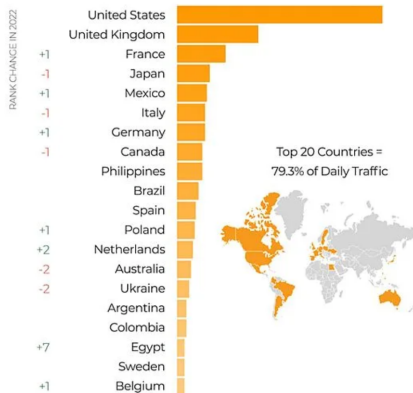
This BBS made sexually explicit images available to members. It was operated by a couple who lived in California. Viewing the same images in Tennessee is illegal. The couple was found guilty under Tennessee law of distributing obscenity as defined under the local “community standards” that applied to Memphis.

Question: what is the definition of “community standards” in cyberspace? Is it defined by geography, social networks, or other criteria?

Forbes:

- In 2010, 42,337 sites (4% of all sites) were sex-related
- From July 2009 to July 2010, 13% of web searches were for erotic content.
- **Current statistics**

Top 20 Countries by Traffic





- CDA (Communication Decency Act of 1996) was struck down in a court in Philadelphia as too broad - also known as the “Great Cyberporn Panic of 1995” - attempts to handle both indecency and obscenity (I know it when I see it!) in cyberspace

However, one section of it called the Child Pornography Protection Act of 1996 (CPPA) stands.

CPPA: “It is a crime to knowingly send, receive, distribute, reproduce, sell or possess more than 3 child pornographic images, which include **computer generated** images.” In 2001, several groups, including the American Library Association (ALA) and the ACLU, filed suit to prevent the enforcement of CIPA's filtering requirement in public libraries. **The US Supreme Court struck down CPPA in 2002 as a violation of the First Amendment.**

CIPA (Children's Internet Protection Act) - designed to protect children from viewing offensive online materials - requires K-12 schools and libraries in the US use internet filters.

In Canada, it is defined in Bill C-46 - mainly on child pornography (**Section 163.1 Canadian Criminal Code**)

Manga (comics) with virtual child porn is a \$3.6B business in Japan!

TABLE 9.1 Internet-Specific Child Pornography Laws

CDA (Communications Decency Act)	Passed in January 1996 and declared unconstitutional in July 1996. The Supreme Court upheld the lower court's decision in 1997.
CPPA (Child Pornography Protection Act)	Passed as part of the larger CDA, but not initially struck down in 1997 with the CDA. It was declared unconstitutional in April 2002.
COPA (Child Online Pornography Act)	Passed in June 1998 and (portions) declared unconstitutional by the Supreme Court in February 1999.
CIPA (Children's Internet Protection Act)	Passed in December 2000 and declared unconstitutional by a U.S. district court in 2002. The Supreme Court overturned the lower court's ruling in June 2003.

“Any depiction, including a photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct.”

There are 4 categories of such depictions:

- the production of such visual depiction involves the use of a **minor** engaging in sexually explicit conduct;
- such visual depiction is, or appears to be, of a **minor** engaging in sexually explicit conduct; or
- such visual depiction has been created, adapted, or modified to appear that an identifiable **minor** is engaging in sexually explicit conduct; or
- such visual depiction is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a **minor** engaging in sexually explicit conduct.



Catudal argues that a 19-year old girl may appear younger in the picture. The same issue may appear in the last 2 categories. The Supreme Court (in the US) reasoned that **a distinction needed to be made between a pornographic image of an actual child and that of a “virtual,” or computer-generated image of a minor.**



In Canada, **Section 163.1** defines child pornography as

- a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,
- any written material, visual representation or audio recording that advocates or counsels sexual activity with a person **under the age of eighteen years** that would be an offence under this Act;
- any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a person **under the age of eighteen years** that would be an offence under this Act; or
- any audio recording that has as its dominant characteristic the description, presentation or representation, for a sexual purpose, of sexual activity with a person **under the age of eighteen years** that would be an offence under this Act.

Do you recognize the following?



Do you recognize the following?



Do you recognize the following?



Ingrid Bergman

Do you recognize the following?



Ingrid Bergman



Song Hye Kyo

Do you recognize the following?



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Song Hye Kyo

Created by Max Wahyudi of
Vancouver Film School

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Question: What if the computer generated image looks so real that you cannot tell the difference?



- What is **deepfake**?
- Some **deepfake examples** (not pornographic) [11:30]
- **How deepfakes undermine truth and threaten democracy**, Danielle Citron, TEDSummit, 2019 [13:09]
- **DeepSukebe** - A website (service) to undress (nudify) people using AI
- **Non-consensual pornography** using Nudify app
- **David Tatum**, 41 , a child psychiatrist in Charlotte, NC, is sentenced on Nov 8, 2023 to 40 years in prison for possession of child porn and for **using AI to create child porn** (Note: In Canada, for making child porn, the maximum imprisonment for a term of not more than 14 years and not less than 1 year)
- **CBC, Jan 28, 2024**: Explicit fake images of Taylor Swift prove laws haven't kept pace with tech, experts say

Ashley Madison

It is based in Toronto, launched in 2002. Its ad: "Life is short, have an affair." On its site, it says "Ashley Madison is the most famous name in infidelity and married dating. "

Unlike a dating service, it provides service for dating of married people, i.e. to have an affair. It guarantees members to have an affair within 3 months. Joining is free but there is charge when you need to start an affair. In 2019, it claimed to have set up 1 million affairs every month with over 60 million users.

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Critics:

- McDermott (cofounder of Match.com) - “a business built on the back of broken hearts, ruined marriages, and damaged families.”
- Toronto transit commission bans advertisement on its streetcars.
- FOX TV refused to air its ad during SuperBowl in 2009 and 2011
- In 2010, Phoenix rejected a 10 million offer to rename the Sky Harbor Airport to Ashley Madison International Airport.



- In July, 2015, Ashley Madison was hacked by “The Impact Team” and
- more than 60 gigabytes of company data, including user details were leaked.
- The impact was quite significant.
- Several suicides in the US and in Canada were reported to be related to the leak.

Questions:

- Should Ashley Madison be denied the same business opportunities or even be banned to exist?
- Should “The Impact Team” hack Ashley Madison and release the hacked data?

Example

BC teen found guilty of child pornography [CTV News](#): Jan. 10, 2014. The 17-year-old girl who sent explicit texts of her boyfriend's former girlfriend was also convicted of possession of child porn and uttering threats. The girl was found guilty of the child pornography charges because the subject of her so-called sexting messages was also a teen.

Example

BC teen found guilty of child pornography **CTV News**: Jan. 10, 2014. The 17-year-old girl who sent explicit texts of her boyfriend's former girlfriend was also convicted of possession of child porn and uttering threats. The girl was found guilty of the child pornography charges because the subject of her so-called sexting messages was also a teen.

Remember this case? Rehtaeh Parsons, the 17-year-old from Cole Harbour who was said to have endured harassment and humiliation after a photo of her being sexually assaulted was circulated around her school and online, died in April, 2013.

The Criminal Law Team:

- Covered under Bill C 163 (1)
- In 2001, the Supreme Court of Canada ruled in the case R v. Sharpe that sexting among minors, with certain restrictions, is legal.
- Legal for over 18 consenting teens
- Under 18, the issue is more complex and depends on the ages of the two teens and their age differences

National Post, Nov 16, 2013: “There have to be consequences for these actions, but I don’t know that criminal law is the answer,” said **Shaheen Shariff**, Professor, Department of Integrated Studies in Education at McGill University who studies cyberbullying and sexting, and helps schools educate kids in digital citizenship. “It’s sad because all of this is moving so fast, and we haven’t yet sorted out how the law should best be applied.”

Hilden 2013

Sexting and child pornography should be treated differently. She suggests two kinds of exceptions:

- a “Romeo and Juliet” - with consensus
- an age specific exception - less severe when the age difference is small

Questions: If an older man receive a unsolicited sexting from a teenager.. Will the man be charged? Or **Children making AI-generated ...?** or **teen sharing child porn**, or **children generating deepfake nude images...**

Hate speech and speech that can cause physical harm to others



Well known hate groups:

- Ku Klux Klan (KKK)
- “skin heads” in North America, Europe and Russia
- Aryan Guard - based in Alberta - a branch of Aryan Nations
- Soldiers of Odin

Hate watch groups:

- Southern Poverty Law Center - won many cases against hate groups.
The headquarters is the target of numerous plots by extremist groups, including a firebombing in 1983 that destroyed the offices.
- ADL (Anti-Defamation League) - Imagine a world without hate
- Hate Speech Watch - mostly in European context
- Fight Hatred

Examples of sites that can cause harm

- Instructions to construct bombs
- Instructions to print a gun and bullets using a 3D printer
- Instructions to abduct women and children
- Instructions to do final exit, e.g. “Blue Whale Challenge”
- Instructions to recruit people into the terrorist movements
- **Kenneth Law**, a Canadian operating websites selling sodium nitrites, was charged with shipping sodium nitrite, arrested in May, 2023, charged with 14 counts of first-degree murder
- ...

If the internet is a medium, like TV, or radio, then it is easier to control the dissemination of certain kinds of information. However, if it is a public place, then it is more difficult to ban controversial forms of speech and speech that can cause physical harms to others.



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Critics:

- Will people not talk about controversial topics?
- Will it drive potentially radicalized people underground?



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Concerns include:

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- **Evgeny Morozov: How the Net aids dictatorships** [11:53]



What is net neutrality?

‘‘Network neutrality (or open inter-working) means that you are in control of where you go and what you do online. Companies that provide Internet services should treat all lawful Internet content in a neutral manner. It is the founding principle of the Internet and what allows the Internet to be the largest and most diverse platform for expression in recent history.’’
- Internet Society



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Tim Wu - Professor in Law at Columbia University

“a maximally useful public information network aspires to treat all content, sites, and platforms equally.” But he also added “packet switching inherently discriminates against time-sensitive applications.”
An example of a neutral innovation-driving network is the electric grid.



- Obama's view: "no blocking, no throttling, increased transparency, and no paid prioritization to speed content transmission."

- **No blocking.** If a consumer requests access to a website or service, and the content is legal, your ISP should not be permitted to block it. That way, every player – not just those commercially affiliated with an ISP – gets a fair shot at your business.
- **No throttling.** Nor should ISPs be able to intentionally slow down some content or speed up others – through a process often called "throttling" – based on the type of service or your ISP's preferences.
- **Increased transparency.** The connection between consumers and ISPs – the so-called "last mile" – is not the only place some sites might get special treatment. So, I am also asking the FCC to make full use of the transparency authorities the court recently upheld, and if necessary to apply net neutrality rules to points of interconnection between the ISP and the rest of the Internet.
- **No paid prioritization.** Simply put: No service should be stuck in a "slow lane" because it does not pay a fee. That kind of gatekeeping would undermine the level playing field essential to the Internet's growth. So, as I have before, I am asking for an explicit ban on paid prioritization and any other restriction that has a similar effect.



- Nokia's view: "communicate with any other individual or business and access the lawful content of their choice free from any blocking or throttling, except in the case of reasonable network management needs, which are applied to all traffic in a consistent manner" and "*fee-based differentiation* should be allowed for specialized services, as long as it is transparent."
- In Canada, service providers, which are treated as utilities, cannot give "undue or unreasonable preference" nor "can they influence the content being transmitted over their networks."



Proponents: The internet has been conceived and implemented as a neutral network from the outset.

Tension: FCC officially adopted principles to (a) “deregulate the Internet services provided by telephone companies,” and (b) “give consumers the right to use the content, applications, services and devices of their choice when using the Internet.” In 2008, Comcast was accused of slowing down access to a popular P2P site. FCC complained against Comcast and required it to cease blocking the P2P site. However, FCC’s position was not supported by a federal appeal court. In 2015, FCC passed the Open Internet Act, which re-classified ISP providers as common carriers and banned discrimination and anti-competitive behaviors.

Proponents

Large telecommunication companies want to be internet gatekeeper because:

- guarantee speedy delivery of their data via “express lanes” for their own content and services or for large corporations that can afford the fees
- slow down services to some sites or block content offered by their competitions
- favour their own search engines, internet phone services and streaming video



Opponents

Large telecommunication companies can:

- increase internet speed, reach, and availability to users in the US
- increase economic growth, job creation, global competitiveness and consumer welfare

Concerns of the lack of net neutrality

- access to information would be restricted, and innovation would be stifled;
- competition would be limited because consumer choice and the free market would be sacrificed to the interests of a few corporations;
- the Internet will look more like cable TV, where network owners will decide which channels, content, and applications are available (and consumers will have to choose from their menus).

Recent news on [Forbes](#) on net neutrality

An interesting article in [New Scientist](#)

[FCC approved stronger net neutrality rules in 2015 under Obama](#) but [overturned](#) in 2017 under Trump. On Oct. 19, 2023, under Biden, FCC voted to seek comments on restoring net neutrality rules and regulations of ISP.



Tim Berners-Lee

“When I invented the Web, I didn’t have to ask anyone’s permission. Now, hundreds of millions of people are using it freely. I am worried that that is going to end in the USA.”



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Sir Tim Berners-Lee: [A Magna Carta for the web](#) [6m]