Berkman@10

THE FUTURE OF THE INTERNET

May 14–16, 2008

Berkman@10: celebrating 10 years of exploring cyberspace, sharing in its study, and pioneering its development

The Berkman Center for Internet & Society at Harvard Law School
The Berkman Center’s mission is to explore and understand cyberspace; to study its development, dynamics, norms, and standards; and to assess the need or lack thereof for laws and sanctions.

We are a research center, premised on the observation that what we seek to learn is not already recorded. Our method is to build out into cyberspace, record data as we go, self-study, and share. Our mode is entrepreneurial nonprofit.
our best future lies in the balance between open and closed domains, in our own lives, in our institutions, in our governments, in our information spaces.

we, here at the birth of a digitally networked world, berkman@10, are at an inflection point in the way human beings relate. the net changes defaults from closed to open. the net brings the power of connection to WE the people.

the challenge of the net is to form an engine of production with a positive business plan.

i believe we of university have a role to play in the future of the net. we ground the net in service of research and education.

we will best play our role by recognizing that we are ourselves creatures of the open net, playing in real space against forces of established power whose interest is to close it.

within this warm and distinguished gathering, we aim to grapple with and generate many of the salient and driving questions animating this space—and to collectively envision our path forward.

we look forward to reporting on current research and discussing recent achievements; but, perhaps most importantly, to building and charting our future agenda. “the best way to understand cyberspace is to build out into it.”

we call on you—our passionate and diverse community—to make our tenth anniversary celebration both a reflection of our common history and friends, projects and experiences, and a product of our rich and vibrant network.

—Charlie Nesson
Founder

Our community has underwritten the success of our scholarship. Indeed, Berkman conferences, teaching programs, global outreach, and web presence have consistently extended beyond the walls of universities to people all over the world. Our community members are leaders and emerging leaders, doing important work while at the Berkman Center and often achieving greater heights in subsequent endeavors. We don’t simply study networks—we create them, by linking with other researchers, funders, nonprofit and academic organizations, for-profit ventures, government entities, and the public we serve.

We were chartered to identify, study, and engage the most difficult and fundamental problems of the digital age and to share in their resolution in ways that advance the public interest. Even as technology and the way people use it continue to change, this core mission has remained constant throughout our growth and will continue to guide us through our next ten years. We look forward to charting that course with you during this conference and celebration.
The Berkman Center is proud to celebrate its tenth anniversary. Throughout the 2007–2008 academic year, we have commemorated this milestone with special events, a distinguished speaker series, major book releases by Berkman people and projects, and, finally, this conference and the first Berkman Awards. During this gathering, we hope to reflect on the work we have done together over the past decade, and to look towards what we hope to accomplish in our next ten years.

The promise of cyberspace is at least as great as it was ten years ago, if not greater. The past decade has seen both inconceivable highs and unpredictable lows, new terrain, achievements, and challenges for university, business, government, civil society, and law. ICANN’s founding in 1998 simultaneously invokes and subverts traditional notions of governance. Social network sites create a new social commons and hint at lasting changes for existing norms. Wikipedia’s launch in 2001 produces innovative models for collaboration and peer production. Landmark legal cases, from the DOJ’s antitrust case against Microsoft to *Eldred v. Ashcroft*, signal an uncharted legal landscape. The tech industry balloons with the founding of Yahoo! and eBay; Google goes public at $85 a share in 2004. The boom and bust of dot-coms, the rise of bloggers, and the changes to traditional newspapers shake the foundations of business and media. Technical innovations, from VoIP to Napster and Twitter, emerge almost daily and are coupled with surprising hazards, such as Internet censorship, badware and botnets. These examples are emblematic of a decade filled with creativity and change, advancements and setbacks—threads which we hope to examine during this conference.

**SOME STARTING POINTS**

We will look at Berkman’s history, asking: What are the issues that defined our research agenda ten years ago? What are the critical forces—technological innovation, public policy, user activity, markets—that have influenced those debates in the intervening years?

In tracing the trajectory of the past and attempting to lean into the future, what are the contours of the moment in which we find ourselves? What is settled in the exploration of “Internet & Society,” what do we know is true, what do we agree on? Conversely, what problems and challenges persist?

Primarily, we will discuss the future: What are the most important questions that will propel us into the next decade?

Hailing from diverse disciplines and sectors—from universities and business, to the blogosphere and civil society—conference participants will play a unique role in shaping the future of the Net. We hope to begin to identify the opportunities that lie before us, while remaining conscious of the challenges that shape how we choose to approach them. Together, we will map our priorities and work to realize our collective goals.
**WEDNESDAY, MAY 14**

6:00–7:15 pm
BERKMAN CENTER/INSTITUTE OF POLITICS FORUM EVENT
Civic Engagement and the Youth Vote in the 2008 Elections

Harvard Kennedy School
Institute of Politics
79 JFK Street, Cambridge, MA

**THURSDAY, MAY 15**

8:30–9:00 am
REGISTRATION & BREAKFAST

Austin Hall Rotunda

9:00–9:30 am
WELCOME

Terry Fisher | WilmerHale Professor of Intellectual Property Law, Harvard Law School. Faculty Director, Berkman Center for Internet & Society.
Charles Nesson | William F. Weld Professor of Law, Harvard Law School. Founder and Faculty Co-Director, Berkman Center for Internet & Society.

9:30–11:00 am
THE FUTURE OF THE INTERNET (TAKE 1)

Jonathan Zittrain | Jack N. and Lillian R. Berkman Visiting Professor for Entrepreneurial Legal Studies, Harvard Law School, Chair in Internet Governance and Regulation, Oxford University. Co-Founder and Faculty Co-Director, Berkman Center for Internet & Society.

Jonathan’s recently-published book, _The Future of the Internet—And How to Stop It_, foresees troubled times for the Internet—in particular, for the open ethos so fundamental to its success. This session will highlight some of the themes and arguments from the book, including the ways in which open systems can be abused at the hardware, software, content, and social layers of our information technology ecosystem—and the opportunities for response that do not eliminate the generative character we are trying to save.

11:00–11:30 am
COFFEE BREAK

Austin Hall Rotunda

11:30–1:00 pm
POLITICS

A conversation moderated by John Palley | Clinical Professor of Law, Harvard Law School. Executive Director, Berkman Center for Internet & Society.

The Internet is changing how politics is conducted at every level, from local to national to global. Ten years ago, some predicted the online equivalent of “everyone a pamphleteer.” It’s clear that the changes taking place on the Internet are more subtle than some anticipated, that they vary by place and context, and that the changes are not all good. Optimists argue that there are the right tools—that the development of the “networked public sphere” is, overall, a very positive thing for democratic institutions. Others are not so sure, pointing to the possible dystopia of citizens surrounding themselves with only the information they wish to hear, censors blocking important political speech at national borders, and a growing culture of surveillance on the web. Against this background, what types of interventions could ensure that the growing use of networked technologies helps to strengthen democracies rather than to undermine their development?

1:00–2:00 pm
LUNCH

Ropes Gray Room
(Pound Hall 212)

2:15–3:45 pm
COOPERATION

Yochai Benkler | Jack N. and Lillian R. Berkman Professor of Entrepreneurial Studies, Harvard Law School. Faculty Co-Director, Berkman Center for Internet & Society.
Jimmy Wales | Founder of Wikipedia, Berkman Fellow.

Wikipedia has become the sum for a different way of looking at how we can be productive and collaborative. Peer production has emerged as a defining feature of the networked information economy and the networked public sphere. Is it possible to begin to imagine that these practices could change our understanding of the possibilities of cooperative human relations? What are the forces pushing against cooperation, and how can they be addressed? What can we learn from life online about how better to design systems, both technical and institutional, that will foster cooperation?

6:00–7:30 pm
COCKTAIL RECEPTION

Sponsored by Viacom

8:00 pm
FOOD FOR THOUGHT DINNERS

8:30–9:00 am
REGISTRATION & BREAKFAST

Austin Hall Rotunda

9:00–9:30 am
WELCOME

11:00–11:30 am
COFFEE BREAK

Austin Hall Rotunda

11:30–1:00 pm
THE FUTURE OF THE INTERNET (TAKE 2)

Michael Fricklas | Executive Vice President, General Counsel and Secretary, Viacom.
Reed Hundt | Vice Chairman, Frontline Wireless.
Esther Dyson | President, Edventure Holdings.

This discussion will focus on the future of the Internet, presented through the perspectives of business, industry, and government. Speakers will be asked to consider the best strategies for public media institutions—in partnership with universities, public television and radio, and private businesses—to create a balance between open and closed domains, and have a positive impact on the Net’s future. How can these institutions leverage their capacities to help develop online integrated media and educational tools aimed at enhancing the openness of the Net?

6:00–7:30 pm
COCKTAIL RECEPTION

Sponsored by Viacom

8:00 pm
FOOD FOR THOUGHT DINNERS

See p.19 for details.

WE 6:00–7:30 pm
BERKMAN CENTER/INSTITUTE OF POLITICS FORUM EVENT
Civic Engagement and the Youth Vote in the 2008 Elections

Harvard Kennedy School
Institute of Politics
79 JFK Street, Cambridge, MA

TH U RS D A Y, MAY 15

1:00–2:00 pm
LUNCH

Ropes Gray Room
(Pound Hall 212)

3:45–4:15 pm
COFFEE BREAK

4:15–5:45 pm
THE FUTURE OF THE INTERNET (TAKE 2)

Michael Fricklas | Executive Vice President, General Counsel and Secretary, Viacom.
Reed Hundt | Vice Chairman, Frontline Wireless.
Esther Dyson | President, Edventure Holdings.

This discussion will focus on the future of the Internet, presented through the perspectives of business, industry, and government. Speakers will be asked to consider the best strategies for public media institutions—in partnership with universities, public television and radio, and private businesses—to create a balance between open and closed domains, and have a positive impact on the Net’s future. How can these institutions leverage their capacities to help develop online integrated media and educational tools aimed at enhancing the openness of the Net?

6:00–7:30 pm
COCKTAIL RECEPTION

Sponsored by Viacom

8:00 pm
FOOD FOR THOUGHT DINNERS

See p.19 for details.
AGENDA

FRIDAY, MAY 16

8:30–9:00am
BREAKFAST

9:00–9:30am
PROPOSALS FOR BREAKOUT SESSIONS
Doc Sears | Berkman Fellow.
David Weinberger | Berkman Fellow.

9:30–10:45am
OPENNESS SESSIONS

OPEN EDUCATION
Building an Immersive Networked Future Expressed in Code, Law, Public Media, and Human Spirit
Gew Kon & Charlie Noum | Austin North

This session will be conducted as a workshop focused on developing a practical strategy for open online education. The goal is to create a model for an online teaching environment that enables a continuing feedback loop between one teacher and many students and classes of students in addition to an online curriculum sufficiently engaging to attract and sustain students’ interests in higher education. What type of business plan can sustain this model?

OPEN MEDIA
Is Openness Enough? Media and Democracy in the Networked Age
Bruce Etling, Dan Gillmor, Persephone Mol & Jake Shapiro | Langdell South

The disruption of traditional media models and the rise of participatory media in the US and around the world are well documented but not yet well understood. Are the simultaneous evolution of “new” and “old” news media creating a more engaged, more democratic public? Is this process organic and self-correcting, or are there areas where the vast market of ideas is not serving the public interest? How can we meaningfully measure the impact of a system that is evolving before our eyes? What interventions are having results?

THE LANGUAGE OF OPENNESS
Framing the Net: What We Say is What We Get
Judith Donath, Doc Searls & David Weinberger | Austin West

Nothing matters more than what the Net is. Yet when we call it a “space” or a “stage” or “pipes,” we frame it with metaphors that yield very different purposes, laws, and business models—a different futures. What different laws and regulations do we get by framing the Net in terms of real estate (“domains,” “sites,” “commons”), transport (“packets,” “content,” “pipes”) or theater (“audience,” “experience”)? How do these frames guide debate over net neutrality, open infrastructure, governance, regulation, public good, and business opportunity? Are there other ways of framing the Net that are more useful?

OPEN NETWORK ARCHITECTURES
Building Extensibility into the Network, Planning for the Unanticipated
Wendy Seltzer | Hauser 104

The most impressive features of the Internet may be among those we notice least, because they just work: the “running code” of its low-level architecture on open standards and protocols, atop which anyone can innovate—and many have. Can we preserve this openness and its generative potential? Can we replicate this openness on other networks? Can new architectures—and such networking—de-bottle the Net even further?

OPEN WORLD
The Global Internet: Emerging Tech in Emerging Markets
Michael Best & Beth Kolko | Hauser 102

The Internet is remarkably context-dependent, relying on where users are located and what infrastructure they can access. Weather-dependent in Cambodia, subject to invisible and constantly shifting censorship in places like Uzbekistan, and still delivered primarily at dial-up speeds in rural areas around the globe, the objective measure of “Internet access” doesn’t tell us much about what kinds of content people can access, the interaction and communication modes they adopt, how the technology gets integrated into everyday life and professional practice, and what new applications communities around the world might build. In these areas of greater constraint, people are innovative in how they adapt and create certain technologies to address local needs. When we look at patterns of adoption and usage, how does our understanding of the global Internet change? How does the use of Internet and mobiles in emerging markets point to the future of other technologies?

OPEN INNOVATION
Democratized and Distributed Innovation
Eric von Hippel & Karim Lakhani | Austin East

The Internet and the widespread availability of sophisticated digital design tools are radically changing best practices in product and service development. What was until recently a process concentrated within producer firms is now becoming democratized and widely distributed. This fundamental change has widespread consequences. What is the impact of these developments on innovation processes, business models, and government policies?

A NOTE ON THE BREAKOUT SESSIONS

On the morning of May 16, we will present six concurrent sessions on various facets of openness, considering its role in learning, architecture, language, innovation, global action, and the public sphere. Formulations of openness—from open code to open courseware, open learning to open Net—have undergirded Berkman’s activities and research since its inception. It is a core value that continues to evolve and take on new meaning within our work and initiatives. Beginning at 11am, we will host a series of breakout sessions, including some that have already been designed, and others that will be determined that morning. Earlier in the day, you and fellow conference participants will have the opportunity to propose and organize sessions that are of interest to you.

These tracks will doubtless include a diverse mix of sessions, which we trust will be inspiring, energized, and informed in our first day, and touch on topics that span our past development, recent accomplishments, and future agenda. At the end of the day, we will gather as a group for a wrap-up discussion focused on future visions—for Berkman, for the field, and for the Internet itself.

The word “open” has been used and abused in computing and networking for as long as both have been around. Yet it is a virtue that we hold self-evident: a Good Thing. So naturally, “open” is, in the words of Charlie Noum, a “foundational” value for the Berkman Center. After building on that foundation for a decade, we’ll take those sessions to examine, in an open way, this virtue we serve.

—Doc Sears, Berkman Fellow
FRIDAY, MAY 16 (CONTINUED)

10:45–11:15 am
COFFEE BREAK/SELF-ORGANIZING FOR AFTERNOON BREAKOUT SESSIONS
Please note that there will be a large matrix in the Austin Hall Rotunda listing the breakout sessions after they are proposed. They will also be posted to the B@10 website. We invite you to use the blank spaces in the grid on the opposite page to keep track of the sessions you wish to attend.

11:15–12:15 pm
BREAKOUT SESSIONS I
Digital Natives | Led by John Palfrey and Berkman Fellow Urs Gasser.
Transparency and Government | Led by Micah Sifry and Ellen Miller, Sunlight Foundation.
Other Breakout Sessions TBD by Conference Participants

12:30–1:45 pm
KEYNOTE LUNCH
Joshua Micah Marshall | Publisher, Talking Points Memo. Introduced by Berkman Fellow Dan Gillmor

2:00–3:00 pm
BREAKOUT SESSIONS II
Network Neutrality | Led by Yochai Benkler and Terry Fisher.
Race and the Internet | Led by David Harris, Charles Hamilton Houston Institute for Race and Justice, Harvard Law School.
Other Breakout Sessions TBD by Conference Participants

3:15–4:15 pm
BREAKOUT SESSIONS III
Netizenship | Led by Jonathan Zittrain.
The Dilemma of Games: Moral Choice in a Digital World Led by Berkman Fellows Carrie Kuo and Shanira van der Graaf.
Other Breakout Sessions TBD by Conference Participants

4:15–4:45 pm
COFFEE BREAK

4:45–5:30 pm
ONWARD!

7:00–10:00 pm
BERKMAN 10TH ANNIVERSARY GALA DINNER AND AWARDS PRESENTATION
For ticket holders only (advance registration required)
ELENA KAGAN, the Charles Hamilton Houston Professor of Law has served as Dean of Harvard Law School since July 1, 2003. A leading scholar of administrative law, Kagan has served on the faculties of both Harvard Law School and the University of Chicago Law School. In addition to holding senior legal and policy positions in the federal government, an alumnus of Harvard Law School and a former law clerk to the late Justice Thurgood Marshall, Dean Kagan teaches administrative law, constitutional law, and civil procedure. Her recent scholarship focuses primarily on the role of the president of the United States in formulating and influencing federal administrative and regulatory law. She also has also written on a range of First Amendment issues.

WILLIAM (TERRY) FISHER III
Professor Fisher specializes in intellectual property law. He is the author of Promises to Keep: Technology, Law, and the Future of Entertainment, and many articles on copyright and patent law and theory. Fisher graduated from Amherst College with a degree in American Studies and received both a JD and a PhD in the History of American Civilization from Harvard. From 1983 to 1994, he clerked for Judge Harry Edwards on the Court of Appeals for the DC Circuit and for Justice Thurgood Marshall on the US Supreme Court.

CHARLES NESSON
Professor Nesson teaches civil procedure and families in conflict. His research focuses primarily on the role of the president of the United States in formulating and influencing federal administrative and regulatory law. She also has also written on a range of First Amendment issues.

JOHN PALFREY
Executive Director of the Berkman Center, John Palfrey oversees the Center’s ambitious, public-spirited research agenda. As Clinical Professor of Law, he teaches classes on the Internet and democracy and cyberlaw in a business context. His research interests include Internet and democracy, digital natives, intellectual property, and citizen-generated media (Web 2.0). Palfrey joined the Berkman Center and served as its Executive Director from 1997-2000. Zittrain’s research focuses primarily on the Internet, its infrastructure, and the emergence of a networked economy and society. He is the author of The Wealth of Networks: How Social Production Transforms Markets and Freedom of a networked economy and society. He is the author of the acclaimed work focuses primarily on the Internet, its infrastructure, and the emergence of a networked economy and society. He is the author of the acclaimed

ESTHER DYSON is a long-time catalyst of startups and new ideas, primarily in information technology but also in health care and in private aviation and space—all markets disrupted by privatization, decentralization, and the impact of IT. She joined the board of the Electronic Frontier Foundation in the early 90s and became chairwoman in the mid-90s. In 1998, she became founding chairperson of ICANN for two years. Along the way she moved from industry observer (as editor of the newsletter Release 1.0 and author of the book Release 2.0) to active participant, as an angel investor and director of many start-ups. Among other companies, she sits on the boards of WPP Group, 23andMe, Boole, Meetup, Evernote.com, Yander (Russa) and Virgin. A two-time weightless flyer she is also active in the commercial space/line start-up world with investments in Constellation Services, Icon Aircraft, Coastal Aviation Software, XCOR, Aerospace and Space Adventures.

REED HUNDT
vice chairman of the startup frontline Weekly. He is also a principal of Charles Ross Partners, a private investor and business advisory service. He serves as an independent adviser to the Blackstone Group, a private equity firm. From 1993 to 1997, Mr. Hundt served as Chairman of the Federal Communications Commission (FCC). Prior to this, he was a partner in the Washington office of Latham & Watkins, a national and international law firm. His work included legal and regulatory issues in emerging technologies such as cellular telephones, direct broadcast satellite, and interactive television. He is the author of You Say You Want a Revolution and In Cloud’s Shadow, The Crisis of American Entrepreneurism. A graduate of Yale Law School, he serves as a member of the Management Advisory Board at the Yale School of Management.

JOHN PALFREY
As Executive Director of the Berkman Center, John Palfrey oversees the Center’s ambitious, public-spirited research agenda. As Clinical Professor of Law, he teaches classes on the Internet and democracy and cyberlaw in a business context. His research interests include Internet and democracy, digital natives, intellectual property, and citizen-generated media (Web 2.0). Palfrey joined the Berkman Center in 2003 after working as an intellectual property attorney at Roses & Gray and as a special assistant during the Clinton Administration.

JONATHON ZITTRAIN
is the Jack N. and Lilian R. Bertman Visiting Professor for Entrepreneurial Legal Studies at Harvard Law School and the Chair in Internet Governance and Regulation at Oxford University. Professor Zittrain is a co-founder of the Berkman Center and served as its first Executive Director from 1997-2000. Zittrain’s research includes digital property, privacy and speech, and the role played by private “middlepeople” in Internet architecture. He has a strong interest in creative, useful, and unobtrusive ways to deploy technology in the classroom. An author of many articles, his newest book has just been released: The Future of the Internet and How to Stop It. He has JD from Harvard Law School and an MBA from Harvard Kennedy School.

MICHAEL D. FRICKLAS
is the Viacom Executive Vice President, General Counsel and Secretary. He joined Viacom as a Vice President, Deputy General Counsel/Corporate in 1993, became Senior Vice President, Deputy General Counsel in 1994 and became General Counsel in 1998. Mr. Fricklas assumed the additional title of Executive Vice President in May 2000, following the Viacom/CBS merger. As General Counsel, Mr. Fricklas is responsible for Viacom’s legal affairs and management of its law department. A former mergers and acquisitions lawyer, Mr. Fricklas has played key roles in Viacom’s mergers with Paramount and Blockbuster in 1994, the Viacom/CBS merger in 2000, and the sales of Madison Square Garden and Simon & Schuster’s educational, business and professional businesses.

JOSHUA MICAH MARSHALL
is a partner at Golin Public Relations. Marshall has been a political commentator for CNN, FOX and MSNBC and is a frequent guest on radio stations across the country. Marshall graduated from Princeton in 1991 and holds a doctorate in American history from Brown. He lives in New York City with his wife Milat, their son Sam and their dog Simon.

ESTHER DYSON
is perhaps best known for his role in co-founding Wikipedia, the free-open content encyclopedia. In 2001, he is a member of the board of the Wikimedia Foundation and is a founder of Wikia, a privately owned free web hosting service established by Wales in 2004. With Wales, he is editor-in-chief, Larry Sanger he created Wikipedia, laying the foundation for its phenomenal growth and popularity. Wikipedia has popularized a trend and a web development called Web 2.0 and aims to facilitate creativity, collaboration and sharing among users. Time named Wales to its 2006 list of the world’s most influential people.

JIMMY WALES
Special thanks to the Berkman Family, The John D. and Catherine T. MacArthur Foundation, Dean Elena Kagan and the Harvard Law School, the Office of the Provost at Harvard University, the Microsoft Corporation, and many others for making the next ten years possible through their generous contributions to the Berkman@10 Campaign.

THANKS TO OUR CONFERENCE SPONSORS:

THANKS TO OUR INDIVIDUAL SPONSORS:
The Berkman Family
Jeffrey Cunard and Bruce Keller, Debevoise and Plimpton LLP
Gunderson Dettmer, LLP
John F. McQuillan, Jr., Triumvirate Environmental
Alan C. Mendelson, Latham & Watkins LLP (HLS ’73)
May 15 and 16 sessions will take place on the campus of Harvard Law School. For more information on logistics, please consult the Berkman@10 website: http://www.berkmanat10.org

**FOOD FOR THOUGHT DINNERS**

Food for Thought dinners will take place on May 15th at 8:00 pm after the cocktail reception. The dinners allow conference attendees to engage in informal, themed conversation with other conference participants. We’ve made the reservations—all you have to do is show up and enjoy! Please note that attendees will pay their own dinner costs. Please sign up or propose a topic on our wiki, linked from: www.berkmanat10.org

**SOCIAL TOOLS**

Please visit www.berkmanat10.org to contribute to the wiki, connect on the IRC channel, pose and vote on Question Tool queries, explore Berkman Island in Second Life, and find streaming and archived multimedia from the conference and leadup events. Please tag links on del.icio.us, photos on Flickr, blogposts on Technorati and elsewhere as “berkmanat10.”