Berkman@10: a decade of exploring cyberspace, sharing in its study, and pioneering its development
This academic year, 2007–2008, the Berkman Center celebrates its tenth anniversary. The occasion provides us opportunities to reflect on the work we have done together over the past decade and to look ahead to what we hope to accomplish collectively in the next decade.

The Berkman Center was founded at a time when the future of cyberspace seemed to be both boundless and overwhelmingly positive. Our belief was, and is, that there are values embedded in the openness of the Internet. At the same time, we understand that new configurations give rise to new problems. The reaction of societies to these problems will determine how much of technology’s potential can be realized. Mapping the open and the proprietary in cyberspace and modeling its special virtues, while being sober about its dangers, are at the heart of our shared inquiry.

Our primary activities are teaching and learning, as is true of any traditional university-based research center. But we also seek to elaborate upon that tradition using the technologies that we study. We have committed to build out into cyberspace as we study it. We have developed code that supports teaching, learning, and self-expression and have participated in erecting new kinds of institutions that seek – although with mixed results – to lend order to a space that appears at first glance to be ungovernable.

We have been, with great pride, a research center located within Harvard Law School. In this coming decade, we will complete our goal of becoming a truly interdisciplinary research center within Harvard University, while retaining our grounding and heritage in the field of law.

The promise of cyberspace is just as great as it was ten years ago, if not greater. Some of the challenges we face in studying it, and in building out into it, have changed; others persist. The more we learn, from one another and from our colleagues who study and build this space, the more our excitement for our work grows.

The impact of our efforts in the first decade derives in no small measure from the talents and dedication of those who have worked with us, including our students, staff, fellows, faculty colleagues, and a growing network of alumni, affiliates, and partners. If we are able to build upon our success during our second decade, it will be for the same reason. We look forward to working together for the common good as we study and explore another decade in cyberspace.

Terry FISHER
Faculty Director
Yochai BENKLER
Faculty Co-Director
Charles NESSON
Founder and Faculty Co-Director
Jonathan ZITTRAIN
Co-Founder and Faculty Co-Director
John PALFREY
Executive Director
Colin MACLAY
Managing Director
Founder’s Letter

Charles NESSON  
(a.k.a. eon, dean of cyberspace)  
Founder

The Berkman Center for Internet & Society is a collective consciousness. We are faculty fellows, students, staff, friends, and colleagues who sense together that connectedness is the direction in which we are moving and welcome it. We learn about Cyberspace by building it, conscious that we make the game we play. We are architects and characters, programmers and avatars. Our process is integral to our substance. We are committed to civil discourse that respects and engages the interests of those who disagree with us. We seek to express our warmth and intelligence mixed with a little mischief to keep things lively.

I founded the Berkman Center because I came to see that cyberspace is an open rhetorical space. It is a space in which collective consciousness can form.

Cyberspace challenges us at both individual and institutional levels. At the individual level, we live in an increasingly open information environment. This environment forces us to deal with, or be hurt by, any discontinuities that we maintain in separate spaces. It pushes us toward living lives in which our truth is consistent in all our different spaces. My mentor Fred Friendly counseled me: “Tell the truth. It’s easiest to remember.”

At an institutional level, communication is no longer necessarily a function of capital. Through the net we are now learning how to aggregate and integrate huge amounts of willing human energy. It is up to us to envision new ideas for organizing our energy, and to create the structures to make them real. I am optimistic about the ways in which we can aggregate collective power through the net in the grand battle of good and evil. I feel there is parity in the open net not driven by war or wage, that allows good will to aggregate more easily than evil.

We need a solid business plan for the open net so that the people and institutions who benefit from it come increasingly to see its openness as a source of education and participate in building and protecting it against the forces that would disaggregate it. I hope you will join all of us at the Berkman Center in making this dream come true.

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.

The Berkman Center represents a network of faculty, students, fellows, entrepreneurs, lawyers, and virtual architects working to identify and engage with the challenges and opportunities of cyberspace.
1 | Directors’ Letter
2 | Founder’s Letter
3 | Mission

The Entrepreneurial Nonprofit in the Network
7 | A Brief History of the Berkman Center
9 | Mode: Learning By Doing
10 | Building and Sustaining Our Human Network
12 | Selected Partners, Collaborators, and Sponsors

Scholarship with Impact
15 | Areas of Inquiry
18 | The 2006–2007 Year in Research and Scholarship
Digital Nature, Information and ICT, Transparency, Innovation and Life Sciences, Privacy, Media + Project RPM, Social Physics, StopBadware.org, Chilling Effects, Center for Citizen Media, and Berkman Project
Global Voices Online, Internet and Democracy Project, Principles of Free Expression and Privacy, OpenNet Initiative, Net Dialogue, New Media + Project, Net Dialogue, Project, New Media

The Future of the Internet
41 | Where We Are Going
43 | Co-Founder’s Letter

Appendices
45 | Selected Forthcoming and Recent Publications
46 | The Berkman Center Team
48 | Leaders, Staff, Fellows, Students, Selected Alumni, and Affiliates
49 | Acknowledgments
The Berkman Center for Internet & Society began as an “entrepreneurial non-profit” devoted to pursuing the highest-quality teaching and scholarship and focused on Internet technologies, their use, and their impact on society. 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 the technology, and the way people use it continue to change, this core mission has remained constant throughout our growth and we will continue to guide us through our next ten years.

A Brief History of the Berkman Center
In 1996, in the corner of an office in Harvard Law School’s Hauser Hall, Professor Charles Nesson and Jonathan Zittrain, a 1995 Harvard Law School graduate, established the Center on Law and Technology. A year later, a gift of $5.4 million from the Berkman family — Jack N. and Lillian R. Berkman and their son Myles — underwrote Nesson’s grand vision to create an organization that would research and pioneer development in cyberspace, a vision that, even in its early stages, was characterized by the dynamic collision of multiple fields — technology, law, business, politics, social, and cultural studies. In March 1998, the newborn Center for Internet & Society changed its name to the Berkman Center for Internet & Society at Harvard Law School.

Lawrence Lessig, who was at the time planning his groundbreaking Code and Other Laws of Cyberspace, was awarded Berkman’s endowed chair the Jack N. and Lillian R. Berkman Professor of Entrepreneurial Legal Studies. "Harvard is becoming a center for addressing the policy implications of cyberspace," Lessig commented in the Harvard Law Bulletin that fall. The upstart start-up took off from there.

At the time of its launch, the Berkman Center comprised a handful of students, starting with Wendy Seltzer (the founder of Chilling Effects and now a law professor) and Alexander Macgillivray (now a senior lawyer at Google), who collaborated on the original website and "rotisserie code for teaching during their 2L and 3L years, often prompting incredulous calls from the Financial Office about their hours. Soon, students and researchers overflowed in the Pound hallway. Despite its limited space, the Center became a haven for faculty, students, and staff with technical skills, who often spent as much time coding as they did on legal matters.

"Harvard is becoming a center for addressing the policy implications of cyberspace..."
—Lawrence Lessig
In the summer of 2002, the Center took up residence on Massachusetts Avenue in Baker House, a creaking but homey gray Victorian. It seemed perfect, with the School’s newest center in one of its oldest buildings, one that blended form and function befitting of the Berkman Center. Beloved Baker House sheltered Berkman’s burgeoning community in a three-story stack of oddly shaped rooms that terminated in the low ceilings and swelter of the “Geek Cave.” Its diminutive conference room frequently overflowed during Berkman’s weekly luncheons. Interns and research assistants could be found in every nook and cranny on sofas, on the floor. Time to move again!

The Center’s current location, the second floor of a newly renovated wood-frame house, 23 Everett Street, has been Berkman’s home since July 2006 and situates us right on the edge of campus—an opening between the university and the world. Baker House has since been hoisted off its foundation and literally moved up the street.

Over the course of our first decade, the Berkman Center has developed rapidly in every sense, but in none greater than our community. We have six core faculty directors who teach at Harvard Law School, four faculty directors from other schools at Harvard, several faculty fellows from other schools, a full-time staff of 26, roughly 170 fellows each academic year, and more than 100 students each year from a range of schools and disciplines. Our classes reach hundreds of students each semester at Harvard. Our conferences and teaching programs go beyond the walls of the university to thousands of people from dozens of countries. Our various web presences reach tens of millions of visitors per year from around the world. The Filter, the Center’s monthly newsletter on Internet law and policy, has a growing readership of more than 17,000 subscribers. In 2008, our faculty and fellows will publish at least three books in the field, in addition to the community’s academic research papers, policy papers, and innumerable blog posts.

Myles Berkman, our founding benefactor and continuing supporter, once described the center that bears his family’s name as a “water cooler” around which students interested in issues of technology and the future might gather. From the start, we have attracted community members who are young (whether chronologically or in spirit), ambitious, and open to taking risks. We have sought to create an environment conducive to thinking big and pursuing ideas that would have a great positive impact—or fail in ways from which we and our students could learn.

“The Berkman Center embodies much of what is great about Harvard Law School: it’s a passionate community of students and faculty devoted to serious scholarship, on a globally relevant topic, in the public interest.”

—Elena Kagan
Dean, Harvard Law School

The Entrepreneurial Nonprofit

With almost predictable regularity, Charlie Hessman has been depended on to have a gleam in his eye which achieves brilliant luminance. Such is the case for what became the Berkman Center.

As a social scientist whose work focuses on science-and-technology driven issues, I was delighted to be swept up in the first course that Professor Hessman and Professor Arthur Miller taught in 1994, Law, Technology and Society. By then it was becoming clear that despite the insistence of those who claimed that this was but one more “tool,” that the Internet would bring about uncharted changes in just about every aspect of society as we knew it.

In 2007, Professor Lessig gave a paper titled “The Law of the Horse: Completing the Horseback Riders’ Legal Checklist.” At Boston University Law School Faculty Workshop. The paper renews the notion that there is little left in cyberspace.
The Berkman Center has changed a lot over the last ten years. It’s still a truly amazing place…where hard questions get asked. It’s still a place where even haku drives part of the debate. But in the first few years it was a real startup. The Center had two offices and one hallway… At its peak I think perhaps there were ten workstations in that hallway, a situation that led to both lots of students and lots of mice… Wendy Seltzer used to sleep in the basement server room when there was a heat wave."

—John Wilbanks

We provide advice to litigators, NGOs, and lawmakers, both in the US and in other countries. We conceptualize and build systems for freely exchanging music, video, and other creative work while compensating authors and publishers. We assist in the operation of a cyberschool in Jamaica. These ventures are united by a desire to understand and promote the public interest while emphasizing the creation and dissemination of knowledge. We have found that many of the most useful and important insights emerge when different social sectors and academic disciplines are introduced to one another.

Dorothy Zinberg is a Lecturer in Public Policy and a Research Associate at the Belfer Center for Science and International Affairs at the Kennedy School of Government
Building and Sustaining Our Human Network

A core element of our philosophy is the approach that we take with faculty, staff, fellows, and students. Seldom stated, but universally understood, is the respect afforded each member of the community and the corresponding opportunity for everyone to contribute in any setting, based not on her title, but on her capacity and degree of interest. This is particularly powerful for student researchers, who have a role in most projects and take on tasks ranging from background research, writing, and coding to making large public presentations. Students are an essential element of the Center’s identity and have a huge influence on nearly every aspect of the work we undertake, learning by doing. Indeed, the success of our mission rests upon our community-building efforts, starting with students and building from there. The community has expanded tremendously over the past ten years as Berkman friends and alumni build bridges out into the world. We don’t simply study networks—we consciously and deliberately create them: linking students, faculty, fellows, affiliates, alumni, staff, researchers, funders, other nonprofit and academic organizations, for-profit ventures, government entities, and the public we serve. We connect in physical space, through events such as our weekly luncheon series, and in virtual space, through our practice of making our work and discussions freely available online, and through liberal linking (hyperlinking and otherwise) to organizations and sites exploring similar spaces and problems. The Berkman Center’s network is perhaps our most lasting contribution, a sign of the times, they agreed. As law students, Alexander Macgillivray (now anlaughs) and a foundation of our community.

Fellows play a crucial role in discovery, learning, and engagement and will continue to be a driver of our success in our field. Our faculty, fellows, staff, and students are leaders and emerging leaders in our field, doing important work while being both cyber-utopianism and neo-Luddism. They infused the Center’s research with a build-it spirit and commitment to openness: code open, open access, open education, open governance. They published innovative books and timely articles; taught classes at Harvard and other universities; consulted with businesses and non-profits; and wrote weblogs, software, online teaching, and open-source law.

“Berkmania,” as I like to call it, is a state of mind. It is also an amazing network – now stretching around the globe – of people working at the cutting edge of Internet and politics, law, media, education, and culture. Being part of this network does more than just enhance my professional work; the Berkmanite community gives me moral support to keep on pushing the boundaries of scholarship, journalism, education, and activism.”

—Rebecca MacKinnon
That windowless office provided an expansive view of an Internet through which almost anyone could connect, create, and combine. Not everything succeeded, but lots did, often in ways a central planner couldn’t have anticipated. Classroom assignments became conversations between the class and the outside world; webcasts opened conferences to distant participants; new copyright licenses helped artists invite remixing of their work while at the Berkman Center and often later achieving greater heights in subsequent endeavors. They publish innovative books and timely articles; teach classes at Harvard and other universities; consult with businesses and nonprofits; advise governments; guide doctoral students; and lead corporations. Our graduates are among the finest academics, lawyers, policymakers, activists, and entrepreneurs in our field.

Yet even then, and especially once I’d graduated from law school, I could see that not everyone saw the virtues of the open Internet in the same way. Open code threatens proprietary platforms; open access threatens business models built on exclusivity; open content challenges those who thrive on an enclosure. Under these forces, the malleable code of the Internet could easily be changed to resist openness and to thwart tinkering and building-upon.

I left law school determined to help others to experience the open Net as I had from Berkman’s basement office. Through the Chilling Effects project, I’ve tried to help keep free expression safe from unwarranted legal threats; in my teaching, I aim to give students a similar sense of adventure... on a Net that’s still open to it.

This last year Wendy Seltzer was a Visiting Assistant Professor at Brooklyn Law School, teaching copyright, Internet law, and information privacy. She spent Trinity term at the Oxford Internet Institute, researching the international dimensions of takedown demands to ISPs and teaching “Media Strategies for a Networked World” at Oxford University’s Said Business School. Now visiting at Northeastern University School of Education, and activism.”

Our faculty, fellows, staff, and students are leaders and emerging leaders in our field, doing important work while at the Berkman Center and often later achieving greater heights in subsequent endeavors. They publish innovative books and timely articles, teach classes at Harvard and other universities, consult with businesses and nonprofits, advise governments, guide doctoral students, and lead corporations. Our graduates are among the finest academics, lawyers, policymakers, activists, and entrepreneurs in our field.

Fellows play a crucial role in discovery, learning, and engagement and will continue to be a driver of our success and a foundation of our community. Fellows are essential to the Berkman Center’s network as nodes of intelligence, insight, energy, and knowledge-sharing; they help to drive projects from within and to bring fresh ideas and skills into our community. Our weekly Fellows’ Hour and our fellows’ mailing list have become hubs for honing ideas, making connections, and spawning new initiatives. The fellows’ constant physical and virtual travels guarantee that we remain porous and open both to the public and to the diverse organizations in this space. Their connections and activities underwrite the intellectual life of the community, as they collaborate with faculty mentor students, participate in and enrich events, and inspire staff. As alumni, they enliven our network as ambassadors and brokers, connecting us to new people and ideas, and as ongoing contributors, providing valuable guidance and intellectual support. The Berkman Center’s growth, as well as that of the organizations it has incubated, owes much to this expanding family.
The Joan Shorenstein Center on the
Institute of Politics,
Human Rights Program,
Charles Hamilton Houston Institute for Race & Justice,
Harvard University Library,
Center for Research and Computation in Society (CRCS),
Center for International Development (CID),
HARVARD RESEARCH CENTERS
businesses, governments, NGOs, and individual donors.

Selected Partners, Collaborators, and Sponsors
In order to produce the most robust and comprehensive research, the Berkman Center seeks to form meaningful partnerships with other institutions doing related and complementary work. We also rely on the generous support of numerous sponsors, including foundations, businesses, governments, NGOs, and individual donors.

HARVARD RESEARCH CENTERS
Center for International Development (CID),
Harvard University
Center for Research and Computation in Society (CRCS),
School of Engineering and Applied Sciences,
Harvard University
Harvard University Library,
Harvard University
Charles Hamilton Houston Institute for Race & Justice,
Harvard Law School
Human Rights Program,
Harvard Law School
Institute of Politics,
Harvard University
The Joan Shorenstein Center on the
Press, Politics & Public Policy,
Kennedy School of Government

OTHER UNIVERSITY RESEARCH CENTERS
Advanced Network Research Group,
Cambridge Security Programme,
University of Cambridge
Center for Internet & Society (CIS),
Stanford Law School
Center for Internet Studies,
University of Washington
Center for Social Media, School of Communication,
American University
Citizen Lab, Munk Centre for International Studies,
University of Toronto
Comparative Media Studies Program, and the Media Lab,
Massachusetts Institute of Technology
Graduate School of Journalism, and Samuelson Law, Technology, and Public Policy Clinic, Boalt Hall Law School
University of California, Berkeley
The Information Society Project (ISP),
TilE Law School
Institute for Democracy Politics & the Internet (FDI),
Graduate School of Political Management,
The George Washington University
The Institute for Information Law & Policy (IILP),
New York Law School
Oxford Internet Institute (OII),
Oxford University
Research Center for Information Law,
University of St. Gallen, Switzerland
Telecommunication and Computer Networking Group (TeNet),
Indian Institute of Technology Madras, India

1998–2007 Lawrence Lessig's first Internet & Society conference, 1998, the Kennedy School of Government--which later becomes H2O--to support dialogue among students in Zittrain's

SEPTEMBER
• Inaugural issue of The Filter,

SEPTEMBER – Social Society

1998 – Social Society

Think of the ten smartest,
most influential people in your
field. Now imagine having lunch
with a half dozen of them. The
conversation extends deep into
the afternoon, arguing the key
points in your field, critiquing each
other’s research and thinking,
brainstorming the paths forward.

That’s what I get to do most Tuesdays.
The Berkman Center is home not just to innovative law professors, brilliant software developers, and dedicated law students, but also hosts an eclectic mix of Internet pioneers, thinkers, writers, and dreamers—fellows, who join the Center for anywhere between a semester and an eternity. (Grateful Dead lyricist and Electronic Frontier Foundation co-founder John Perry Barlow is currently closest to achieving the title of “fellow emeritus.”)

It’s difficult to offer a characterization that applies to all fellows. Many are geeks who are fascinated by law, or lawyers who dream of being geeks. Some are internationally famous, like Wikipedia founder Jimmy Wales. Others are simply respected by everyone who’s ever worked with them, like professor and activist Wendy Seltzer.

Some fellows use their time at Berkman to generate original scholarship, like Dr. Urs Gasser, who averaged a paper a month until his colleagues rebelled, insisting that he stop embarrassing us and return to Switzerland. Others use the Berkman Center as an incubator for new projects, launching efforts that include Chilling Effects, Public Radio Exchange, and MIT Professor Hal Abelson. Lessig is co-taught with Jonathan Zittrain Protocols, wiki for classroom collaboration in his Society course. In 2005, Zittrain and the two of us collaborated to produce ayc’s “machine for classroom collaboration in the cyberlegal course.”

In a digital age full of virtual connections, the fellows program is a reminder that sharing ideas face to face is indispensable. Ask anyone who’s been lucky enough to participate. Or come join us some Tuesday. We’ll save you a sandwich.
The Berkman Center enjoys a global reputation for cutting-edge work centered on the relationships between the Internet, law, and society. We have pioneered architectures to integrate Harvard’s work and teaching with the world at large, led sustained university-wide discussions of Harvard’s role in the digital world, chartered the first clinical program in cyberlaw, and brought a landmark copyright case before the Supreme Court.

Building upon the originality, quality, and renown of our past and present projects, we strive to accomplish much more in the coming decade and to attract ever more creative and committed participants from around the world.

Areas of Inquiry
As we mark our tenth anniversary, the need for rigorous scholarship, teaching, and carefully considered advocacy on topics related to the world of networked information technologies is greater than ever. As the growing Internet joins more than one billion people from virtually every culture in the world, both its fundamental architecture and the way people are permitted to use it are undergoing rapid change. Many forces, including corporate and government interests, threaten to control the Internet in ways that would squelch many of the social and economic opportunities afforded by an open and free network. By contrast, other forms of regulation are essential to counter security threats – to people, to the technical infrastructure at its core, and to the machines on its edge.

The Berkman Center has sought and seeks, first, to be an honest broker in the conversations about the future of the Internet and related technologies. In the field of intellectual property, the need for creative solutions derived from understanding the varied motivations of the relevant players has continued to grow as the economy changes around the world. Second, we see an enormous need to bring clarity to the conversation about the Internet’s impact on democracy. As more and more activists are using the network as an essential set of tools to do their job – in democratic and non-democratic regimes alike – the threats to their personal security and their ability to express themselves are growing. Third, we envision a growing opportunity to use Internet technologies to improve the ways that we teach, learn, and make information accessible to citizens around the world who are not physically proximate to our libraries.
The development models. Berkman’s link to Coming Revolution in Open Source Code and Business Should Care About the 1999 full-fledged cases, demonstrate further the type of activities and Internet service providers before those threats become identify the prevalence of legal pressures upon online users a nonprofit organization that offers flexible mass licensing v. Ashcroft, Intel v. Hamidi, MGM v. Grokster, amicus curiae Berkman Center has provided counsel or appeared as those mechanisms. Drawing on its law school roots, the implement what we found to be the most promising of those recordings are fairly compensated. One of the out- potential mechanisms for simultaneously realizing the law on the pace and direction of basic research in the types of individual expression are changing the methods, by which news is gathered, defined, and spread. Our Creative Commons, a public charity dedicated to reducing barriers to the free exchange of knowledge and culture by making it easy and efficient to obtain legal permission or otherwise make use of the works of others. Many of our projects are based upon this simple idea, that the hard work of obtaining permission is itself a barrier to sharing, learning, and using the work of others. We have built an operating system in which artists and others can make their creative works available to the public in a new way, using a tool that combines the advantages of traditional copyright law with the benefits of the Internet.

Creative Commons is a public charity dedicated to reducing barriers to the free exchange of knowledge and culture by making it easy and efficient to obtain legal permission or otherwise make use of the works of others. Creative Commons has built an operating system in which artists and others can make their creative works available to the public in a new way, using a tool that combines the advantages of traditional copyright law with the benefits of the Internet.

The relationship between Internet and civic activity

One of the great hopes for the Internet is that it will promote more civic engagement, political participation, and democratic dialogue. The Berkman Center has led and participated in a number of major projects in this area. Within this zone fall our high-profile comparative studies, funded by the MacArthur and Soros Foundations and realized through the OpenNet Initiative (in collaboration with the universities of Cambridge, Oxford, and Toronto), of the ways in which governments throughout the world filter and monitor their citizens’ access to the Internet; our examination of the ways in which blogs and other novel forms of individual expression are changing the methods, by which news is gathered, defined, and spread. Our creation of Global Voices: Online, a system for aggregating and disseminating the views expressed in blogs in other countries; and our studies of the impact of the Internet on campaigns and elections, including those with an emphasis on the Middle East and North Africa.

Technology, law, and development

Based on the hope that the Internet and related technologies hold great promise for addressing long-standing and complex social priorities, in particular, we examine the impact of new technologies on education, the lives of poor and disadvantaged people, and the vitality of developing nations. We pursue this goal by building innovative, open-source educational software (including the H2O learning platform); by developing and testing new courses and pedagogic methods (for example, in our ongoing Law Program and a new project to develop a curriculum on copyright law and related topics for libraries in developing countries); by contributing to the development of open-access methods of publishing; by exploring the rehabilitative and empowering uses of information technologies for the people in whom the least hope or expectation has been placed, including those in prison. Our aim is not simply to record others’ efforts in putting technology to good use, but also to contribute to and experiment ourselves. For example, the Berkman Center and Harvard Law School are teaching institutions, and as teachers we face the opportunity—and challenge—of contending with technological change. When HLS first enabled Internet access in classrooms—at great expense—the first reaction by the faculty was to shut it off, lest students be distracted. The Internet invites us to build tools that make use of the Net, rather than existing in an uneasy standoff with it as students alternate between looking up cases and reading the newspaper during a class session. We have experimented with such tools since 1997, and some are in extensive use today.
had a powerful impact on thinking and practice in our field. Schools within Harvard and from other universities. Our system, while our inquiries are simultaneously drawing us on the relationship between the Internet and the legal digital technology other than the law. We remain focused interest in expanding our research towards aspects of digital form launches of substantial new projects that reflect our Research and Scholarship The 2006–2007 Year in education (CLE).

2000 course certified for continuing legal education (CLE).

2000 UDRP,” taught by Diane Cabell, its first this year, Berkman offers “Using ICANN’s pioneering students and clients to fill a right: Chris Conley (standing); foreground: Andrew McLaughlin

• Born Digital featured in a related book by Palfrey and Gasser, their digital fluency presents. The research will also be support them and harness the exciting possibilities that can shape legal, educational, and social institutions in ways we can about digital natives, we aim to address the issues their digital practices raise and make recommendations to help shape legal, educational, and social institutions in ways that support them and harness the exciting possibilities their digital fluency presents. The research will also be featured in a related book by Palfrey and Gasser, Born Digital (Basic Books, 2008). http://www.digitalsnative.org

2000–JULY Faculty lectures from American Indian law faculty on intellectual property law and copyright law, as well sought to bridge the gap between the law classroom and the world. While the law media projects, featuring an open source tool that allows readers to comment on web pages. Intended to

2000–JANUARY Berkman announces its Rights management initiative, which had determined that Y2K would not be an issue.

2000–FEBRUARY Conference on innovation and intellectual property, discussing the novelty and originality of the inventions of others and so. Franklin always refused to take a "private Interest" in an invention is opt to lead to disputes concerned more with self-regard than actual fact.

• WENDY SELTZER launches Openlaw participants file

2000–OCTOBER The eDevelopment conference convenes researchers, practitio-ners, local communities, community leaders and practitioners to address the global digital divide. The conference is hosted by the Berkman Center, the MIT Media Lab and Harvard’s Center for International Development and organized by Follow-up, Smith, Telleen, Res, and Colby. Please the conference for various new technologies to empower communities in other local problems.

• 1/1/01 World still standing, to

• 2000–FALL Inauguration of the first DMCA anticircumvention case, argu-

• 2000–FALL Berkman announces its AND KNOWLEDGE

LAW, TECHNOLOGY, INNOVATION, AND KNOWLEDGE

The 2006–2007 Year in Research and Scholarship

In addition to notable ongoing efforts, 2006–2007 saw the formal launches of substantial new projects that reflect our interest in expanding our research towards aspects of digital environments other than the Internet and dimensions of digital technology other than the law. We remain focused on the relationship between the Internet and the legal system, while our inquiries are simultaneously drawing us more deeply into other disciplines. More and more, we are collaborating with faculty fellows, and students from other schools within Harvard and from other universities. Our new initiatives join a series of continuing projects that have had a powerful impact on thinking and practice in our field.

Digital Natives

Led by Professor John Palfrey and Faculty Fellow Ushi Gasser, with collaboration from the Research Center for Information Law at the University of St. Gallen in Switzerland, the Digital Natives project focuses on the key legal, social, and political implications of what it means to be “born digital.” With the research assistance of approximately ten students from Harvard, St. Gallen, and elsewhere, the project identifies and explores the traits that make the digital generation unique, including the emergence of digital identities, creativity in digital contexts, norms of sharing and collaboration, increasing connectedness and mobility, and new modes of civic participation. During this first phase the team formed valuable connections with others in the field of digital media and youth; launched a project wiki for educators, parents, and others; and began a series of pilot interviews and focus groups with youth about the impact of technology on their lives. By learning as much as we can about digital natives, we aim to address the issues their digital practices raise and make recommendations to help shape legal, educational, and social institutions in ways that support them and harness the exciting possibilities their digital fluency presents. The research will also be featured in a related book by Palfrey and Gasser, Born Digital (Basic Books, 2008).

http://www.digitalsnative.org

Much of my time this year at the Berkman Center was spent writing about Benjamin Franklin’s relationship to intellectual property.

If we look especially at the period when he developed his theories about electricity we can see that Franklin assumed that creative communities depend on the sharing of ideas, not on their ownership. Franklin always refused to take a patent on his inventions, a stance he explained in terms of both the Good and the True. Out of the former he offered an ethic of reciprocity: we benefit from the inventions of others and so should “freely and generously” let others benefit from ours. With regard to the latter, the nature of empirical science itself is at issue: taking a “private Interest” in an invention is opt to lead to disputes concerned more with self-regard than actual fact.
This communally side of Franklin’s approach to knowledge means that, if viewed in terms of modern ideas about IP, he was one of our Founding Pirates. His fabled teenage flight from Boston was an original act of piracy, for one thing: contracts of indenture (such as the one he had with his brother) were among the tools by which craft guilds guarded their trade secrets, and Franklin broke his. Years later in Paris he showed a similar disregard for attempts to confine human skill. When European artisans approached Franklin with schemes to smuggle machines and know-how across the Atlantic he encouraged them, scouring “tyrannical” European laws meant to inhibit international access to knowledge.

Piracy aside, the Berkman Center has been for me a replica of the kind of scholarly community that Franklin enjoyed in the mid-18th century. There are colleagues who give tirelessly of their time; there are endless library resources; there are conferences and meals and café meetings; down the street there is even a collection of historic scientific instruments, some of which, to my surprise and delight, were donated to the College by one Benjamin Franklin.

Lewis Hyde was on sabbatical from Kenyon College this past year, writing a book that promises a model and defense of our “cultural commons,” that vast store of unowned ideas, inventions and works of art that we have inherited from the past and that we continue to create. The book is built around an investigation into how the founding generation in this United States thought of what we have come to call “intellectual property.” As a spin-off of this project, Hyde has been working on organizing a “Statement of Best Practices in Fair Use” for classroom teachers in higher education. Hyde’s book, to be published by University of Chicago Press in April, is clear about the procedural principle, but calls for a new way to think about a strong data documentation system. A similar disregard for attempts to confine human skill.

Innovation and ICT Interoperability

In partnership with the Research Center for Information Law at the University of St. Gallen in Switzerland and with the support of Microsoft, this project attempts to further better understanding of information and communications technology (ICT) interoperability — that is, the ability of entities such as software, devices, or components to exchange information. Led by Professors John Palfrey and Jonathan Zittrain; Faculty Fellow Urs Gasser; and Managing Director Colin Maciel, this transatlantic project explores how interoperability interacts with innovation; competition; and other policy goals. It also studies the ways in which the various elements that influence interoperability — including standards, processes, laws, and market practices — affect outcomes. For cases in which interoperability might lead to positive outcomes, the study will attempt to inform interested parties such as governments and the ICT industry by exploring different ways of achieving interoperability. The project has convened two workshops of industry experts, economists, academics, consumer advocates, and policy advisors to discuss findings and engage with the broad question of interoperability’s relationship with innovation. The project has also undertaken in-depth case studies, on digital rights management and music, digital identity, and web services, in order to understand the dynamics shaping interoperability. Interviews and workshops have informed our study and fostered an ongoing conversation about innovation and interoperability.

Innovation and Life Sciences

In partnership with the Berkman Center for Internet & Society, this project examines the relationship between innovation and international law. In 2001, the Berkman Center for Internet & Society released under a GNU Free Documentation License. The project has also undertaken three in-depth case studies, on digital rights management and music, digital identity, and web services, in order to understand the dynamics shaping interoperability. Interviews and workshops have informed our study and fostered an ongoing conversation about innovation and interoperability.
while working closely with government in dialogue and proactive policy-making, engaging previously excluded communities launches the Open Economies Project, 2001

licensing arrangements in China. The Noank business media grants to the Center. Noank is a web-based, open developed through the MacArthur Foundation’s digital most explicitly set forth in his book Fisher’s exploration of alternative compensation systems, venture funding. Noank is an outgrowth of Professor Terry the Digital Media Exchange – became independent of Started in 2005 as part of the Berkman Center’s Digital ProjectVRM has an active and growing community, frequent fi elds in networked technology. At the end of its fi rst year, has grown into one of the most active and constructive in 2004. Since then, the user-centric identity movement it will soon become a pervasive open framework for user Community’s technical expertise and the public’s user knowledge StopBadware initiative focuses on organizing its com-

My introduction to Berkman came rather obliquely, through the world of theoretical biology. I have been working on adopting signaling theory, an approach to analyzing communicative veracity – fi rst developed to understand the meaning of moose antlers and gazelle jumps – to understanding online communication.

Signaling theory shows how costs, such as the metabolic cost of carrying almost 50 pounds of antlers or the expense of buying a fast sports car, can contribute to the reliability of the message (in these cases, of the signaler’s great strength or financial wealth, respectively). It is a powerful analytic tool for looking at mediated interaction.
Some of my work has been adapting this theory to the human world, with its great capacity for deception and circumvention (we rent cars, get fake tans, forge credentials). And some has been applying this theory to phenomena such as how trust is signaled in social networks, how status and affiliation are signaled through fashion, how emotion and attention are signaled in faces both real and virtual, and how human-ness is signaled in a world populated with socially sophisticated computational agents.

The notions of trust and identity are central to many at Berkman, and over the last year or two, I have talked about these and related ideas with many people at Berkman. For instance, I have learned a great deal about the complexities of communication in circumstances where privacy is both imperative and elusive: reputation is central to making non-costly signals reliable, it is also incompatible with anonymity – yet anonymity is essential in repressive environments. And Berkman is nothing if not interdisciplinary. Reputation is also central to poker players – and here I have also learned a great deal about the complexities of signaling within this game. Berkman has been an extraordinary environment for helping to shape these concepts.

This last year Judith Donath wrote several papers that address the common question of how we perceive and assess what is true: “The Imperfect Observer,” “Virtually Trustworthy,” a perspectives article in Science, and “Signals in Social Supernetworks.” At the MIT Media Lab, she has been developing a range of applications, including interactive art installations, experimental meeting designs for second life, and visualizations of interactions within social networks. She is continuing to work on human-ness and over the last year or two, I have talked about these and related ideas. These are the kinds of things Berkman is good at. Reputation is central to making non-costly signals reliable, it is also incompatible with anonymity – yet anonymity is essential in repressive environments.
2002 • MARCH: After attending C:NAIVE in September 2001 conference in Uganda, Berkman sends team to Accra, Ghana, to develop further the Open Economies Project.

2002 • JANUARY: Jonathan Zittrain and Professor Yochai Benkler co-authored a paper, “The Digital Millennium Copyright Act: An Economic Analysis of a Failed Copyright Law,” which would eventually become the “digital DMCA.”

2002 • JUNE: Jonathan Zittrain and Professor Yochai Benkler co-authored a paper, “The Digital Millennium Copyright Act: An Economic Analysis of a Failed Copyright Law,” which would eventually become the “digital DMCA.”

2002 • JUNE: Jonathan Zittrain and Professor Yochai Benkler co-authored a paper, “The Digital Millennium Copyright Act: An Economic Analysis of a Failed Copyright Law,” which would eventually become the “digital DMCA.”

2002 • JUNE: Jonathan Zittrain and Professor Yochai Benkler co-authored a paper, “The Digital Millennium Copyright Act: An Economic Analysis of a Failed Copyright Law,” which would eventually become the “digital DMCA.”

Center for Citizen Media
Formed in early 2006 and co-sponsored by the Graduate School of Journalism at the University of California, Berkeley and the Berkman Center, the Center for Citizen Media aims to expand and enhance grassroots media and its reach. It is headed by Berkman Fellow Dan Gillmor, a longtime professional journalist. In August 2006, the Center held a one-day unconference during which moderators drew out the expertise of more than 100 people, on topics such as legal issues, local blogging, tools for citizen media, citizen journalists’ role in a democracy, and more. During the past year, the Center also published an in-depth report sponsored by Craig Newmark (of Craigslist fame) on how some traditional media organizations are inviting their audiences to participate more directly in the journalism process. With a grant from the Knight Foundation, it produced “Principles of Citizen Journalism,” a series of online educational modules. The Center also co-founded the new Citizen Media Law Project in collaboration with the Berkman Center Cyberlaw Clinic. The Center is working on a number of mini-projects that test innovative uses of citizen media and is preparing a workshop curriculum for journalists and others interested in the subject. 
http://citmedia.org

LAW, TECHNOLOGY, INNOVATION, AND KNOWLEDGE

Th e Berkman Center for Internet & Society

LAW, TECHNOLOGY, INNOVATION, AND KNOWLEDGE

J oke SHAPIRO

The Center for Citizen Media was founded in 2006 and co-sponsored by the Graduate School of Journalism at the University of California, Berkeley and the Berkman Center. The Center aims to expand and enhance grassroots media and its reach. It is headed by Berkman Fellow Dan Gillmor, a longtime journalist. In August 2006, the Center held a one-day unconference during which moderators drew out the expertise of more than 100 people, on topics such as legal issues, local blogging, tools for citizen media, citizen journalists’ role in a democracy, and more. During the past year, the Center also published an in-depth report sponsored by Craig Newmark (of Craigslist fame) on how some traditional media organizations are inviting their audiences to participate more directly in the journalism process. With a grant from the Knight Foundation, it produced “Principles of Citizen Journalism,” a series of online educational modules. The Center also co-founded the new Citizen Media Law Project in collaboration with the Berkman Center Cyberlaw Clinic. The Center is working on a number of mini-projects that test innovative uses of citizen media and is preparing a workshop curriculum for journalists and others interested in the subject. 
http://citmedia.org
Berkman Fellow Jake Shapiro is Executive Director of the Public Radio Exchange (PRX).

As it turned out the founding partners were looking to hire an Executive Director to launch the business, and I left Berkman to start building the Public Radio Exchange in the fall of 2002.

Since launching in 2003, PRX has been in the vanguard of the ‘web 2.0’ wave of Internet services and has become a catalyst for innovation in public radio, focused on distributing, curating, and licensing a diverse range of audio programs for broadcast and beyond. It’s been great to see PRX thrive as an online marketplace as well as a growing social network and community of listeners, producers, and stations collaborating to reshape public radio.

Over 20,000 radio programs have been licensed by local stations through PRX so far, reaching millions of public radio listeners all over the U.S., and increasing internationally as well. With help from the Berkman clinical cyberlaw program, PRX is now a digital distributor for hundreds of independent producers putting their work out as podcasts as well as paid downloads through iTunes and other services.

Generation PRX—a special project area for youth media—has become a key resource for over 50 youth radio groups across the country. And this past year PRX created its first ever Public Radio Talent Quest, a participatory project helping to surface new voices for public radio. The project attracted over 1,400 contestants who submitted 2-minute audio entries for the opportunity to create a pilot show for public radio.

This has been a period of much ferment in public broadcasting, which faces many of the same challenges and opportunities as other media in transition. PRX is helping pioneer new models for embracing the web not just as disruptive distribution but in its remarkable social dimensions, many of which resonate with the public service mission of public media.

As a Fellow I’ve kept an active connection to the Center—working with the clinical program, playing a bit part in the birth of podcasting, helping with Beyond Broadcast conferences and conspiring on various media projects. PRX has made good use of its Berkman DNA, and found early inspiration in the idea of being “an entrepreneurial nonprofit exploring cyberspace and pioneering its development.”

Berkman Fellow Jake Shapiro is Executive Director of the Public Radio Exchange (PRX).
Global Voices Online
The international citizen media community, Global Voices, was founded in December 2004 at the Voices, Bits and Bytes Conference. Bloggers from Kenya, Poland, Iraq, Iran, Malaysia, China, and Japan met with Fellows Ethan Zuckerman and Rebecca MacKinnon to brainstorm tools for circumventing Internet censorship and maintaining information security and anonymity so that they can be more successful in obtaining information and speaking out. GVO was founded in December 2004 at the Voices, Bits and Bytes Conference. Bloggers from Kenya, Poland, Iraq, Iran, Malaysia, China, and Japan met with Fellows Ethan Zuckerman and Rebecca MacKinnon to brainstorm means of promoting citizen media in developing countries. GVO has built a team of regional editors, translators, and managing editors who provide daily links to the most interesting blog conversations around the world and summaries of debates and discussions taking place online.

By 2008, Global Voices expects to be an independent nonprofit organization, successfully incubated by the Berkman Center to the point where it is able to support operations in over 70 countries through corporate, foundation, and reader sponsorships, as well as through revenue from syndicating original content. http://www.globalvoicesonline.org

2003 – FEBRUARY: Berkman launches the Blogs at Law initiative, offering free legal advice and drafting services to bloggers. The project is the brainchild of Berkman’s Managing Director Colin Maclay, Professors John Palfrey and Jonathan Zittrain, Faculty Fellow Urs Gasser, and a large cast of contributors who have played a key role not only in the implementation procedures to help companies evaluate their policies and procedures but also in shaping and driving conference meetings. BloggerCon II follows in April 2004, where blogger and Berkman staffer Wendy Koslow meets blogger and post-officiants, both bloggers.

The summer of 2007 saw the launch of the Internet and Civic Activity project, an initiative sponsored by the US Department of State. The project centers on the relationship between the Internet and democratic norms, values, and modes, including security and anonymity. It will also analyze scenarios related to democracy, civic engagement, citizen media, surveillance, and the use of citizen-generated media to transfer knowledge related to Internet censorship, and empirical analysis are used to assemble a platform for a collective body of knowledge.

While case studies analyzing these issues in diverse contexts will draw on examples from around the world, the emphasis of our outreach is on communities in the developing world. The Internet and Civic Activity project will identify and study the best web tools, practices, and ideas related to democracy, civic engagement, citizen media, surveillance, and the use of citizen-generated media. A primary focus of the project is collective action - shared learning, data generation, best practices, and broad support. The project will seek to understand and evaluate the effectiveness of these tools. It will also seek to transfer knowledge related to Internet censorship, and empirical analysis are used to assemble a platform for a collective body of knowledge. The project will identify and study the best web tools, practices, and ideas related to democracy, civic engagement, citizen media, surveillance, and the use of citizen-generated media.
The Liberian Truth and Reconciliation Commission is mandated to create a human rights community, establish a historical record of the conflict, and help to heal individuals by recapturing truth. Ultimately, the TRC will advise the Government of Liberia on how they might select processes of justice and reconciliation. All of us at the Berkman Center know that interaction and exploration enabled by the Internet can be deeply transformative. But can it help to heal a nation?

I have been working with Liberia’s TRC to reconceptualize their online presence. This has included developing a new website that capitalizes on the interactive and generative Internet (www.trcofliberia.org). For the first time in the history of truth commissions, Liberians will be able to interactively and generatively explore the conflict and its causes. The project also raises a number of legal and human rights questions related to online community, usability, and human-computer interaction. The project has been the outcome of a collaborative user-centered design process which has revealed a number of challenging research questions related to online community, usability, and human-computer interaction. The project also raises a number of legal and human rights questions related to the security and integrity of private statements made to a truth commission in a networked world.

Michael Best continues to study the role of the Internet and computers in developing countries. During this last year, his work centered on communications and the Internet in immediate post-conflict settings, focusing on Liberia. A similar project is planned for Rwanda. Best has also continued his work on the factors affecting the sustainability of rural community Internet centers through research in India and a new study in Kyrgyzstan.

The Internet and Democracy Project
The summer of 2007 saw the launch of the Internet and Democracy Project, an initiative sponsored by the US Department of State that builds on one of our three core areas of inquiry: Internet and civic activity. This effort explores the relationship between the Internet and foundational democratic norms, values, and modes, including civic participation, access to knowledge, transparency, social discourse, and community interaction. Original research and empirical analysis are used to assemble a platform to transfer knowledge related to Internet censorship, surveillance, and the use of citizen-generated media tools. While case studies analyzing these issues in diverse contexts will draw on examples from around the world, the emphasis of our outreach is on communities in the Middle East. Led by Project Director Bruce Etting, and Professor John Palfrey and Jonathan Zittrain, this project supports the rights of citizens to access independent sources of information, to advocate responsibly and to debate ideas freely in an online environment. It will also identify and study the best web tools, practices, and ideas related to democracy, civic engagement, citizen media, advocacy, and networking, and build a community to debate and build on these efforts.

Principles on Free Expression and Privacy
In partnership with the Center for Democracy and Technology and Business for Social Responsibility in addition to leading human rights groups, academic institutions, and technology firms, including Google, Vodafone, Microsoft, and Yahoo! – the Berkman Center has helped lead an initiative to protect and advance citizens’ rights to free expression and privacy through the creation of a voluntary code of conduct and supporting mechanisms for ICT companies. With the rise in Internet filtering and surveillance around the world, the ICT sector frequently encounters state pressure to assist with censorship and to turn over personal information about users. Through the articulation of a broad set of common principles and the development of shared resources for implementation, this collaborative effort is working to formulate an industry-wide response to guide businesses when they encounter laws and practices that may contravene international human rights standards or are at odds with law or culture in their home jurisdiction. A primary focus of the project is collective action – shared learning, data generation, best practices, and broad support from companies, government, and civil society organizations. Managing Director Colum Macal, Professor John Palfrey and Jonathan Zittrain, Faculty Fellow Lyn Gasser; and a large cast of contributors have played a key role not only in the drafting process, but also in the development of implementation procedures to help companies evaluate their adherence to the principles and to have a better sense of the global context for censorship and filtering.

Internationalization is a central tenet of the project’s next stage.

http://cyber.law.harvard.edu/home/principles
The earliest ONI country studies focused on shedding light on the practices of known filtering regimes such as Burma, China, Iran, Saudi Arabia, Tunisia, United Arab Emirates, and Yemen. In 2006, with generous support from the MacArthur Foundation, ONI has embarked on expanding its global coverage to cover the growing number of states that filter the Internet. The first year of global testing carried out in 2007 covered forty countries and confirmed the growth in scope, scale, and sophistication of Internet filtering worldwide. Although the purported motivations for blocking vary across the social and security spectrum, a disturbing number of countries are filtering political opposition, leaving the Internet as another platform to be stilled by states to stifle dissent and inhibit the exchange of ideas.

ONI research has received wide press coverage and provides the basis for a forthcoming book, Access Denied: The Politics and Policy of Global Internet Filtering, to be published by MIT Press in spring 2008. This book, compiled and written by ONI researchers, offers an in-depth examination of the political, social, and technical aspects of global Internet filtering. With Research Director Robert Faris, ONI Principle Investigators Ronald Deibert (The Citizen Lab, Munk Centre for International Studies, University of Toronto), John Palfrey (Berkman), Rafal Rohozinski (Advanced Network Research Group, Cambridge Security Programme, University of Cambridge), and Jonathan Zittrain (Berkman/Stanford University) edited the book and authored significant sections.

Empirical research focused on Internet Filtering began at the Berkman Center in 2001 when researchers used dial-up connections to Saudi Arabia and China to investigate the blocking of websites. Building on these seminal studies and related work at the Citizen Lab at the University of Toronto and at Cambridge University, the OpenNet Initiative was formed in the following year as a collaboration between these three institutions with the support of the Open Society Institute. The Oxford Internet Institute joined in 2005. Since then, ONI has strengthened its position as the leader in the empirical study of Internet censorship and content regulation, keeping pace as the practice of filtering has spread to other countries.

ONI research has received wide press coverage and provides the basis for a forthcoming book, Access Denied: The Politics and Policy of Global Internet Filtering, to be published by MIT Press in spring 2008. This book, compiled and written by ONI researchers, offers an in-depth examination of the political, social, and technical aspects of global Internet filtering. With Research Director Robert Faris, ONI Principle Investigators Ronald Deibert (The Citizen Lab, Munk Centre for International Studies, University of Toronto), John Palfrey (Berkman), Rafal Rohozinski (Advanced Network Research Group, Cambridge Security Programme, University of Cambridge), and Jonathan Zittrain (Berkman/Stanford University) edited the book and authored significant sections.

Empirical research focused on Internet Filtering began at the Berkman Center in 2001 when researchers used dial-up connections to Saudi Arabia and China to investigate the blocking of websites. Building on these seminal studies and related work at the Citizen Lab at the University of Toronto and at Cambridge University, the OpenNet Initiative was formed in the following year as a collaboration between these three institutions with the support of the Open Society Institute. The Oxford Internet Institute joined in 2005. Since then, ONI has strengthened its position as the leader in the empirical study of Internet censorship and content regulation, keeping pace as the practice of filtering has spread to other countries.

The relationship between Internet and civic activity

This coming year, ONI will continue to expand the scope of its research into Internet controls. It will conduct more policy-relevant work, including testing for Internet disruption and tampering during elections, protests, and other critical time periods. Further research will focus on testing content filtering at “edge locations” (such as cybercafés) and through cellular networks, including SMS. ONI has also begun work on a major new topic of investigation: Internet surveillance. This study is designed to examine and provoke discussion about increasingly prevalent, though often poorly understood and highly secretive, methods of monitoring and thus influencing online activities and communications. Much work in the area of Internet filtering, surveillance, and censorship remains to be done. To meet this challenge, ONI continues to search for ways to include more people from more places in its research. The addition of local partners in Asia will enable a major expansion of ONI research in that region. ONI will also continue to design and participate in the conference series “The Internet and Politics,” which has brought together academics and activists in Cambridge, Massachusetts, London, and Oxford to explore the impact of new technologies on political processes in the US and abroad and to extend the reach of our ONI work, Global Voices Online, and related efforts in this zone.

http://opennet.net

“The new geopolitical battles of the 21st century are being fought not over territory or natural resources, but over the infrastructure and ideas of the global communications environment. Like a worldwide radar for human rights and civil society, our aim is to document these battles with precision and sophistication.”

—Ron Deibert

“Cyberspace remains by and large an ‘ungoverned space’ where citizens, states, and corporations compete to rewrite the social contract for the information age. What happens there will have immense consequence for our future freedoms, and those of our children.”

—Rafal Rohozinski
Net Dialogue

jointly sponsored by the Berkman Center and Stanford Law School's Center for Internet & Society, and supported by the Lynde and Harry Bradley Foundation, the Net Dialogue project is guided by a conviction that governance in the Information Society should support subsidiarity, checks and balances, the separation of powers, and human rights. To shed light on international Net governance, this year the team – led by Mary Rundle and Lawrence Lessig – drafted a framework for ethical commitments in the Information Society, to provide a link between the multilateral system and private actors pledging ethical behavior; contributed a chapter on the international system and freedom of expression for the ONI's forthcoming book; and helped establish "Dynamic Coalitions" advocating fundamental expression for the ONI’s forthcoming book; and helped to found "Dynamic Coalitions" advocating fundamental freedoms in the work of the Internet Governance Forum (IGF). Net Dialogue continues to organize panels that bring technologists to policy groups. To identify ways to build freedoms in the work of the Internet Governance Forum (IGF).

Jamaica Project

Led by Professor Charles Nesson, the Jamaica Project, established in 1998, is an affirmative action project focused on learning how to help a developing nation help itself. The Jamaica project's mission centers on a developing nation's use of the Internet to shape, define, and change its own society and the wider world around it. It has explored topics from restorative justice, prison reform, and Jamaican independence, to self-expression, learning, and entrepreneurship. The project seeks to demonstrate that development starts with the self and is a learning process. We support and seek to amplify the work of Jamaicans who seek to develop their nation's use of the Internet to shape, define, and change its own society and the wider world around it. It has explored topics from restorative justice, prison reform, and Jamaican independence, to self-expression, learning, and entrepreneurship. The project seeks to demonstrate that development starts with the self and is a learning process. We support and seek to amplify the work of Jamaicans who seek to develop.

"And Charles [Ogiltree] and I went together to Jamaica. I feel that we started the Berkman Center."
—Charles Nesson

H2O

H2O seeks to provide teachers and the general public with high-impact, low-bandwidth, unobtrusive tools to help both in and out of the classroom. During the past year, the H2O project continued to host its http://h2o.law.harvard.edu blogging various regional campaign events. In fall 2006, they host local and state political discussion and collaboratively decide which of those questions should be addressed by the group. This tool has been used with great success at many Berkman Center events and courses. H2O’s future lies in interconnection, whether as a Facebook plug-in, a link with the respected law school consortium Center for Computer-Assisted Legal Instruction (CALI), or as part of the Harvard University iCommons teaching platform.

http://h2o.law.harvard.edu
Higgins-enabled version of the Community Change Card.

and will be working with the Mayor’s office to deploy the Interra Project from Boston Mayor Thomas Menino, with Vermont Law School and New York Law School to IS2K7 conference and an interoperability workshop. In addition participated in and moderated conversations on the law and economics of intellectual property rights, and she continues to serve a World Intellectual Property Organization (WIPO) parallel for domain name disputes.

In 2007, fellow John Clippinger published A Crowd of One: The Future of Individual Identity, an essay filed by the Berkman Center and the Aspen Institute. He also participated in and moderated conversations on digital identity at the Berkman Center including at the SID2007 conference and an interoperability workshop. In collaboration with the Guter Institute, Clippinger worked with Vermont Law School and New York Law School to draft legislation on digital forms for the state of Vermont, which is likely to be considered in the Legislature’s fall session. In May 2007, he received an award on behalf of the Interna Project from Boston Mayor Thomas Menino, and will be working with the Mayor’s office to deploy a Higgins-enabled version of the Community Change Card.

Selected Individual Scholarship

Fellow Diane Cabell is currently serving as corporate counsel for several Berkman-incubated charitable organizations, including Creative Commons, which provides tools and practices to reduce intellectual property barriers to the free exchange of knowledge and culture on the Internet. Cabell also acts as counsel for iCommons Ltd., a UK-chartered charity that supports a variety of free culture, open access, and open source initiatives, and she continues to serve as a World Intellectual Property Organization (WIPO) parallel for domain name disputes.

In 2005, fellow Urs Gasser has continued to focus on a number of core issues regarding information law and policy in addition to his work on the joint Berkman Center/University of St. Gallen projects. He and his St. Gallen team published a number of papers and articles on the emerging law of search engines and the regulation of other online intermediaries, and have been studying filtering regimes across the EU. Gasser also published a series of articles on issues that arise when companies transition from a paper-based information environment to a digitally networked system, including e-compliance and e-discovery issues. In this context, Gasser also advised multinational companies and organized two conferences. His research focus also includes intellectual property issues in the digital age, including a best practice guide to the implementation of the EU Copyright Directive; a review of national anti-counterfeiting legislation; and a research initiative on brain science, intellectual property law, and law and emotion. He has been a speaker at international conferences on three continents, contributed to a number of expert workshops (including the Government Pension Fund of Norway’s Workshop on Corporate Social Responsibility), and given testimony to the Swiss Parliament and the US Federal Trade Commission on IP and consumer protection issues. Gasser taught courses (some of them with Professor John Palfrey) on the law and economics of intellectual property rights, legal and regulatory challenges in a Web 2.0 environment, and comparative legal methods.

2006 - FEBRUARY

Highlights from the blog cover a number of events about blogging. These programs include iCommons’ Open Source Policy Action Network (OSPA) Workshop and

It didn’t take me long after I arrived at Berkman three years ago to discard the assumptions I’d brought from my experiences at other academic institutions. There, conversations were all too frequently like people trying to move ahead of one another on line without anyone noticing. In such environments, it becomes impossible to say the words that most advance one’s thinking: “I don’t know.”

But at the Berkman Center, the conversational norm is to find what’s of value in what’s been said, to praise it, and to develop it together. That makes life at the Center fruitful, warm, and delightful; and also shaped the book I worked on for three years.
The Center’s conversational norm is precisely the mode of a good editor, identifying the worthy ideas and helping you to turn them into even better ideas. So, when I arrived at the Center, I thought Everything Is Miscellaneous was going to be about metadata. It took a year of thinking and, most importantly, discussion with my Berkman colleagues, to realize that it was in fact about the effect of a particular type of metadata – what we use to organize our ideas, information, and knowledge – on the authority of our institutions. The Center and the people it brings in as fellows, participants, and unofficial affiliates, has actually managed to stay current on the changes sweeping through our culture. I conversed with leaders of the open access movement, information architects, entrepreneurs, folksonomists, librarians, scientists, and political activists, I realized that what seemed like a narrow topic in fact touched on many of the most controversial and rapidly emerging domains in the new connected world.

The parallelism of the connectedness of the Web and that of the Center is not accidental. In an age of abundance – of pages on the Web, of the ideas and knowledge to be found within the Center’s own social network – it is in embracing that there’s of value in a conversation that we move forward. It is through the kindness implicit in the best of conversations that we become not just smarter, but better.

During the past year, David Weinberger worked on miscellaneous projects, appropriately enough. Pursuing the issues raised in Everything Is Miscellaneous (Times Books, 2007) he researched and wrote about the many developments in how we are enabling users and social groups to pull together the information and ideas they need and in how social groups pull themselves through this process, with particular attention to the effect this has on authority, experts, and knowledge. Weinberger is currently researching the nature of leadership on the web, with a special interest on the role of virtues.

Fellow Dan Gillmor has written and spoken frequently about citizen media and its development. His travels have taken him around the United States and the world, and he remains in demand as a speaker on the subject. He also serves as an advisor on a number of projects in the field, including COC and serves on the board of directors of the California First Amendment Coalition. In 2004, Gillmor published We the Media: Grassroots Journalism by the People, for the People, a book that explores the rise of citizen media and its importance.

Fellow Dan Gillmor

Fellow Karim R. Lakhani is an assistant professor in the Technology and Operations Management Unit at the Harvard Business School, who specializes in the management of technological innovation and product development in firms and communities. His research and course activities are centered on distributed innovation systems and the movement of innovative activity to the edges of organizations and into communities. Lakhani has extensively studied the emergence of open source software communities and their unique innovation and product development strategies, particularly in the biotechnology, life sciences, and industrial chemicals industries. He is co-editor of Perspectives on Free and Open Source Software (MIT Press, 2005) and co-founder of the MIT-based Open Source research community and web portal.

Fellow Karim R. Lakhani

Scholarship with Impact
Teaching
Since the Berkman Center’s inception, our fundamental priority has been teaching across the wide range of our areas of inquiry. Berkman faculty and distinguished visitors have regularly provided some of the most innovative and substantial Internet, technology, and intellectual property law course offerings of any law school or university. Our Clinical Program was the first of its kind. We experiment with innovative uses of technology in our teaching, and we use technology to reach distant and dispersed audiences. Our courses have synthesized complex legal, technological, social, and business issues examined questions of both public and private law; and integrated relevant international and domestic legal considerations from a global perspective. 

While the core of our teaching has been and remains substantial Internet, technology, and intellectual property law course offerings of any law school or university. Our Clinical Program was the first of its kind. We experiment with innovative uses of technology in our teaching, and we use technology to reach distant and dispersed audiences. Our courses have synthesized complex legal, technological, social, and business issues examined questions of both public and private law; and integrated relevant international and domestic legal considerations from a global perspective. 

While the core of our teaching has been and remains courses at Harvard Law School, we also strive to reach and involve a much broader audience. Faculty associated with the Berkman Center combine to teach as many as ten courses annually as part of the curricula at Harvard Law School, Harvard College, and Harvard Extension School. We have taught a generation of future lawyers and scholars and industry leaders about Internet law, intellectual property, e-commerce, privacy, security, and trust, and the impact of the Internet on democracy, civic engagement, development, and innovation.

These extensive offerings serve as a key means of bridging our scholarship, community-building, and educational activities. Our courses both unify and transcend these separate threads, helping to weave them into and throughout everything we do; while engaging a wide and diverse audience in the most challenging aspects of our work.

RECENT COURSE OFFERINGS
Our curriculum has included the following courses, among many others:

At Harvard Law School
Professor Terry Fisher’s Copyright, which includes a substantial Internet law component, a course on advanced patent law taught alongside Harvard Business School Professor Josh Lerner and Bill Lee, a leading patent practitioner; a reading group on Intellectual Property Theory; and several versions of the yearlong Internet Law Colloquium for advanced students of cyberlaw co-taught with Professors Charles Nesson, Jonathan Zittrain, and John Palfrey. In the coming year, Fisher will teach Patent Law and a seminar, Motivation, with new Berkman Center Faculty Co-Director Yochai Benkler.

Professor Charles Nesson’s CyberOne: Law in the Court of Public Opinion, an innovative experimental offering that explores the creation and delivery of persuasive argument in the new integrated Internet media space and in the virtual world Second Life, with fellow Gene Koo and Berkman affiliate and former fellow Rebecca Nesson. A version of Charles Nesson’s Evidence course is also taught using a virtual courtroom on Berkman Island in Second Life to conduct mock trial, including trials of jilted video blogger Josh Wolf and the real-life case of Buggy Lindo Loos. There have been several iterations of his Digital Democracy course, including one led by fellow Ethan Zuckerman and co-taught with MIT Professor Hal Abelson, and another led by fellow Andrew McLaughlin, each drawing heavily on the expertise of a series of Berkman Center fellows. In the coming year, Charles Nesson will again teach CyberOne as well as a new course expanding on the use of mock trials in Second Life, with witnesses and jurors drawn from an Extension School class on virtual worlds and from the at-large body of participants in Second Life.

At Harvard College
By the global partners responsible for both the legal “porting” of Creative Commons and technologists assess the state of digital media, showcasing the diversity of digital art and culture and that’s what makes it such an amazing community to me.
I came to the Center in 2002, inspired by a new blog called Copyright. I didn’t know much about the Center’s renowned legal experts then, but I did follow the writing of Donna Wentworth, a staff editor whose daily posts were quietly galvanizing a mini-movement of online copyright activists. I wanted in.

It didn’t matter that I was just a sophomore in college and didn’t have much research experience – Berkman gave me the opportunity to dive right into its nascent Digital Media Project. As my work progressed and I contributed to a variety of papers, my many mentors always took the time to help me figure out and fulfill my goals.

From the moment I walked in the door, I felt truly comfortable at Berkman, and everyone there always made me want to learn more, ask more questions, and work harder. Partly due to the unsettled and interdisciplinary subject matter, Berkman draws in an incredible array of people who inherently have much to learn from one another, expert in some things while novice in others. What makes the community special is that everyone is passionate about everything cyber and committed to helping each other get the most out of our collective intelligence.

Wikipedia and Web 2.0 crowdsourcing are incredible indeed, but they can’t compare to the Berkman Center community.

Clinical Director Philip Maloney’s co-teaching of the Practical Lawyering seminar and based on his more than 20 years of experience as a federal antitrust prosecutor, a seminar on Antitrust and Innovation in high-tech industries; both seminars are being offered again this year.

Professor Jonathan Zittrain’s cyberlaw course has tracked the Berkman Center’s decade of evolution. Zittrain first taught it as a seminar in the fall of 1997, including both emerging cyberlaw theory and case studies – including the puzzles of domain names and “cybertrespass.” The Berkman Center’s involvement in the founding of ICANN, a global nonprofit charged with managing certain aspects of Internet naming and numbering, sprang from the course, as did an effort by the Center’s first clinical student, Bill McSweeney, to defend an employee of Intel accused of sending disquieting email newsletters to employees without the corporation’s consent. (McSweeney maintained his connection to the case after graduating; going before the California Supreme Court – and winning.) Students Alexander Macgillivray and Wendy Seltzer developed the first iteration of the Center’s HDQ software in conjunction with the course; Seltzer also created the Chilling Effects project as an outgrowth of the course. Cyberlaw grew to two hundred students at the height of the dot-com boom – including structured visits from course alumni who had alternately succeeded and failed in the gold rush – and was featured in U.S. News and World Report’s annual Best Graduate Schools report. Today, the course focuses on the technologies and politics of control of the Internet, introducing students to phenomena ranging from Wikipedia to the Microsoft case, including a lecture by U.S. District Judge Thomas Penfield Jackson. At times the course has been offered jointly with MIT, divided equally between law students and computer science undergraduates. Zittrain and Professor Lawrence Lessig co-taught a seminar on the Microsoft case in 1998 after Lessig’s brief appointment by Judge Jackson as special master in the case. The course followed the trial on a daily basis, and its website remains a primary resource for people interested in the case.

Berkman Center veteran Derek Slater was the first undergraduate to be named a Student Fellow. He currently is a policy analyst at Google.
CLINICAL PROGRAM

The Berkman Center’s Clinical Program in Cyberlaw started in 2000 with two of Professor Jonathan Zittrain’s students in his landmark Internet law class, Internet & Society: The Technologies and Politics of Control. From these informal origins, the program has grown steadily and evolved into one of the nation’s most highly regarded cyberlaw clinics, with a consistent (and consistently oversubscribed) enrollment of approximately 35 students each year and a rigorous, rich, and varied curriculum. Each semester, the Clinical Program engages Harvard Law students in a wide range of real-world litigation, licensing, client counseling, advocacy, and legislative projects and cases, covering a broad spectrum of Internet, new technology, and intellectual property legal issues. The pedagogical and philosophical core of the program continues to be identifying and maximizing the synergies between carefully structured, practical experience and the theoretical and doctrinal learning from students’ underlying substantive courses.

Fundamental to the success of the Clinical Program have been its deep ties to practice and to leading practitioners in our field. In addition to Clinical Professor of Law John Palfrey, the program has been directed since 2004 by clinical instructor Phillip Malone, a 20-year veteran of the US Department of Justice (DOJ) and the senior civil clinical instructor Phillip Malone, a 20-year veteran of the DOJ’s Office of Policy Development. Malone has overseen the clinical work of students into the cutting edge, public policy-oriented research projects underway at the Center.

Through the Clinical Program, students earn course credit for legal work on real-world issues for clients that have included individuals, small start-ups, nonprofit organizations, groups of law professors, and government entities. Over the last several years, we have increasingly integrated the clinical work of students into the cutting edge, public policy-oriented research projects underway at the Center.

Last year, the Clinical Program counseled on a number of the Berkman Center’s core projects and initiatives. Program participants have:

• regularly provided key legal assistance to our ongoing study of worldwide Internet filtering through the OpenNet Initiative (ONI), which has included traveling to Burma, Thailand, and Singapore on joint missions with members of the Harvard Law School Human Rights Clinic to examine filtering and censorship conditions and practices. The Clinical Program also worked on the drafting of US legislative bills relating to filtering, analyzed the legal aspects of various government filtering practices, and authored documents supporting the Berkman Center’s work on the Principles on Free Expression and Privacy project.

• played a critical role in advising counsel for the Berkman Center’s lumpcnetwork.org project, providing advice and guidance on a variety of core initiatives, including monitoring and helping minimize potential liability risks, responding to legal threats, and, this year, preparing and submitting to the Federal Trade Commission a formal complaint against a major provider of particularly dangerous malware applications.

• begun a major collaboration with the Berkman Center’s sponsored Center for Citizen Media project last fall, which involved students developing and providing information, education, resources, and tools to help address some of the legal challenges confronting citizen journalists in the US and a growing body of evidence on the citizen media community. This collaborative effort quickly grew into the Citizen Media Law Project, which was generously supported with a Knight Foundation grant and is directed by former Berkman students Elizabeth Stark and Matt Gline.

• played an increasingly key role in supporting the Berkman Center’s Global Voices Online project, providing legal advice on topics ranging from defamation, copyright, the implications of implementing Creative Commons licenses, and the challenges posed by online translation, as well as nonprofit entity status and governance issues.

• provided a variety of legal services for other Berkman projects, including licensing and copyright advice for the Public Radio Exchange, fair use research for Edward Siemon-Hylak’s project on academic fair use, and copyright and licensing advice for the Public Radio Exchange, fair use research for Edward Siemon-Hylak’s project on academic fair use, and copyright and licensing advice for the Global Voices Online project, as well as oversight and legal advice on an online community project whose online resources are created and shared by community members.

The bulk of the Clinical Program’s clients are nevertheless oversubscribed (and consistently oversubscribed) enrollment of approximately 35 students each year and a rigorous, rich, and varied curriculum. Each year, we have increasingly integrated the clinical work of students into the cutting edge, public policy-oriented research projects underway at the Center.

CLINICAL PROGRAM

The Berkman Center’s Clinical Program in Cyberlaw started in 2000 with two of Professor Jonathan Zittrain’s students in his landmark Internet law class, Internet & Society: The Technologies and Politics of Control. From these informal origins, the program has grown steadily and evolved into one of the nation’s most highly regarded cyberlaw clinics, with a consistent (and consistently oversubscribed) enrollment of approximately 35 students each year and a rigorous, rich, and varied curriculum. Each semester, the Clinical Program engages Harvard Law students in a wide range of real-world litigation, licensing, client counseling, advocacy, and legislative projects and cases, covering a broad spectrum of Internet, new technology, and intellectual property legal issues. The pedagogical and philosophical core of the program continues to be identifying and maximizing the synergies between carefully structured, practical experience and the theoretical and doctrinal learning from students’ underlying substantive courses.

Fundamental to the success of the Clinical Program have been its deep ties to practice and to leading practitioners in our field. In addition to Clinical Professor of Law John Palfrey, the program has been directed since 2004 by clinical instructor Phillip Malone, a 20-year veteran of the US Department of Justice (DOJ) and the senior civil clinical instructor Phillip Malone, a 20-year veteran of the DOJ’s Office of Policy Development. Malone has overseen the clinical work of students into the cutting edge, public policy-oriented research projects underway at the Center.

Through the Clinical Program, students earn course credit for legal work on real-world issues for clients that have included individuals, small start-ups, nonprofit organizations, groups of law professors, and government entities. Over the last several years, we have increasingly integrated the clinical work of students into the cutting edge, public policy-oriented research projects underway at the Center.

Last year, the Clinical Program counseled on a number of the Berkman Center’s core projects and initiatives. Program participants have:

• regularly provided key legal assistance to our ongoing study of worldwide Internet filtering through the OpenNet Initiative (ONI), which has included traveling to Burma, Thailand, and Singapore on joint missions with members of the Harvard Law School Human Rights Clinic to examine filtering and censorship conditions and practices. The Clinical Program also worked on the drafting of US legislative bills relating to filtering, analyzed the legal aspects of various government filtering practices, and authored documents supporting the Berkman Center’s work on the Principles on Free Expression and Privacy project.

• played a critical role in advising counsel for the Berkman Center’s lumpcnetwork.org project, providing advice and guidance on a variety of core initiatives, including monitoring and helping minimize potential liability risks, responding to legal threats, and, this year, preparing and submitting to the Federal Trade Commission a formal complaint against a major provider of particularly dangerous malware applications.

• begun a major collaboration with the Berkman Center’s sponsored Center for Citizen Media project last fall, which involved students developing and providing information, education, resources, and tools to help address some of the legal challenges confronting citizen journalists in the US and a growing body of evidence on the citizen media community. This collaborative effort quickly grew into the Citizen Media Law Project, which was generously supported with a Knight Foundation grant and is directed by former Berkman students Elizabeth Stark and Matt Gline.

• played an increasingly key role in supporting the Berkman Center’s Global Voices Online project, providing legal advice on topics ranging from defamation, copyright, the implications of implementing Creative Commons licenses, and the challenges posed by online translation, as well as nonprofit entity status and governance issues.

• provided a variety of legal services for other Berkman projects, including licensing and copyright advice for the Public Radio Exchange, fair use research for Edward Siemon-Hylak’s project on academic fair use, and copyright and licensing advice for the Global Voices Online project, as well as oversight and legal advice on an online community project whose online resources are created and shared by community members.

The bulk of the Clinical Program’s clients are nevertheless oversubscribed (and consistently oversubscribed) enrollment of approximately 35 students each year and a rigorous, rich, and varied curriculum. Each year, we have increasingly integrated the clinical work of students into the cutting edge, public policy-oriented research projects underway at the Center.

CLINICAL PROGRAM

The Berkman Center’s Clinical Program in Cyberlaw started in 2000 with two of Professor Jonathan Zittrain’s students in his landmark Internet law class, Internet & Society: The Technologies and Politics of Control. From these informal origins, the program has grown steadily and evolved into one of the nation’s most highly regarded cyberlaw clinics, with a consistent (and consistently oversubscribed) enrollment of approximately 35 students each year and a rigorous, rich, and varied curriculum. Each semester, the Clinical Program engages Harvard Law students in a wide range of real-world litigation, licensing, client counseling, advocacy, and legislative projects and cases, covering a broad spectrum of Internet, new technology, and intellectual property legal issues. The pedagogical and philosophical core of the program continues to be identifying and maximizing the synergies between carefully structured, practical experience and the theoretical and doctrinal learning from students’ underlying substantive courses.

Fundamental to the success of the Clinical Program have been its deep ties to practice and to leading practitioners in our field. In addition to Clinical Professor of Law John Palfrey, the program has been directed since 2004 by clinical instructor Phillip Malone, a 20-year veteran of the US Department of Justice (DOJ) and the senior civil clinical instructor Phillip Malone, a 20-year veteran of the DOJ’s Office of Policy Development. Malone has overseen the clinical work of students into the cutting edge, public policy-oriented research projects underway at the Center.

Through the Clinical Program, students earn course credit for legal work on real-world issues for clients that have included individuals, small start-ups, nonprofit organizations, groups of law professors, and government entities. Over the last several years, we have increasingly integrated the clinical work of students into the cutting edge, public policy-oriented research projects underway at the Center.

Last year, the Clinical Program counseled on a number of the Berkman Center’s core projects and initiatives. Program participants have:

• regularly provided key legal assistance to our ongoing study of worldwide Internet filtering through the OpenNet Initiative (ONI), which has included traveling to Burma, Thailand, and Singapore on joint missions with members of the Harvard Law School Human Rights Clinic to examine filtering and censorship conditions and practices. The Clinical Program also worked on the drafting of US legislative bills relating to filtering, analyzed the legal aspects of various government filtering practices, and authored documents supporting the Berkman Center’s work on the Principles on Free Expression and Privacy project.

• played a critical role in advising counsel for the Berkman Center’s lumpcnetwork.org project, providing advice and guidance on a variety of core initiatives, including monitoring and helping minimize potential liability risks, responding to legal threats, and, this year, preparing and submitting to the Federal Trade Commission a formal complaint against a major provider of particularly dangerous malware applications.

• begun a major collaboration with the Berkman Center’s sponsored Center for Citizen Media project last fall, which involved students developing and providing information, education, resources, and tools to help address some of the legal challenges confronting citizen journalists in the US and a growing body of evidence on the citizen media community. This collaborative effort quickly grew into the Citizen Media Law Project, which was generously supported with a Knight Foundation grant and is directed by former Berkman students Elizabeth Stark and Matt Gline.

• played an increasingly key role in supporting the Berkman Center’s Global Voices Online project, providing legal advice on topics ranging from defamation, copyright, the implications of implementing Creative Commons licenses, and the challenges posed by online translation, as well as nonprofit entity status and governance issues.

• provided a variety of legal services for other Berkman projects, including licensing and copyright advice for the Public Radio Exchange, fair use research for Edward Siemon-Hylak’s project on academic fair use, and copyright and licensing advice for the Global Voices Online project, as well as oversight and legal advice on an online community project whose online resources are created and shared by community members.

The bulk of the Clinical Program’s clients are nevertheless oversubscribed (and consistently oversubscribed) enrollment of approximately 35 students each year and a rigorous, rich, and varied curriculum. Each year, we have increasingly integrated the clinical work of students into the cutting edge, public policy-oriented research projects underway at the Center.
I had been interested in technology and the Internet ever since I had my first computer and modem, and Berkman has served to provide an ideal outlet to pursue my passion. I had the opportunity to do research on projects ranging from the digital media exchange to filtering to IP in education to open access to the role of the university in the 21st century. I’ve had the opportunity to travel across the world through Berkman connections, take various courses offered by Berkman faculty, work on reports, articles, even books, and assist in teaching various Berkman-affiliated courses.

In October 2005, I also founded a group dedicated to promoting a freely available culture that allows others to build upon the past, known as Harvard Free Culture. Berkman has been invaluable in their help and provision of resources to the Free Culture group. We have co-sponsored various events together, collaborated in organizing conferences, and have regularly made use of the Center as a meeting space. Berkman, as it were, has become our institutional home, our connection to the broader world of academia, and a focal point for our exposure to the issues surrounding Internet and society.

Berkman has managed to bring together an amazing group of individuals, and continually does so, one that is extremely knowledgeable, passionate, and thoughtful. One should enter the Center prepared for a variety of discussions, and one should not expect to be able to leave without engaging in several. I can’t even quantify the number of connections that I’ve made through my involvement with Berkman. What I do know is that I’ll continue to develop these ties for many years to come.

Elizabeth Stark is the founder of Harvard Free Culture and a third-year student at Harvard Law School. She has been involved in the Berkman Center as a student, Research Assistant, Teaching Fellow, consultant, and all-around contributor.

The bulk of the Clinical Program’s clients are nevertheless outside the Center. We have carefully crafted the program to be broad-based both in its clients and its substantive and practice opportunities. Most of our cases and projects fall into a handful of key areas, including litigation and advocacy to protect online speech and anonymity; legal resources for citizen journalists; counseling and legal guidance for digital copyright and fair use; guidance and amicus advocacy for protective and balanced protection of children from child pornography and online exploitation; and software licensing and contract assistance, especially regarding Creative Commons licenses.

Former clinical students go on to clerkships, government service, private practice, NGOs, and other organizations after their time at the Berkman Center; during their time here, they are the muscle behind many of the Center’s projects and events. The 2006–2007 academic year was no exception, and our successes owe much to the students involved.

"Whether in classes, through the Clinical Program, as researchers, or participating at events, students contribute at all levels of our exploration of the relationship between law, society, and the Internet, integrating what we do with the larger mission of the University."—Philip Malone
The Wealth
Professor Charles Nesson’s CyberOne course studied how Technology.

The two-week program were noted faculty from Oxford, MIT, and affiliates. The Center has helped to offer the annual ONLINES PROGRAMME (SDP) with the Oxford Summer Doctoral Programme (SDP) with the Oxford Internet Institute (OII) since its inception in 2003. For two weeks, it brings together approximately 30 promising graduate students in Internet studies, primarily social scientists and some lawyers, students of media, law, and communications, who comprise the future generation of faculty in our field. For the first time, the 2007 SDP was held in Cambridge, Massachusetts, following previous sessions in Oxford and Beijing. Teaching over the course of the two-week program were noted faculty from Oxford, including Helen Marrett and Ralph Schroeder; MIT, including Henry Jenkins and Harvard, including all Berkman faculty directors and a brace of Berkman fellows, including: Urs Gasser, Wendy Seltzer, Ethan Zuckerman, Judith Donath, Michael Biddle, and more. The program was jointly organized by Berkman, OII, and the Queensland University of Technology.

Professor Terry Fisher initiated the Internet Law Program (Law) in 2000 to offer the public a way to learn about the essential legal, economic, and public interest debates surrounding the Internet. It is now the Center’s flagship teaching effort, bringing together our faculty to focus on the Internet’s most pressing issues in a manner that fosters new community and new ideas. Since its inception, whether in Cambridge, Park Alta, Mexico City, Tallinn, Turin, or Rio. Law has been the venue for important debates. It has enabled participants to consider the legal and policy environment that governs online activity, to examine the Net’s changing technological character, to explore the implications of Internet policy and legal reforms, and to identify how reforms affect the public interest.

...It started out for me in the Spring of 1994. Charlie Nesson and I were working on a paper on evidence and somehow stumbled across this surprising overlap in our passions, leading to two or three hour long flights of imagination about where this thing could go. From then on, the story repeats.

ONLINE AND GLOBAL VENUES
We are also committed to teaching to a global audience and reaching people regardless of their location or profession. We have concurrently held online courses that are free and open to the public on a similar complement of issues, reaching thousands of students around the world through innovative teaching programs led by our faculty and affiliates. The Center has helped to offer the annual Summer Doctoral Programme (SDP) with the Oxford Internet Institute (OII) since its inception in 2003. For two weeks, it brings together approximately 30 promising graduate students in Internet studies, primarily social scientists and some lawyers, students of media, law, and communications, who comprise the future generation of faculty in our field. For the first time, the 2007 SDP was held in Cambridge, Massachusetts, following previous sessions in Oxford and Beijing. Teaching over the course of the two-week program were noted faculty from Oxford, including Helen Marrett and Ralph Schroeder; MIT, including Henry Jenkins and Harvard, including all Berkman faculty directors and a brace of Berkman fellows, including: Urs Gasser, Wendy Seltzer, Ethan Zuckerman, Judith Donath, Michael Biddle, and more. The program was jointly organized by Berkman, OII, and the Queensland University of Technology.

Professor Terry Fisher initiated the Internet Law Program (Law) in 2000 to offer the public a way to learn about the essential legal, economic, and public interest debates surrounding the Internet. It is now the Center’s flagship teaching effort, bringing together our faculty to focus on the Internet’s most pressing issues in a manner that fosters new community and new ideas. Since its inception, whether in Cambridge, Park Alta, Mexico City, Tallinn, Turin, or Rio. Law has been the venue for important debates. It has enabled participants to consider the legal and policy environment that governs online activity, to examine the Net’s changing technological character, to explore the implications of Internet policy and legal reforms, and to identify how reforms affect the public interest.

ONLINE AND GLOBAL VENUES
We are also committed to teaching to a global audience and reaching people regardless of their location or profession. We have concurrently held online courses that are free and open to the public on a similar complement of issues, reaching thousands of students around the world through innovative teaching programs led by our faculty and affiliates. The Center has helped to offer the annual Summer Doctoral Programme (SDP) with the Oxford Internet Institute (OII) since its inception in 2003. For two weeks, it brings together approximately 30 promising graduate students in Internet studies, primarily social scientists and some lawyers, students of media, law, and communications, who comprise the future generation of faculty in our field. For the first time, the 2007 SDP was held in Cambridge, Massachusetts, following previous sessions in Oxford and Beijing. Teaching over the course of the two-week program were noted faculty from Oxford, including Helen Marrett and Ralph Schroeder; MIT, including Henry Jenkins and Harvard, including all Berkman faculty directors and a brace of Berkman fellows, including: Urs Gasser, Wendy Seltzer, Ethan Zuckerman, Judith Donath, Michael Biddle, and more. The program was jointly organized by Berkman, OII, and the Queensland University of Technology.

Professor Terry Fisher initiated the Internet Law Program (Law) in 2000 to offer the public a way to learn about the essential legal, economic, and public interest debates surrounding the Internet. It is now the Center’s flagship teaching effort, bringing together our faculty to focus on the Internet’s most pressing issues in a manner that fosters new community and new ideas. Since its inception, whether in Cambridge, Park Alta, Mexico City, Tallinn, Turin, or Rio. Law has been the venue for important debates. It has enabled participants to consider the legal and policy environment that governs online activity, to examine the Net’s changing technological character, to explore the implications of Internet policy and legal reforms, and to identify how reforms affect the public interest.

...It started out for me in the Spring of 1994. Charlie Nesson and I were working on a paper on evidence and somehow stumbled across this surprising overlap in our passions, leading to two or three hour long flights of imagination about where this thing could go. From then on, the story repeats.

ONLINE AND GLOBAL VENUES
We are also committed to teaching to a global audience and reaching people regardless of their location or profession. We have concurrently held online courses that are free and open to the public on a similar complement of issues, reaching thousands of students around the world through innovative teaching programs led by our faculty and affiliates. The Center has helped to offer the annual Summer Doctoral Programme (SDP) with the Oxford Internet Institute (OII) since its inception in 2003. For two weeks, it brings together approximately 30 promising graduate students in Internet studies, primarily social scientists and some lawyers, students of media, law, and communications, who comprise the future generation of faculty in our field. For the first time, the 2007 SDP was held in Cambridge, Massachusetts, following previous sessions in Oxford and Beijing. Teaching over the course of the two-week program were noted faculty from Oxford, including Helen Marrett and Ralph Schroeder; MIT, including Henry Jenkins and Harvard, including all Berkman faculty directors and a brace of Berkman fellows, including: Urs Gasser, Wendy Seltzer, Ethan Zuckerman, Judith Donath, Michael Biddle, and more. The program was jointly organized by Berkman, OII, and the Queensland University of Technology.

Professor Terry Fisher initiated the Internet Law Program (Law) in 2000 to offer the public a way to learn about the essential legal, economic, and public interest debates surrounding the Internet. It is now the Center’s flagship teaching effort, bringing together our faculty to focus on the Internet’s most pressing issues in a manner that fosters new community and new ideas. Since its inception, whether in Cambridge, Park Alta, Mexico City, Tallinn, Turin, or Rio. Law has been the venue for important debates. It has enabled participants to consider the legal and policy environment that governs online activity, to examine the Net’s changing technological character, to explore the implications of Internet policy and legal reforms, and to identify how reforms affect the public interest.

...It started out for me in the Spring of 1994. Charlie Nesson and I were working on a paper on evidence and somehow stumbled across this surprising overlap in our passions, leading to two or three hour long flights of imagination about where this thing could go. From then on, the story repeats.

ONLINE AND VENUES
We are also committed to teaching to a global audience and reaching people regardless of their location or profession. We have concurrently held online courses that are free and open to the public on a similar complement of issues, reaching thousands of students around the world through innovative teaching programs led by our faculty and affiliates. The Center has helped to offer the annual Summer Doctoral Programme (SDP) with the Oxford Internet Institute (OII) since its inception in 2003. For two weeks, it brings together approximately 30 promising graduate students in Internet studies, primarily social scientists and some lawyers, students of media, law, and communications, who comprise the future generation of faculty in our field. For the first time, the 2007 SDP was held in Cambridge, Massachusetts, following previous sessions in Oxford and Beijing. Teaching over the course of the two-week program were noted faculty from Oxford, including Helen Marrett and Ralph Schroeder; MIT, including Henry Jenkins and Harvard, including all Berkman faculty directors and a brace of Berkman fellows, including: Urs Gasser, Wendy Seltzer, Ethan Zuckerman, Judith Donath, Michael Biddle, and more. The program was jointly organized by Berkman, OII, and the Queensland University of Technology.

Professor Terry Fisher initiated the Internet Law Program (Law) in 2000 to offer the public a way to learn about the essential legal, economic, and public interest debates surrounding the Internet. It is now the Center’s flagship teaching effort, bringing together our faculty to focus on the Internet’s most pressing issues in a manner that fosters new community and new ideas. Since its inception, whether in Cambridge, Park Alta, Mexico City, Tallinn, Turin, or Rio. Law has been the venue for important debates. It has enabled participants to consider the legal and policy environment that governs online activity, to examine the Net’s changing technological character, to explore the implications of Internet policy and legal reforms, and to identify how reforms affect the public interest.

...It started out for me in the Spring of 1994. Charlie Nesson and I were working on a paper on evidence and somehow stumbled across this surprising overlap in our passions, leading to two or three hour long flights of imagination about where this thing could go. From then on, the story repeats.
In 1998, I had just published my first piece on spectrum commons, and came over to the law school and met Larry Lessig. We got into a long conversation that ended up in a piece in The New Republic and a long friendship. In 2000, I was still at NYU and wanted to organize a working group on spectrum. But most of the people I wanted to talk to were either in D.C. or Cambridge. No problem, says Terry Fisher; we can collaborate. And then there was how – for several years now, Terry Fisher has brought us all together for a few days of intensive collaborative teaching. It gave us several days to spend time together, allowed us to hear what we were each thinking, how we were honing what we thought, and talk about it as a good bit more. There were different resonances to our styles; but by the later sessions, we were different resonances to our styles; but by the later sessions, we were making music. So for me, the Berkman Center is, first, a place to come, meet, and talk; a place to let the imagination fly together. More importantly perhaps, as Terry and John Palfrey gradually built up its research capacities, it has become a platform on which to collaborate in building some seriously fabulous flying machines.

Events, Communications, Media

The unique interactions generated through conferences, workshops, and other events – both as process and product – are fundamental elements of the Berkman Center’s modus operandi. Convening groups of different sizes and compositions and asking them to interact in novel settings and styles is essential for everything from identifying projects and partners, to agenda-setting, research, and awareness-raising. The Center’s events engage students, faculty fellows, and affiliates, as well as public-policy makers, business leaders, and civil society through their unique topics, tenor, and approach. In addition to many informal roundtables and workshops, we have recently organized the following events.

EVENTS
Beyond Broadcast I and II

In May 2006, Fellows Jake Shapiro (Executive Director, Public Radio Exchange) and Susan Lisiecki organized “Beyond Broadcast: Reinventing Public Media in a Participatory Culture,” bringing together public broadcasters, technologists, and new media creators with help from the Center for Social Media at American University, New York University’s Interactive Telecommunications Program, and the Center for Citizen Media. The goal was to create an opportunity for interaction between active participants in traditional public media and new participatory web-based efforts; to showcase and discuss the latest projects and models; and to cultivate a shared understanding of the potential and meaning of a renewed public media role. In February 2007, in conjunction with the Yale Law School Information Society Project and the MIT Comparative Media Studies Program, Berkman affiliate Steve Schultz spearheaded the organization of Beyond Broadcast II, which focused on the democratic potential of user-generated content. Approximately 400 people from traditional public media, new web-based participatory social media, academia, activist organizations, and media developers attended each iteration of Beyond Broadcast. Beyond Broadcast III will be taking place in the spring of 2008 in Washington, DC.

Internet as a Public Good Symposium

In July 2007, Harvard Business School (HBS), the Berkman Center, and the Mozilla Foundation hosted a symposium on the campus of HBS focusing on the economic, policy, infrastructural, and philosophical implications of envisioning the Internet as a public good. Academics, including economists and legal scholars, entrepreneurs, technologists, and individuals from the nonprofit sector joined the discussion.

State of Play V

The Berkman Center has been one of the core partners in hosting the State of Play conference series on virtual worlds and gaming. In October 2005, the Berkman Center; the Institute for Information Law & Policy at New York Law School; and the Information Society Project at Yale Law School co-hosted “State of Play: III Social Revolutions” at New York Law School. The focus of the conference was on social relationships within and educational uses of virtual worlds and brought together experts in the virtual worlds and more general legal and policy spheres. The First-ever international State of Play conference, State of Play V: Building the Global Metaverse was held in Singapore in August 2007.

Wilmarra 2006

The Berkman Center hosted the second gathering of the Wilmarra community in the summer of 2006, hosted by Berkman Fellow and Wikpedia founder Jimmy Wales, and organized by long-time affiliate Si Klein. This unparalleled gathering brought together more than 600 people from over 200 domains and took on a diverse range of questions.

Internet and Democracy

In September 2007, the Berkman Center hosted the first in a series of research meetings as part of the Internet and Democracy Project with academics, regional specialists, technology experts, and activists to discuss planned research, the best technology tools available for civic engagement, and the future direction of the project.
Web of Ideas

Led by fellow David Weinberger, Web of Ideas is a discussion series that examines the effect of the Web on how we understand ourselves and our shared world. Topics of conversation from this past year included discussions around cyberbullying, participatory culture, and democracy.

COMMUNICATIONS

Through a steady increase in event attendance, greater community involvement, and wider circulation of our publications, the Berkman Center has promoted its growth through communications. Working with fellow research institutions, universities, business and technology leaders, governmental agencies, and media outlets, we have developed a wide community and our network continues to expand. Following is a sampling of our efforts and achievements over the past year.

Berkman Web Publications

The Berkman Center’s monthly online newsletter, The Verge, has increased circulation size by nearly 3,000 this year, with a total of more than 17,000 subscribers. The Center’s monthly online newsletter, Berkman Buzz, which highlights conversations from faculty fellow, project blogs, and whose circulation has more than doubled this past year to over 3,700. An additional distribution list includes Reports, which has grown from 1,500 to over 3,800 subscribers. Individual Berkman projects also maintain their own distribution lists, such as the OpenNet Initiative, the Internet and Democracy Project, GlobalVoices’ Daily Digest, the 1,000-strong StopBawdies Discussion Group, and the soon to be released Citizen Media Law Brief, which will inform those interested in the Citizen Media Law Project on a weekly basis.

Media Berkman

Media Berkman, the Berkman Center’s podcast blog hosts, has had more than 22,000 downloads over the past year. It features conversations with and talks by leading cyber-scholars, entrepreneurs, activists, and policymakers and explores such topics as the factors that influence knowledge creation and dissemination in the digital age; the character of power as the worlds of governance, business, citizenship, and the media meet the Internet; and the opportunities, risks, and limitations of new technologies in learning Video has also been increasingly added to the content stream for each Berkman-hosted event as well as unique topical content.

Virtual Worlds

The Berkman Center launched its own “Berkman Island” in Second Life, a virtual world for the first Beyond Broadcast conference held in Spring 2006. The island functions as a meeting place and open community broadcast center for audio and video material. The island was home to several events this past year, including law school courses, IS2K7, and every Luncheon Series discussion. The Center’s interest in virtual worlds received press attention, including mention in the Boston Globe, the Baltimore Sun, on NBC Sunday Morning, and in numerous blogs. This year, Professor Charles Nesson and fellow Gene Koo will broadcast courses from Harvard Law School and Emerson College into Second Life, continuing Harvard’s pioneering in the space of Second Life for improved access and extension/distanced education.

Webscasting

All Berkman events, including conferences, luncheon series talks, and most meetings, are webscast for the purposes of sharing knowledge with our university partners, Berkman affiliates, and the general public. Webscasts account for half of our luncheon series audience participation and have also allowed people located around the world to participate in our conferences.

MEDIA

Our research and scholarly agenda thrive on the anticipation of future intellectual challenges, and our faculty and fellows are consistently relied upon by media outlets for comment on issues—from intellectual property dilemmas and questions regarding the legitimacy of citizen media, to the scope of privacy concerns or the organization of the Internet. Media sources as diverse as CNN, the New York Times, the Harvard Crimson, the Boston Globe, the San Francisco Chronicle, the Associated Press, Wired Magazine, the Wall Street Journal, USA Today, the International Herald Tribune, NPR, CNET, and numerous trade publications have often requested input from the Center on current events related to our work. The Berkman Center’s faculty and fellows comment in major publications or web-based media on a daily basis.

The Berkman Center also strives to involve new media in discussions about its research. News of our research has been covered on blogs as diverse as Slashdot, Boing Boing, Indiemedia, and many others. Our immediate community also lays claim to some of the most prominent bloggers on the Net, through whom we can channel timely information for broad dissemination. Organizations such as the MacArthur Foundation, the Center for Social Media at American University, and the Center for Democracy and Technology also profile our work in their newsletters and emails.

Sporning the public debates around copyright

“Famous Harvard from the RIAA,” Professor Charles Nesson and fellow Edward Witten challenged an industry practice regarded as one of the most anti-innovative in American intellectual property. The RIAA, responding to a letter from Berkman fellow Charles Nesson and fellow Gene Koo (also absorbed into Harvard’s intellectual property law faculty), asked Berkman’s Nesson to appear on the “case study” side of a Harvard Intellectual Property Law Conference. Berkshire’s Nesson joined law professor and author Mark Lemley and Robert Edward Byrd, a New York-based lawyer, to take on the RIAA as the RIAA’s record companies joined in Washington, D.C., to fight subpoenas for user-identifying information. The case turns on a longrunning settlement in the recording industry’s downstream “pre-litigation letters” to consumers. Berkman really innovative artists in the era over battling a major theme at the May 15 ISWC conference, and Berkman’s Nesson and Lakhani theory both provided them with the theme in the June issue of The Atlantic. “Universities versus RIAA: Take a Look.” This fall, Witten, fellow, and Berkman artistic director Angela King sought out the two-some audience the to Commons. “Inside from The Laws.” appealing to the Harvard Francis intellectual property claim on clear reading fees and book prices. To complete the media story, Witten and King released a Berkman TV piece on October 4. They are now generating finding materials to encourage consumers to fight subpoenas for user-identifying information.
How do we define “the public interest”? 

Our goal in all of our ventures is to understand and promote the public interest. How do we define “the public interest”? In our view, that phrase encompasses such ambitions as the efficient promotion and dissemination of informational products, distributive justice within the US and globally, and the advancement of democracy, broadly defined. How these ideals can be applied and reconciled in a given technological context is, of course, a difficult question – and one on which the faculty, fellows, and others associated with the Berkman Center often healthily disagree – but it is itself a question central to our inquiries.

Where We Are Going 

We are currently in the process of expanding our field of operations in two dimensions.

First, while our primary focus is and will remain the relationship between the Internet and the law, our inquiries are drawing us ever more deeply into other disciplines as well: computer science, economics, sociology, political theory, history, theories of education, and religion. To strengthen our work in these zones, we are collaborating more frequently with faculty, fellows, and students drawn from other schools within Harvard and from other universities.

Second, we have begun to examine aspects of digital environments other than the Internet. This includes inquiries into how repositories and indexing systems for digital records of all sorts could be improved, what privacy will mean in the future and how systems of group judgment and reputation-assignment will affect traditional individual rights; what roles trademarks will play in our evolving global economies and cultures; how curricula and pedagogy in primary, secondary, and adult education can be revitalized through technology; and finally, how to consider the evolving role and shape of the university including changing methodologies of scholarly inquiry.
Over the course of the next few years, we will be making contributions to the university. They would advise. These conferences are designed such that the university serves not only as the convenor but also as the ‘client’. For example, we seek to host a meeting with invited faculty from Harvard Divinity School to discuss “Divinity in the Age of the Internet.” We intend to organize a similar meeting with representatives of the School of Engineering and Applied Sciences to discuss “Law, Language, and Code,” to be followed by similar conferences with each of the other schools of Harvard. Professor Charles Nesson is leading this initiative, as part of the series of large-scale Internet & Society conferences that we have held throughout the Berkman Center’s first ten years.

We warmly welcome those who would join us in these efforts as we enter our second decade.

Convinced that these trends should continue, we recently initiated the process of transforming the Berkman Center from a research center tied exclusively to Harvard Law School to a research center of Harvard University as a whole. This transition, with the support of the university’s leaders, is underway.

In our second decade of operations, we hope to strengthen this reconfigured Berkman Center in the following respects:

Expand our connections with analogous centers located in other universities and countries. We currently work closely with Stanford Law School’s Center for Internet & Society, the University of St. Gallen’s Research Center for Information Law, and the Oxford Internet Institute. We plan to deepen existing ties while creating more. Jointly taught courses (made possible by enhanced inter-school communications systems), joint conferences, and joint research projects are among the tools we intend to use more often, especially since some of our modes of research and expression are themselves novel – and of great interest to other institutions.

Offer interdisciplinary courses. Several of the faculty who have recently joined our ranks are eager to collaborate with us in offering courses that explore the Internet and digital technologies more broadly from several angles. Such courses would be open to students from all parts of the university.

Expand our embrace of technology and media by making the development and projection of ideas in text, audio, and video themselves cornerstones of our research. At present, we routinely webcast and disseminate recordings of our conferences and other events, but remain eager to amplify our efforts and to facilitate wider adoption of this system across the university.

Expand our existing Advisory Board and other mechanisms of outside contribution. We wish first to expand and activate the Board as a collective body and then discuss with its members what other changes in our governance structure they would advise.

Although I’m probably overly enthusiastic about the positive ways the Web is redefining our culture, I’ve been quite pessimistic about the Web’s future. The political and economic forces that would ‘tame’ the Web—or from my point of view, lock it down—seem to me to be overwhelming. During my first year at the Berkman Center, three years ago, I was in such a rough of despair that I was awarded a blue P.R. at a tech conference as officially the most depressed person there.

Then, at a Center get-together held at Charlie Nesson’s house, Charlie helped pull me out of the worst of my misery. I was going through what we were calling ‘the end’ of our project—our attempt to change the way the world understood the Internet. But Charlie wasn’t seeing it. There is no end, he reminded us, just as there is no one in the Internet and that is in a position to act effectively to preserve those values. The University. Not just Harvard and not just the Harvard Law School. But the University as an institution committed to open access to knowledge and the free expression of ideas.

Ever since, I’ve had the sense that as the Center explores ideas in the simultaneous physical and digital worlds, we’re not just trying to understand the Internet. In that very act, we are also working to save it.

David Winwiniger
Berkman Fellow

Co-Founder’s Letter

The best way to understand cyber space is to build upon it. This is the Berkman Center’s essence. It is the thread that runs throughout the report’s breathless and kaleidoscopic account of our activities. We agree to make sense of a space that is simultaneously hyped and taken as exceptional, and to discern the timeless and fundamental dynamics at work even as the Internet has continued to evolve at breakneck speed. Building is both a means to that end and an end unto itself.

One of the features that makes the Internet different from its antecedents—from the proprietary networks that could have held it in their stead—is the network’s standing invitation to try something new. No credentials are needed; no gatekeepers block new applications. There are still enormous interstices, fascinating problems—including those in teaching itself—where small-footprint code can have an astonishing impact. The explosion of new software tools like wikis and blogs has further opened the possibility of building beyond computer scientists and well-funded dot-com ventures. Instead of merely tracking their reach, we have opportunities to hypothesize what one tweak or another might do to these tools’ use in one situation or another—and then to try them out learning as much from failure as from success.

Understanding requires us to maintain the highest standards of academic rigor and independence, and building calls upon us to forge partnerships with those who are making a difference on and through the Internet. We recognize the unique value of being immersed in the experiments we create—and the unique role we bring to these experiments as researchers with commitments to transparency, honesty, and skepticism.

We owe a debt to our benefactors—the Berkman family and those who have supported us in the past—but the Berkman Center is an independent entity. We exist to improve the state of the world—we invite of you. If you have read through to the end of this report on our progress, chances are good that there is a way you might connect to the growing enterprise of the Berkman Center. Please join us.

Jonathan Zittrain
Co-Founder
2007: The Berkman Center collaborates with the Center for Democracy & Technology on the Future of the Digital Age, a project to explore key questions about the future of the Internet and the role of government. The project includes a series of events, workshops, and publications that examine the impact of technology on society and the rule of law.

2007: "The Future of the Digital Age" conference, held in April, brings together experts from academia, industry, and government to discuss the challenges and opportunities of the digital age. The conference features keynote speeches from prominent figures in the industry, as well as panel discussions and workshops.

2007: "The Future of the Digital Age" report, released in July, provides an overview of the conference and highlights key themes and findings. The report is available for download on the Berkman Center website.

2007: "The Future of the Digital Age" series of events includes a range of activities, such as workshops, panel discussions, and keynote speeches, that explore the impact of technology on society and the rule of law.

2007: "The Future of the Digital Age" project includes a range of publications, such as the "The Future of the Digital Age" report, as well as additional papers and articles that explore the key themes and findings of the conference.

2007: "The Future of the Digital Age" project is funded by the John D. and Catherine T. MacArthur Foundation, the MacArthur Foundation Network, and other organizations.

2007: "The Future of the Digital Age" project is led by faculty director John Palfrey and project director Yochai Benkler, with support from other faculty and staff members.

The Berkman Center's work in the digital age is ongoing, and we continue to explore key questions about the future of the Internet and the role of government.
Mark Edwards

Mark Edwards has taught introductory courses in all areas of science and engineering. At Harvard, he has been awarded named a Presidential Faculty Fellow in 1993, one of only thirty in the country.

Stuart Shieber

Stuart Shieber received a B.S. in computer science from Stanford University in 1981 and a PhD in computer science from Harvard University in 1984. He was a special assistant to John Doar in the Civil Rights Division of the Department of Justice.

Charles Ogletree

Charles Ogletree is a Harvard Law School professor, civil rights attorney, and social justice activist. He is also the founder and president of the National Bar Association, a civil rights organization.

Harry Lewis

Harry Lewis is a professor of computer science at Harvard University. He is known for his work in artificial intelligence and computer science education.

Judith Donath

Judith Donath is a professor of Computer Science at the University of Massachusetts Amherst. She is an expert in social networks and online communities.

Melanie Dulong de Rosnay

Melanie Dulong de Rosnay is a senior research scholar at the Berkman Klein Center for Internet & Society at Harvard Law School. She is also a senior fellow at the Stanford Law School Center on Internet & Society.

Urs Gasser

Urs Gasser is a professor of law at the University of Zurich and a senior fellow at the Berkman Klein Center for Internet & Society. He is also the co-founder and CEO of Privacy International.

Dan Gillmor

Dan Gillmor is a journalist and author who has written about the intersection of technology and journalism. He is also a visiting scholar at the Berkman Klein Center for Internet & Society.

Glenn Otis Brown

Glenn Otis Brown is a professor of communication at the University of Illinois at Chicago. He has written about the role of the media in shaping public opinion and the impact of technology on journalism.

John Wilbanks

John Wilbanks is a professor of history and media studies at the University of California, Berkeley. He is also the co-founder and CEO of Creative Commons.

Bill Mitchell

Bill Mitchell is a professor of computer science at the University of California, Berkeley. He is also the founder of the Sensemaking Initiative, which focuses on understanding and visualizing complex systems.

Andrew McLaughlin

Andrew McLaughlin is a partner at Wilson Sonsini Goodrich & Rosati, a law firm that represents technology companies. He is also a former senior advisor to the Obama administration on technology policy.

Ted Friedman

Ted Friedman is a professor of law at the University of California, Berkeley. He is also the director of the Center for Information Technology Policy at the University of Southern California.

Geoffrey Kirkman

Geoffrey Kirkman is a professor of law at the University of Virginia. He is also the director of the Center for Law, Science, and Technology at the University of Virginia.

Rebecca MacKinnon

Rebecca MacKinnon is a professor of communication at the University of Pennsylvania. She is also the director of the Berkman Klein Center for Internet & Society.

Eric Priest

Eric Priest is a former associate director at the Berkman Klein Center for Internet & Society. He is also the director of the Center for Civic Media at the Annenberg School for Communication at the University of Southern California.

Competitors

Competitors refers to other organizations or individuals who are in direct competition with you. This could include your direct competitors in the same industry, or even those in a slightly different field.

Appendix

The appendix contains additional information that is not included in the main body of the report. This could include technical details, references, or data tables.
In 2007, through Year Up, a program that prepares urban young adults for success in professional careers and higher education, I was fortunate to join the Berkman Center for Internet & Society. My role there was to research and analyze the intersection of law, technology, and society, with a particular focus on issues related to the Internet and digital media. I worked closely with other scholars, researchers, and policymakers to advance understanding of these complex issues and contribute to the development of more effective and equitable policies.

I am grateful to the Berkman Center for allowing me to develop this understanding and to be a part of a vibrant community of thinkers and doers who are committed to shaping the future of the Internet and digital society. I am proud to have been associated with the Berkman Center as a fellow and to have contributed to its growth and success over the past decade.

I hope that my work and research will continue to help inform and shape the conversation around these important issues, and that others will also be inspired to join us in this important work.
ACKNOWLEDGMENTS

The report you’re holding in your hands is related to the Berkman Center in the same way that a collector’s pinned specimen is to the butterfly in flight.

The enormity and complexity of the project had stalled previous attempts to compile our history and to celebrate our trajectory. This summer, need, derring-do, and a peer production plan came together to make an insurmountable task seem almost possible.

We were game, but our success hinged on engaging a deeply overcommitted community. There was also the delicate matter of unearthing and gathering up history defined by trade, connection, and constant evolution. We needed to weave our rich and varied stories together coherently, to integrate them in the broader context of the Center’s development, and to reflect the tremendous commitment and scholarship of so many staff, fellows, faculty, alumni, and friends. Here another Berkman-esque approach: realizing these challenges were not bugs but rather features that required this to be an open-ended endeavor.

(And despite its printed form, this is still very much an open-ended endeavor. We welcome you to help us to improve and build on this report and our work.)

We must begin by acknowledging a few of the many close friends mentioned in this report. We simply could not be doing the work we do without their deep support. First and foremost, our thanks to Mike Berkman and the entire Berkman family for their ongoing generosity and substantive guidance. The Berkman Center Foundation has been nothing short of tremendous, allowing us flexibility and sponsoring some of our largest research efforts and toiling alongside us on key aspects of our work. The Open Society Institute has been a wonderful—and constant—companion on our journey Debevoise & Plimpton—embodied for us by Jeffrey Cunard and Bruce Keller—has been a steadfast and invaluable supporter of our scholarly efforts. Microsoft and Google, among many other private firms, stand out as much-valued collaborators on a variety of projects. Finally, our colleagues at Harvard Law School, including Elena Kagan, Fran McCrossan, Karen Pemstein, and Paul Upson, have been the truest of partners in our occasionally offbeat, always interesting academic affairs.

We are grateful to everyone from interns to distant alumni, who helped create our timeline and narrative and to our in-house authors, who were generous with their time and thoughts. Special thanks to Wendy Senator, our resident historian, and Diane Cabell, John Nolon, and Eric George, who assisted us with history. Other consultation contributed to all facets of the endeavor. Phil Malone was invaluable on the teaching section. Joe Plante made unparalleled (and funny) copy edits. Catherine Brady provided editorial, and Colin Robb’s attempt to make our voices harmonious. Dayle Sequeira shared fabulous pictures. David Weinberger crafted words and ideas and Rebecca Tabasky pitched in on photographs and layout selection. Fellow travelers at Wikipedia (which is to say everyone) unknowingly helped us build our timeline (thanks).

As in all our efforts, we cannot be appreciative enough of our faculty directors, Terry Fisher, Yochnai Benkler, Charlie Nesson, John Palfrey, and Jonathan Zittrain, each of whom was responsive and thoughtful.

For her terrific design work and just-as-essential patience, we warmly thank Monika Ekström.

There would be no report were it not for Seth Youn and Caroline Nolan’s patience and commitment to capturing it.

As with virtually everything we do at the Berkman Center, this document was above all a product of community, generating essential, humorous, painstaking, and otherwise amazing contributions from far and wide. We believe that the debt of gratitude we incurred in assembling this report is actually great wealth.

PHOTO CREDITS

2, 18%, 34%, 43%, 49%: Colin Maclay
8, 43, Erica George
9, 34%, Phil Farrell
10, 2%, 10, 12%, 34, 34%, 39, 39, 43%
12, 49%, John Scott Lynn
13, 49%, Yochai Benkler
19, Colin Maclay
20%, 19%, 22%, Katya Adler
21, Lars Hvidberg
24, David Alan
day, 246%, Georgia Tech
24, Ben Brown
26, Brian Holiday/Webbap
33, Catherine Brady
37, Richard Schulz
39, 39, Tj, Krzysztof Hernández-Nieves Office
39, Rebecca Tabasky
39, Colin Maclay
39, Mark Metz
46%, Yochai Benkler
66%, Phil Malone
66%, Debevoise & Plimpton
25%, 35%

Creative Commons Licenses:
36, 28
19, 10, 12, 18, 26, 27, 32
2, 10, 12, 34, 43

PHOTO CREDITS

Save the Date for our Berkman@10 Gala!
May 14–16, 2008
Cambridge, Massachusetts

For more information, visit http://www.berkmanat10.org

We want you to celebrate with us this spring as we cap off our year-long series of events exploring and reflecting upon the Future of the Internet.

Please join us!

Colin Maclay
Managing Director