



Berkman

The Berkman Center for Internet & Society
at Harvard University

Annual Report for Academic Year 2011–2012

EXECUTIVE SUMMARY

In our August 2011 Annual Report, the Berkman Center identified three areas of strategic focus for the coming academic year: interdisciplinary and technology-enabled research and teaching methods; cross-institutional collaboration; and organizational development. Under the leadership of Faculty Chair Professor William W. Fisher and Executive Director Urs Gasser, the Center has leveraged achievements in each of these arenas during the 2011–2012 academic year.

Interdisciplinary and Technologically Enabled Research and Teaching Methods, Tools, and Platforms

Research

Efforts to leverage and complement core Berkman research initiatives constituted an area of primary focus during 2011-2012, including activities aimed at synthesizing a variety of research tools, data collection methods, and other forms of analysis that Berkman has been incubating in recent years. This year's launch of the Internet Monitor, a Center-wide research project to evaluate, describe, and summarize the means, mechanisms, and extent of Internet content controls and Internet activity around the world, is illustrative in this respect. The project, incubated by Co-Director John Palfrey and led by Executive Director Urs Gasser, compiles and curates data from multiple sources, including both primary data collected by the Berkman Center and its partners, as well as relevant secondary data. At the core of the Internet Monitor is a freely available online fact base, which will provide policy makers, digital activists, and user communities an authoritative, independent, and multi-faceted set of quantitative data on the state of the global Internet. The recent expansion of our Chilling Effects project, which has long provided a platform for transparent reporting on and analysis of legal threats and their consequences for free expression around the world, will complement and strengthen these findings.

To take another case in point, the ongoing development of Media Cloud is enabling a next generation of quantitative analyses of news and media flows and foci. Media Cloud captures and parses the full text of all stories and posts coming from a large number of media sources, including both traditional mainstream media such as the *New York Times* and blogs and citizen media ventures. This year, the tool was used as the basis for a number of papers analyzing the Russian networked public sphere; it was also instrumental in Co-Director Yochai Benkler's analysis of resistance to proposed SOPA/PIPA legislation in the United States. This summer, in close collaboration with the MIT Center for Civic Media, the Berkman team is charting a path

for Media Cloud’s future that will include new channels for researchers, media analysts, and members of the public to conduct their own research using its ever-growing database.

The Internet Robustness project is equally illustrative of innovative and technology-driven approaches to research and analysis. Led by Co-Director Jonathan Zittrain, the recently launched project seeks to develop, test, and pilot technologies to deliver on the promise of the URL, or “Uniform Resource Locator”: that information placed online can remain there, even amidst network or endpoint disruptions. The project’s approach is to enable operators of Web servers to enter easily into mutual aid arrangements, such as mirroring other participants’ content and having the deed reciprocated, so that the failure of any one participant to remain online allows others to preserve what was there. It is designed to improve the resiliency and robustness of the Web in a wide variety of Internet contexts around the world, offering an alternative route to content in the event of intentional blocking, hacking or denial of service attacks, or unintentional hosting or server failures. Similar to Internet Monitor, the project complements and builds on a number of core Berkman research areas, including the Herdict project and the OpenNet Initiative (ONI), in addition to Berkman’s analysis of circumvention tools and DDoS attacks against independent media and human rights sites.

In addition to recently launched research projects, several book publications by Berkman faculty reflect the Center’s interdisciplinary approach. Yochai Benkler released his new book *The Penguin and the Leviathan: How Cooperation Triumphs over Self-Interest*. In it, he draws on cutting-edge findings from neuroscience, economics, sociology, evolutionary biology, and political science alongside a wealth of real world examples to reveal how we can harness the power of human cooperation to improve business processes, design smarter technology, reform our economic systems, maximize volunteer contributions to science, reduce crime, improve the efficacy of civic movements, and more. In *Access Contested*, John Palfrey, Jonathan Zittrain, and colleagues offer in-depth accounts of the struggle between freedom of expression online and efforts to control the Internet, as well as provide updated country reports by ONI researchers. In *Interop*, Palfrey and Gasser build a theory of interoperability based on case studies that take on the contextual lessons from sectors as diverse as transportation, currency markets, and energy.

Additional publications by faculty and fellows, including major reports and papers such as “Youth and Digital Media: From Credibility to Information Quality” and the Digital Media Law Project’s “Guide to the IRS Decision-Making Process under Section 501(c)(3) for Journalism and Publishing Non-Profit Organizations” are explored further in the body of this report.

Teaching

The Berkman Center’s commitment to test, incubate, and advance new interdisciplinary methodologies and approaches also extends to teaching, as faculty systematically experiment with the use of technology in both formal and informal learning and education settings.

In 2011-2012, Berkman faculty members developed a number of innovative pedagogical approaches, from John Palfrey and Jonathan Zittrain’s Advanced Problem-Solving course at the Law School, to Zittrain’s Ideas for a Better Internet, jointly hosted by Stanford and Harvard Law Schools. The recently re-launched H2O project, a Web-based open-source platform for creating,

editing, organizing, consuming, and sharing course materials, is another flagship project in this zone with new functionalities and expanded use by additional professors slated for the coming year. In the wake of a successful June workshop on “Bringing Mindsports into the Classroom and Beyond: A Workshop on Curriculum Design and Civic Education,” Co-Director Charles Nesson is also pursuing innovative learning and teaching practices, with a focus on ‘strategic games’ and ‘games of skill’. In partnership with the MIT Media Lab, he is leading an effort to bring together developers, scholars, mindsport masters, students, and teachers at a local school to produce a template for leading groups in mindsport play, including an online teaching kit consisting of initial teaching resources. The Youth and Media Lab also continues to make important contributions to new modes of hybrid education, pioneering experiments in student-led peer learning and curriculum development.

The launch of the Center’s next generation iLaw program represented one of the most ambitious teaching developments during the past academic year, convening Berkman professors and staff alongside both students from across the University and a broad swath of partners, colleagues, and business representatives from various sectors. Jonathan Zittrain led the rigorous program along with a strong team of Berkman staff members, fellows, and faculty, who collectively contributed substance, format, resources, and other invaluable support. iLaw provided a unique opportunity for the Berkman community to consider the implications of a diverse range of Internet policy and legal issues—including freedom of expression, open access, copyright, privacy, innovation and interoperability—and to assess their effect on the public interest. The course also offered a venue to update colleagues on current thinking and research interests; to explore emerging issues; and to reflect on the evolution of key debates in the field.

Technology Development

The Berkman Center’s investment in data-driven and technologically-supported research and teaching often requires and fosters collaborations among our development team and core projects, University initiatives, and external partnerships. For example, the Berkman Tech team has been a key partner to Harvard’s Library Lab since its inception in 2010. The Lab is designed to implement innovative approaches to the ways that Libraries work, translating ideas developed by stakeholders throughout the library system and beyond into practical solutions. In collaboration with the Lab, Berkman produced three full production software applications that help save many person-hours of labor and create richer metadata management systems for the broader academic community. These collaborators also partnered in the creation of numerous open-source applications that can serve as starting points for future endeavors. As leaders within the Technical Workstream of the Digital Public Library of America (DPLA) effort, the Berkman team has been instrumental in driving the development of relevant platforms, writing experimental applications designed to extend and test the DPLA platform, creating a production-quality scalable infrastructure, and providing technical expertise to the API developers.

Cross-Institutional Collaboration

The Berkman Center’s investments in capacity- and network-building activities in recent years have prepared the ground for several large-scale collaborative efforts during the 2011-2012 academic year.

Under the leadership of John Palfrey, the Center's incubation of the ambitious DPLA initiative is emblematic of Berkman's approach to engaging new contributors and audiences and informing and influencing issues of public importance in a way that is undergirded by rigorous research and strong technological development. This project, which is the largest in the history of the Berkman Center and is supported by major grants from the Sloan Foundation and Arcadia Fund, launched in October 2011 at the National Archives in Washington, D.C., with a gathering of core participants and a public plenary of some 300 librarians, archivists, scholars and open access proponents. The meeting was followed a preparatory phase designed both to gather support for a national online repository and to test models for collaboration amongst numerous constituencies.

Building upon the successful launch of this campaign, Palfrey and the Berkman team laid the groundwork for a second phase consisting of multiple, parallel workstreams coordinated by leaders in the library world, such as the U.S. National Archives and Records Administration, who are charged with investigating legal, technical, and structural models to build a sustainable organization that will make digital copies of printed work freely available to the public. These streams were again convened as part of a successful public plenary event in San Francisco (DPLA West) in April 2012. As the Secretariat of this ambitious undertaking, the Berkman team oversees and consolidates the efforts of the workstreams and convenes major public symposia.

Collaborations and connections with new and existing communities and institutional partners also encompassed a broad range of research collaborations, teaching activities, and events - both domestically and internationally- during the academic year. Examples include:

Within Harvard

- In Fall 2011, our Digital Media Law Project (formerly the Citizen Media Law Project) co-hosted "Law School for Digital Journalists" as part of the Online News Association's (ONA) annual conference.
- The Berkman Center hosted an event marking the 50th anniversary of Newton Minow's "Vast Wasteland" speech, which included a talk and conversation honoring the former FCC chairman.

In the U.S.

- Berkman partnered with the MacArthur Foundation, the California Endowment, and the Graduate School of Education at Harvard in the launch of Lady Gaga's Born This Way Foundation. The Foundation is focused on youth empowerment and recognizes the importance of digital mobilization as a supporting tool.
- The Center hosted the Truthiness in Digital Media Symposium, a large symposium on propaganda and misinformation in the new media ecosystem made possible by the support and substantive involvement of partners at the Ford Foundation.
- Berkman collaborated with the Hewlett Foundation to host their annual meeting for grantees working on the topic of Open Educational Resources (OER). The field has deep ties to a number of people and projects, including "The Copyright for Librarians" curriculum developed by Terry Fisher; the Center's work on Open Access with the Harvard Office for

Scholarly Communication, led by Berkman Co-Director Stuart Shieber; and Berkman's Youth and Media curriculum development work.

On a Global Scale

- Building upon the efforts of Urs Gasser to expand the reach and profile of the Center's international collaborations, Berkman engaged with international partners to set the stage for a collaborative network of globally recognized research institutions that are examining the future of the Internet and related technologies.
- These internationalization efforts were also advanced by a December 2011 visit to our partner Keio University in Tokyo, Japan, where Senior Keio Faculty members, including Jun Murai, Jiro Kokuryo, and the broader Keio team hosted a delegation of the Berkman Center, in addition to close partners from the metaLAB (at) Harvard, the Research Centre for Information Law at the University of St. Gallen in Switzerland, and the Nexa Center in Torino, Italy.

Organizational Development: Staff Functions, Fellows and Interns Program, and Board Reconfiguration

Staff

The expanding breadth of our research, development work, events, and activities has led to the modest expansion of our staff, and a continued commitment to an integrated and flexible project coordination model. These new hands, the equivalent of two full-time additions to our core staff, have already added crucial capacity in support of a succession of complex conferences, meetings, and other activities throughout the academic year.

Fellows and Interns Programs

The Center continued to grow in size and diversity during in the 2011-12 academic year, with an exceptional class of fellows that brought geographical and disciplinary diversity in addition to gender balance to the Center and contributed to a rich atmosphere for scholarship and exchange. In 2012-2013, we are looking forward to including a new joint fellowship in journalism innovation with Harvard's Niemen Foundation for Journalism.

This summer, Berkman welcomed a diverse group of 47 interns to the Center, who made contributions across all projects, from the Youth and Media Lab to the OpenNet Initiative and the Cyberlaw Clinic led by Clinical Professor Phil Malone. Interest in both fellowships and internships continues to increase each year, which drives our internal development of infrastructure and processes to manage applications and select of the best candidates.

Leadership

In Spring 2012, the Berkman Center appointed five new members to its Board of Directors, bringing the total number of directors to thirteen. The Board of Directors shapes the Center's overall vision and makes significant financial, research, academic, personnel, governance, and

other overarching organizational decisions.

The new members are: Susan Crawford (Visiting Stanton Professor of the First Amendment at the Kennedy School of Government; Visiting Professor at Harvard Law School); Phillip Malone (Clinical Professor of Law; Director, Cyberlaw Clinic); Felix Oberholzer-Gee (Andreas Andresen Professor of Business Administration; Chair, MBA Global Program); Jeffrey Schnapp (Professor of Romance Languages & Literatures and Comparative Literature; faculty at the Graduate School of Design; Faculty Director, metaLAB (at) Harvard project); and Mark Wu (Assistant Professor of Law). The newly configured Board will help the Center continue to build collaborations that cross disciplinary and institutional boundaries. Terry Fisher will continue as Faculty Chair, and continuing as Directors are: Professors Yochai Benkler, John Deighton, Charles Nesson, John Palfrey, Stuart Shieber, and Jonathan Zittrain. Urs Gasser continues as Executive Director, leading implementation of the vision and objectives set forth by the Board. Jonathan Zittrain will take on a new, limited-term position as Director of the Harvard Law School Library as John Palfrey takes up his new post at Phillips Andover. Palfrey will continue to serve on the board and remains actively engaged in the DPLA project and BTWF collaboration as a Berkman Senior Research Fellow.

TABLE OF CONTENTS

EXECUTIVE SUMMARY...i

I. REPORT OF ACTIVITIES...1

- A. Teaching...1
 - 1. Contributions to the Harvard's Teaching Programs...1
 - 2. The Cyberlaw Clinic...3
 - 3. Participation of Students in Program Activities...8
 - 4. Curricula and Materials Development...9
 - iLaw
 - APSW
 - H2O
 - i4bi
- B. Law Reform, Impact and Advocacy...10
 - Online Media Legal Network
- C. Research and Scholarship...11
 - 1. New Projects...11
 - BTWF
 - E-Publishing Models
 - Internet Monitor
 - Information Quality
 - Internet Robustness
 - Library Lab
 - Library License
 - 2. Ongoing Projects...13
 - Blogging Common
 - Broadband Project
 - Chilling Effects
 - Cloud Computing Initiative
 - Copyright for Librarians
 - Cybersecurity
 - Digital Media Law Project
 - Digital Public Library of America
 - Global Network Initiative
 - Herdiet
 - The Impact of the Internet on Russian Politics, Media, and Society
 - Interoperability
 - Law Lab
 - Media Cloud
 - metaLAB (at) Harvard
 - Mindsport Research Network
 - Mobile Giving Study
 - Nigeria Project
 - OpenNet Initiative

	Youth and Media Project	
	3. Selected Independent Scholarship...	23
	4. Publications...	32
D.	Communications and Digital Media...	36
E.	All Events...	37
	1. Ongoing Events and Series...	37
	Luncheon Series	
	2. Conferences and Special Events...	40
	3. Working Groups...	46
	Cyberscholars Working Group	
	The Networked Cultures Working Group	
	4. Project Events...	47
F.	Technical Infrastructure Support...	47

II. LOOKING AHEAD...48

III. ADDITIONAL INFORMATION: TEAM...53

A.	Board of Directors...	53
B.	Staff...	53
C.	Berkman Center Organizational Chart...	55
D.	Fellowship Program...	55

I. REPORT OF ACTIVITIES

A. Teaching

Since the Berkman Center's inception, its top priority has been teaching across the wide range of our areas of inquiry.

1. Contributions to Harvard's Teaching Programs

Berkman faculty, staff, and fellows taught a number of courses at Harvard College, Harvard Extension School, Harvard Graduate School of Design, and Harvard Law School (HLS) during the 2011–2012 academic year, including:

Fall 2011

- “Bibliotheca: The Library Past/Present/Future,” a seminar co-taught by HLS Professor and Berkman Center Co-Director John Palfrey and metaLAB Faculty Director and Berkman Center Co-Director Jeffrey Schnapp at Harvard Graduate School of Design;
- “Communications and Internet Law and Policy,” taught by HLS Professor and Berkman Center Co-Director Yochai Benkler at Harvard Law School;
- “Cyberspace in Court: Law of the Internet,” a freshman seminar taught by HLS Clinical Professor and Berkman Center Co-Director Phil Malone at Harvard College;
- “Evidence,” taught by HLS Professor and Berkman Center Co-Director Professor Nesson at Harvard Law School;
- “Ideas for a Better Internet,” taught by HLS / SEAS / HKS Professor and Berkman Center Co-Director Jonathan Zittrain at Harvard University and as a collaborative cross-institutional seminar at Stanford University in January 2012;
- “iLaw 2011,” led by Professor Jonathan Zittrain and taught by Berkman Co-Directors in addition to faculty, fellows, and colleagues from the Engineering School's Center for Research on Computation and Society (CRCS) and other schools from around the University;
- “Practical Lawyering in Cyberspace,” co-taught by Clinical Instructor Bavitz and Professor Malone at Harvard Law School;
- “Public Domain and the American Ideal,” a reading group led by Professor Nesson at Harvard Law School;
- “Technically Private,” a 1L reading group led by Professor Malone at Harvard Law School; and

- “Torts,” taught by Professor Zittrain at Harvard Law School.

Winter Term 2012

“Intellectual Property in the Digital Environment” taught by Professor Benkler at Harvard Law School

Spring 2012

- “The American Jury,” taught by Professor Nesson at Harvard Law School;
- “Bibliotheca II: The Library Test Kitchen,” co-taught by Jeff Goldenson of the Harvard Library Innovation Laboratory at Harvard Law School and Professor Jeffrey Schnapp at Harvard Graduate School of Design;
- “Controlling Cyberspace,” taught by Professor Jonathan Zittrain at Harvard Law School;
- “Copyright,” taught by HLS Professor and Berkman Center Faculty Chair Terry Fisher at Harvard Law School;
- “Cybercrime,” taught by Professor Malone at Harvard Law School;
- “Cyberlaw and Intellectual Property: Advanced Problem Solving Workshop,” taught by Professor Zittrain and Professor Palfrey at Harvard Law School;
- “Evidence,” taught by Professor Nesson at Harvard Law School;
- “Internet and Society: Technologies and Politics of Control”, taught by Berkman Center Research Director Rob Faris at Harvard Extension School;
- “Mixed Reality City,” taught by metaLAB Associate Director Jesse Shapins at Harvard Graduate School of Design;
- “Music and Digital Media,” taught by Clinical Instructor Christopher Bavitz at Harvard Law School; and,
- “Online Law and Business in a Globalized Economy,” taught by Berkman Center Executive Director Urs Gasser at Harvard Law School.

As part of the Berkman Center’s teaching program, HLS students participated in the Center’s Cyberlaw Clinic, and in the above-referenced courses “Cybercrime,” “Cyberlaw and Intellectual Property: Advanced Problem Solving Workshop,” “Ideas for a Better Internet (i4bi),” “Music and Digital Media,” and “Practical Lawyering in Cyberspace.”

2. The Cyberlaw Clinic

The Berkman Center's Cyberlaw Clinic engages HLS students in a variety of real-world litigation, licensing, client counseling, advocacy, and legislative projects and cases, covering a broad spectrum of legal issues. The Cyberlaw Clinic was the first of its kind, and continues its tradition of innovation in this area. In recent years, it has grown dramatically in popularity (in terms of number of students enrolled and those on waitlists), the breadth and complexity of its cases and projects, the types and variety of clients it serves, the sophistication of its pedagogy, and the richness of the connections it develops for its students among theory, doctrine, and practice.

During the 2011-2012 academic year, the Cyberlaw Clinic enrolled 39 students (one of whom continued from the fall to the spring semester), bringing the total number of 2011-2012 student slots to 40. Those students enrolled for a total of 89 credits over the course of the year, and the Clinic's supervising attorneys managed approximately 5,340 hours of student work. During the summer, the Clinic welcomes HLS students as well as law students from a diverse range of universities. In 2012, the Clinic hired six law student summer interns.

Across all HLS clinics, the Cyberlaw Clinic has consistently had some of the longest waitlists of students wishing to enroll. In order to better meet this tremendous demand, the Clinic hired a full-time Clinical Instructional Fellow during Spring 2012. In addition, the Clinic brought on a new full-time Clinical Instructor at the end of the 2011-2012 academic year. This brings the Clinic to four full-time teaching staff attorneys, a number that will permit the Clinic to increase enrollment significantly during the next academic year, expand its areas of practice, and serve a larger and broader base of clients.

The majority of the Clinic's cases and projects continue to fall into a number of key areas, which include: counseling on open access, licensing, and other contractual issues (especially concerning Creative Commons licenses), as well as advice and litigation regarding open access to courts; copyright, including questions surrounding fair use; litigation, *amicus* brief writing, and other forms of advocacy to protect online speech; trademark advice and advocacy; advising on best practices for using technology to increase access to justice; software, music, and other content licensing and contract advice; guidance for entrepreneurs and innovators; and advocacy for balanced approaches to youth online safety in the areas of cyberbullying, "sexting," and technology use in human trafficking.

A key objective of the Clinic is to develop and leverage deep ties that link scholarship and theory with legal practice. It has continued to involve leading practitioners in its field as guests in related classes, maintained its ongoing relationship with Cooley Godward Kronish LLP, one of the nation's leading high-tech law firms. Cooley is in the fourth of five years of providing generous support for one of the Clinic's supervising attorneys; its gift, paired with ongoing collaborations with the firm, will enable the Clinic to continue to teach and mentor students on a range of litigation, counseling, and transactional/licensing projects and cases.

The Cyberlaw Clinic's teaching team brings tremendous practical expertise to the Clinic itself and to the Berkman Center as a whole. Clinic Director and Clinical Professor Phil Malone, a

twenty-year veteran of the U.S. Department of Justice, has directed the Clinic since 2004. Professor Malone was the senior civil service litigator on the government's antitrust case against Microsoft and helped try the antitrust case against Oracle. The clinical teaching team also includes Clinic Assistant Director and Clinical Instructor Christopher Bavitz, who spent four years at a law firm and six years in-house in the music industry before joining the Clinic. Clinical Instructor Dalia Topelson, who joined the Clinic in late Spring 2012, has law firm experience and served most recently as in-house counsel with Amazon.com. Finally, Clinical Instructional Fellow and HLS / Cyberlaw Clinic alumnus Christopher Walsh comes to the Clinic with three years of experience practicing at the law firm Wolf Greenfield and experience as a volunteer with the American Civil Liberties Union of Massachusetts.

During the past year, the Cyberlaw Clinic continued its expansion of the number and types of clients it serves, including individuals, small start-ups, nonprofit organizations, academics, and government entities. Simultaneously, it intensified its strategy to increasingly integrate clinical student representation and legal support with research projects at the Berkman Center. Clinical students provided representation to the following clients, among others: the Commonwealth of Massachusetts Information Technology Division; the Digital Media Law Project (previously the Citizen Media Law Project); the Digital Public Library of America; Herdict Web; the Massachusetts Trial Court's Special Adviser for Access to Justice Issues; OpenCourt.us, Public Radio Exchange; StopBadware, Inc.; the United States Attorney's Office for the District of Massachusetts; WGBH; and the Youth and Media Policy Working Group Initiative.

Representative Cases and Matters

A few prominent examples of cases and projects handled by Clinic students during the past academic year include:

(a) *Litigation*: The Clinic, both directly and working in tandem with law firms located around the United States, has represented individuals and organizations in connection with pre-litigation disputes and active litigation concerning a range of issues, including court access, online speech and intellectual property. Of particular note during the 2011-2012 academic year, the Clinic appeared as co-counsel representing WBUR's Knight Foundation-funded OpenCourt.us project in two related cases before the Massachusetts Supreme Judicial Court (SJC) regarding cameras in the courtroom and the right to gather news at public judicial proceedings. A Summer 2011 intern and a team of four Fall 2011 Clinic students researched and drafted legal briefs in support of OpenCourt's arguments and helped to prepare co-counsel for oral argument before the SJC in Fall 2011. In a March 2012 decision, the Massachusetts Supreme Judicial Court ruled in favor of OpenCourt.us, finding that restrictions sought by a prosecutor (in one case) and a criminal defendant (in another case) regarding OpenCourt's reporting constituted unlawful prior restraints.

(b) *Amicus Advocacy*: *Amicus* advocacy is a core part of the Clinic's practice, and the Clinic regularly contributes to *amicus* briefs throughout the year. For example, the Clinic submitted an *amicus* brief in January 2012 in support of the defendant in *Jenzabar, Inc. v. Long Bow Group, Inc.*, No. 2011-P-1533 (Mass. App. Ct. January 18, 2012), a case before the mid-level Massachusetts Appeals Court concerning the First Amendment right to make

communicative uses of trademarks to identify the sources of goods or services that are subjects of critical speech. The brief was filed on behalf of the DMLP. A clinical student who worked on the brief attended oral arguments in the case in May 2012, during which one of the three judges on the appellate panel specifically noted the quality of the brief.

Decisions came down this year in three separate cases in which the Clinic previously submitted *amicus* briefs. In each case, the court ruled in a manner consistent with the position advocated by the Clinic:

- The Clinic submitted an *amicus* brief in January 2011 in *Glik v. Cuniffe*, No. 10-1764 (1st Cir. January 23, 2011), a case before the First Circuit that concerned the right of individuals to make audiovisual recordings of on-duty police officers engaged in an arrest in a public place. The brief was prepared on behalf of the DMLP and joined by a large and prestigious *amicus* coalition of publishers, media outlets and advocacy organizations that included Dow Jones & Company, Inc., Globe Newspaper Company, Inc., The Massachusetts Newspaper Publishers Association, NBC Universal, Inc., The New York Times Company, the Online News Association, and the Reporters Committee for Freedom of the Press. Although the First Circuit denied the *amici's* motion for leave to file the brief, the Court's August 2011 decision included language consistent with the position urged by *amici*: the court recognized a First Amendment right to record police officers carrying out their duties in public and provided an extraordinarily strong statement of the law on this emerging and important issue.
- In March 2011, the Clinic filed an *amicus* brief before the Massachusetts Supreme Judicial Court on behalf of what was the then known as Berkman Center's Citizen Media Law Project (CMLP; now the DMLP), joined by key Massachusetts media organizations, in *Globe Newspaper Company, Inc. v. Superior Court for County of Norfolk*, No. SJC-10798 (Mass. March 21, 2011). The brief argued that a public right of access to inquest materials allows journalists, bloggers, and other news gatherers to inform citizens on matters of public concern. The SJC issued its decision in December 2011, holding that the inquest files at issue should be considered presumptively open.
- The Clinic's *Glik* brief served as a model for a Seventh Circuit brief filed in April 2011 by the Reporters Committee for Freedom of the Press (joined by the CMLP and others) in *American Civil Liberties Union of Illinois v. Alvarez*, No. 11-1286 (7th Cir. April 22, 2011). The case raised issues similar to those in *Glik* concerning the Illinois Eavesdropping Act and its implications for the recording of police officers in public places. The Reporters Committee for Freedom of the Press prepared and filed the *Alvarez* brief with support from a Spring 2011 clinical student. The Seventh Circuit handed down its decision in May 2012, and—like the court in *Glik*—found that video recording of public police activities implicated the First Amendment.

(c) Media Law and Online Speech: The Cyberlaw Clinic has been very active in addressing a broad spectrum of legal issues faced by Web-based media, including bloggers, website commenters, and other online speakers. The Clinic has provided advice and counsel in matters involving First Amendment issues, defamation claims, immunity under Section 230 of the

Communications Decency Act, and anonymous speech online. Most notably, the Clinic continued its long-running collaboration with the DMLP, a joint initiative that first began as a Clinic project and which seeks to provide legal training and resources for individuals and organizations involved in citizen media.

(d) Intellectual Property: The Cyberlaw Clinic addressed a wide range of intellectual property issues during the past year, including:

- The Clinic’s students began a project in collaboration with others at the Berkman Center regarding developments in Nigeria’s “Nollywood” film industry. The project seeks to offer input on issues surrounding the piracy, distribution, and funding of movies in Nigeria, as well as a broader host of issues relevant to those who create and disseminate Nigerian films worldwide. (See Ongoing Projects for more information.)
- The Clinic represented two separate documentary filmmakers in connection with intellectual property and other issues relating to their films. One of those films—*Code of the West*—was shown at the South by Southwest Film Festival and has received considerable acclaim for its portrayal of the interplay between state and federal law with respect to medical marijuana and efforts in Montana last year to repeal or amend the state’s medical marijuana law.
- The Clinic represented a small but widely known journalism startup, answering questions about copyright and related issues implicated by its content aggregation activities.
- The Clinic again represented a small startup with which it had worked in the past. The company, which had previously been based at MIT, is now a standalone corporation that has grappled with interesting questions relating both to its website terms and policies and to the protectability of data and databases.

(e) Access to Justice: Since early 2010, the Clinic has been assisting the Massachusetts Trial Court’s Special Adviser for Access to Justice Issues with research, advice, strategic planning, and development of best practices for using technology to pursue “access to justice” initiatives throughout the Commonwealth. The project has identified and analyzed the most effective ways that technology can assist self-represented and other litigants in their dealings with the court system. This year, the Clinic continued to provide advice on the implementation of portions of its July 2010 Report to the Trial Court on effective use of available technologies, with a focus on online resources and electronic-filing issues. Clinic students gave two major presentations on best practices for updating the Court’s online resources to groups that included a Supreme Judicial Court justice, the Chief Justice for Administration of the Trial Court, several Trial Court Department chief judges, and senior court administrative staff.

(f) Innovation and Entrepreneurship: The Clinic has historically advised and supported small startups, innovators, and entrepreneurs in a variety of contexts. During 2011-2012, it served as the primary HLS liaison to Harvard’s new, university-wide Innovation Lab, also known as the i-Lab. Clinical students presented a series of legal workshops to innovators working at the i-Lab; one provided a comprehensive overview of IP, privacy, and online liability

issues; the others addressed new and innovative approaches to choice of business model, corporate structure, innovation strategy, and intellectual property strategy, focusing on emerging open and collaborative models of which early stage innovators might not otherwise be aware. Clinic students and supervisors also began to hold advising office hours at the i-Lab, collaborated with select law firms that were holding advising sessions, and helped to develop and coordinate a system for participation by outside law firms.

(g) *Child Protection and Youth Online Safety:* The Cyberlaw Clinic continued to promote youth online safety through collaborations with advocacy organizations, researchers, and state and federal law enforcement agencies. During 2011-2012, the Berkman Center was heavily involved in the launch of Lady Gaga's Born this Way Foundation (BTWF). The Clinic supported the Center's efforts in connection with the BTWF, and two Winter Term 2012 clinical students contributed extensively to the affiliated publication, "An Overview of State Anti-Bullying Legislation and Other Related Laws." In collaboration with a graduate student at the Harvard Graduate School of Education and an education professor in the University of California system, the Clinic also embarked on a new initiative to provide resources to teachers and school districts addressing questions around privacy in the context of students and teachers communicating via text message, email, and social networks. Finally, Clinic students assisted the Human Trafficking and Modern Day Slavery Project at the Harvard Kennedy School's Carr Center with research and advocacy seeking to understand and combat the use of technology, particularly social networking services, to facilitate human trafficking.

(h) *Consumer Protection and Regulatory Compliance:* The Cyberlaw Clinic has done a variety of work in the area of consumer protection and regulatory compliance. In 2011-2012, the Clinic continued to serve as counsel on a number of legal issues for StopBadware, an online consumer protection initiative to combat malware that was founded at the Berkman Center and which now operates as a fully independent 501(c)(3) non-profit corporation. Clinical students have provided day-to-day advice on legal matters, reviewed and drafted agreements, and responded to legal claims from organizations questioning StopBadware's coverage of alleged malware produced by those organizations.

(i) *Filtering, Surveillance, and Censorship:* Filtering, surveillance, and censorship of online activities are problems in countries throughout the world. The Cyberlaw Clinic has worked with a number of entities at the forefront of global efforts to document and respond to these issues. During the past year, the Clinic continued to provide legal support to the Global Network Initiative (GNI), a multi-stakeholder group of companies, civil society organizations (including human rights and press freedom groups), investors, and academics that have adopted a collaborative approach to protecting and advancing freedom of expression in the information and communications technology (ICT) sector.

Clinic Events and Outreach

Clinic staff organized and participated in a variety of events and outreach to the HLS community and beyond during the 2011-2012 academic year. In April 2012, the Clinic co-presented an HLS event discussing government open access mandates and the future of the academic publishing business; this event featured Peter Suber, a noted Open Access scholar and advocate, Mark

Seeley, Senior Vice President and General Counsel of academic publisher Elsevier, and Jonathan Hulbert, Administrative Coordinator for Harvard's Office of General Counsel and Vice-Chair of the American Bar Association's Committee on University Intellectual Property Law.

The Clinic also played a pivotal role in organizing and running a November 2011 workshop about music rights registries. Clinic staff also addressed issues such as intellectual property, speech, and privacy at a number of conferences, symposia, and other events during the 2011-2012 academic year, including the iLaw event at HLS (see Curricula and Materials Development for more information); a panel discussion about copyright termination at Suffolk Law School, entitled "Recording Artists v. The Record Industry" (November 2011); the Fall 2011 *HLS Journal of Sports & Entertainment Law's* Entertainment Symposium, entitled "The Democratization of Entertainment" (November 2011); the South by Southwest (March 2012) and Rethink Music (April 2012) music conferences; and a panel discussion about "Guarding Your Reputation on the Internet," sponsored by the Massachusetts Bar Association's Section on Individual Rights and Responsibilities (April 2012). Additionally, Clinic staff addressed the forum "Using Technology In The 21st Century To Enhance Access To Justice: The Law School-Court-Tribunal Partnership" at Columbia Law School (April 2012); provided training to state court judges in Texas regarding the use of technology in human trafficking and the admissibility of social networking evidence (July 2011); and participated in an online seminar on the scope of the Computer Fraud and Abuse Act (October 2011).

3. Participation of Students in Program Activities

The Berkman Center works with students across all areas of our research and programs. In 2011-2012, we intensified our efforts to include students in our various initiatives—including project work—and benefited from relationships with over 100 students from Harvard and from schools throughout the world. Beyond enrollment through Harvard courses taught by Berkman faculty, students—ranging from high school students to Ph.D. candidates—actively engage the Berkman Center through various formal and informal channels, as research assistants, interns, and via our events programming. These opportunities serve as critical training grounds for future colleagues and collaborators.

During 2011-2012, interns and research assistants worked with Berkman projects in part-time capacities, often supplementing their coursework with active, substantive work at the Center. Nearly all of the Center's projects employed student research assistance, which included tasks ranging from collecting data, writing blog posts and other outputs, editing materials, conducting outreach, producing events, creating code and other technology, and much more. During the academic year, we formally employed 22 Harvard students, including 11 from the Law School. In addition, we employed 30 plus students from other area institutions, such as Tufts, Northeastern, and Boston College..

During the summer, we host interns for ten weeks of full-time work. Summer interns—otherwise known as Berkterns—are integrated into our project teams and contribute to meaningful research activities. They also participate in a comprehensive internship program that includes lectures and reading groups with our faculty and fellows, shared cross-project multimedia work, and introductions to the many research projects at Berkman. The full-time nature of the program

exposes interns to a broad range of research interests at the Center, helps them to understand the dynamic and fast-paced nature our work, and offers opportunities to gain experience in substantive areas that span the fields and working environments into which they might enter. Through a rigorous selection process based on the needs of our projects and the skills and interests of the applicants, in Summer 2012, we chose a diverse cohort of 47 interns. This year's class included 4 HLS students and 2 from Harvard College, with the remaining 41 representing schools across the world, including MIT, Stanford, Yale, the University of Michigan, Carnegie Mellon, Brown, Northwestern, UC Berkeley, and the University of Pennsylvania, in addition to KEIO University in Japan, the University of Amsterdam in the Netherlands, the University of Leuven in Belgium, the National Autonomous University of Mexico, and the University of Basel in Switzerland, in addition to others.

During the past five years, our summer internship program has grown increasingly visible and popular for students engaging in a variety of diverse Internet & Society issues. This year, our applicant pool was nearly 1,000 candidates strong, representing high school, undergraduate, graduate, law, LL.M, and Ph.D. programs from hundreds of schools in 71 countries and featuring applicants from a self-reported 34 different disciplinary backgrounds.

Recognizing that there are many skilled applicants we cannot host, this year we have aimed to develop structures and plans to distribute the energy of our applicant class and to provide alternate channels for participation at Berkman and elsewhere. Immediately following our selection process, we invited all applicants to attend a webcast that featured Jonathan Zittrain and a team of project managers and fellows. Applicants were invited to submit questions before the webcast; then, during the live event, the team answered questions about research, the selection process, and career plans. In addition, we shared information regarding alternative avenues for engagement with the Berkman Center, through, for example, our crowdsourced research efforts and events programming—which includes live webcasts and allows for remote participation. We have also pointed interested students towards opportunities and internships at other relevant programs. In the coming years, we will work more directly with these institutions to coordinate efforts and bolster the collective capacity of the field to host summer interns.

4. Curricula and Materials Development

Emblematic of the Berkman Center's commitment to innovative pedagogical and teaching models was this year's relaunch of our **Internet Law ("iLaw") Program: iLaw 2011**, one of our flagship teaching efforts since 2000. Since its inception, the program has served as a way for the public to learn about the essential legal, economic, and public interest debates surrounding the Internet and new technologies. iLaw's most recent iteration was an intensive, week-long HLS conference and Harvard University course conducted just before the beginning of Fall 2011 classes at HLS, led by Professor Jonathan Zittrain and taught by Berkman Co-Directors, faculty, fellows, and colleague. Attendees included a diverse, multi-disciplinary set of approximately 125 university students alongside a number of international professionals, practitioners, lawyers, and entrepreneurs. Throughout the course, participants and instructors exchanged ideas about current debates, difficult questions, and emerging issues in the Internet space via a series of modules of lectures and activities pertaining to such topics as Open Access/Open Systems theory, Online Liberty and Freedom of Expression, and Digital Humanities. Each day concluded with smaller

interactive events that allowed attendees to further explore particular topics or participate in structured group activities. In addition to in-person interactions, the course leveraged online resources and tools, including a set of wiki-based resources, the Live Question Tool, and the social media hashtag #ilaw2011. [http://cyber.law.harvard.edu/teaching/ilaw/2011/Main_Page]

The Advanced Problem Solving Workshop: Cyberlaw and Intellectual Property (APSW) was a HLS capstone class that integrated hands-on, experiential learning techniques along with cyberlaw materials. Professors Palfrey and Zittrain co-taught the first iteration of the course in Spring 2012 to a class of 33 students from HLS, Harvard College, HKS, and the MIT Sloan School of Management. The class revolved around 6 case studies, each of which explored different key concepts in cyberlaw and intellectual property and required students to research and determine practical solutions to real world problems. The Berkman Center provided key support by creating two sets of case materials—one on WikiLeaks and one on the Smart Grid—as well as by providing teaching assistance and project management. [<http://casestudies.law.harvard.edu/>]

H2O. As part of its commitment to providing open-source online educational materials, the Berkman Center has continued to expand and revamp the H2O classroom tools, with a particular emphasis on Playlists and Collages. This year has brought significant feature expansions and a redesign as well as the first full-length traditional textbook on the platform, an innovation that allowed Professor Zittrain to teach his fall Torts class solely using H2O. HLS Professor Jim Tierney and the Cyberlaw Clinic’s Christopher Bavitz also used the platform in lieu of traditional materials. Both professors and students have been overwhelmingly positive about H2O. In light of these successes, the H2O team is expanding its casebook creation program significantly to bring on a number of additional professors and subjects in the next year, including Contracts, guided by Professor Lessig, and Criminal Law, authored by Professor Jeannie Suk. A Hauser Grant from the Harvard Initiative for Learning and Teaching will fund this effort. Additionally, a Library Lab grant will support another set of feature upgrades for the platform. [<http://cyber.law.harvard.edu/research/h2o>]

Ideas for A Better Internet (i4bi) was a joint Harvard/Stanford course taught during Fall 2011 and Winter Term 2012 by Professor Zittrain and Professor Elizabeth Stark of Stanford University, with an emphasis on innovation, problem-solving, collaboration, and group solutions. The Fall 2011 portion of the course consisted of seminar-style classes led by each professor at his/her respective university, followed by an intensive joint class at Stanford in January 2012. During Fall 2011, students from all parts of Harvard (including HLS, the Harvard Kennedy School, the Graduate School of Arts and Sciences, and Harvard College) formed groups to realize specific solutions to problems identified by the previous year’s “Difficult Problems in Cyberlaw” class. Projects included an overview of mesh networking, a “mirror-as-you-link” Wordpress plug-in that uses mutual aid principles to protect websites from distributed denial of service attacks, a site that serves as a repository for documents retrieved by Freedom of Information Act requests, and a site that monitors changes to corporate privacy policies and terms of use. Each group spent Fall 2011 theorizing and refining their project specifications before traveling to California for Winter Term 2012 and demoing their ideas in front of 700 Silicon Valley notables at the Ideas for A Better Internet Summit, which took place at Stanford University on January 19, 2012. [<http://i4bi.org/>] [http://cyber.law.harvard.edu/i4bi/Main_Page]

B. Law Reform, Impact and Advocacy

Online Media Legal Network (OMLN). In December 2009, the Berkman Center launched the Online Media Legal Network as part of the DMLP. OMLN is a legal referral network that seeks to provide free and reduced-fee legal services to qualified online media ventures and other digital media creators. OMLN supports promising ventures and innovative thinkers in online and digital media by providing access to legal help that would otherwise be unavailable to these individuals and entities. Specifically, network lawyers assist qualifying clients with a broad range of legal issues, including business formation and governance, copyright licensing and fair use, access to government information, pre-publication review of content, and representation in litigation.

OMLN currently has more than 250 participating firms, individual lawyers, and law school clinics, with practices in 49 states plus the District of Columbia. Law schools with participating clinics include HLS, Florida International University College of Law, Fordham University School of Law, UC Berkeley, University of San Francisco School of Law, University of Southern California Gould School of Law, University of Pennsylvania Law School, University of Washington School of Law, and West Virginia University College of Law.

Since its launch, OMLN has helped 195 clients with 395 separate legal matters. The network has assisted clients with a variety of issues, including defense of content liability litigation, business and non-profit formation, subpoena defense, prepublication review, preparation of licenses and independent contractor agreements, media insurance coverage, auditing and drafting of terms and conditions for websites, and intellectual property counseling and registration.

<http://www.omln.org/>

C. Research and Scholarship

1. New Projects

Born This Way Foundation Partnership. The Berkman Center, along with the MacArthur Foundation and the California Endowment, has partnered with the BTWF to explore the best means to reach youth and create a culture of kindness, bravery, acceptance, and empowerment. The BTWF, a nonprofit charitable organization founded by Lady Gaga and her mother Cynthia Germanotta, is aiming to address such issues as self-confidence, well-being, anti-bullying, mentoring, and career development through a combination of research, education, and advocacy, with a focus on digital mobilization to create positive change. In February 2012, in collaboration with the Harvard Graduate School of Education, the Berkman Center organized the BTWF Launch Event and the Symposium on Youth Meanness & Cruelty. The event led to the kickoff of the Kinder & Braver World Project: Research Series (edited by danah boyd and Professor Palfrey), which features papers that synthesize existing peer-reviewed research and provides research-grounded insights regarding the variety of stakeholders working on issues related to the field. The first round of papers will be published on the Berkman website and uploaded to the Working Paper Series on Social Science Research Network (SSRN) in October 2012.

<https://cyber.law.harvard.edu/research/youthandmedia/bornthisway>

E-Publishing Models. Supported by the Revson Foundation, the E-Publishing Models Project is a research effort focused on exploring current issues associated with digital publishing business models and access to electronically published materials in libraries. Working collaboratively with publishers and librarians and led by Urs Gasser and John Palfrey, the goal of this initiative is to identify key problems and potential solutions and to lay the groundwork for a suite of activities aimed at developing new models of e-book lending for use in libraries that are acceptable to libraries and publishers alike. After assembling a multi-disciplinary working group of experts and stakeholders in Fall 2011 and conducting an initial literature review and market analysis, the project team convened a meeting with approximately 35 stakeholders from leading publishers, libraries, and academia to discuss key issues and potential solutions relating to access to e-books in libraries. The Berkman team is currently developing follow-up collaborations with these stakeholders based on the potential next steps identified at the meeting. The takeaways from this workshop, related research, and subsequent conversations have resulted in a briefing document that provides an overview of the state of e-book lending in libraries, e-publishing models currently in use, and selected problems.

[\[http://cyber.law.harvard.edu/research/epublishing_models\]](http://cyber.law.harvard.edu/research/epublishing_models)

Internet Monitor. Building on its longstanding research interest in Internet censorship, in Summer 2012, the Berkman Center initiated a new two-and-a-half-year research project, Internet Monitor. Internet Monitor will evaluate, describe, and summarize the means, mechanisms, and extent of Internet content controls around the world. The project team will create an interactive website to provide scholars, activists, and policy-makers with an authoritative, independent, and multi-faceted set of quantitative data on the state of online freedom of expression and association, with three major focus areas in mind: Infrastructure and Access, State and Corporate Control, and Internet Content and Communities. In addition to this Web-based information resource and database as well as associated indices and metrics that assess the extent and impact of online speech controls, Internet Monitor will publish an annual comprehensive report on the state of Internet freedom globally. These yearly reports will include detailed analysis of the state of Internet controls based on assessments of the data, trends, and warning signs of increased Internet restrictions, as well as more timely reports and briefings based on emerging issues and events in the field. In keeping with the project's emphasis on the state of the Internet worldwide, the research team will also convene a series of expert panels to evaluate and interpret the data and report on specific regions and countries.

Information Quality. In Spring 2012, Urs Gasser initiated a new project based on his extensive research and over 12 years of engagement with issues related to information quality. Building upon numerous publications, including the 2012 study, "Youth and Digital Media: From Credibility to Information Quality (Berkman Research Publication)," and conducted in close collaboration with Berkman Fellow Sandra Cortesi and HLS Research Librarian and Curriculum Specialist June Casey, the project is focused on building a theory of information quality to reflect the fundamental shift in the information ecosystem characterized by the introduction of digital media. Covered topics will have a cross-sectional and synthesizing quality, and special attention will be paid to the complex interplay of law, norms, technology, and markets. The project will build upon relevant Berkman work developed in the context of the Youth and Media Project, the March 2012 Truthiness in Digital Media Symposium, and a host of other examples; it will also seek to leverage the Center's existing network of experts and institutional partners with

overlapping interests and expertise. Over time, the effort will put forth a number of different outputs and focal points, such as case studies, blogposts, podcast interviews, an online repository of resources, and a University Press book.

Internet Robustness. This year, the Berkman Center launched an innovative project led by Jonathan Zittrain to develop, test and pilot technologies to deliver on the promise of the URL, or “Uniform Resource Locator”: that information placed online can remain there, even amidst network or endpoint disruptions. The project builds upon Professor Zittrain’s proposal for a mutual aid treaty for the Internet that would enable operators of Web servers to enter easily into mutually beneficial agreements, such as mirroring other participants’ content and having that act reciprocated, so that the failure of any one participant to remain online allows others to preserve what was there. By leveraging a mutual aid approach to create a more resilient Web, Internet Robustness also aims to mitigate risks associated with increasing centralization of online content. Over the course of this three-year project, the Berkman Center team will conduct research to identify the best possible technical alternatives for the system, build its technical infrastructure and code base, and thoroughly test the system with pilot communities, in anticipation of broader future rollout. The project’s ultimate aim is to make for a more robust and stable Web, from Silicon Valley to London to Beijing to Tehran.

[<https://cyber.law.harvard.edu/research/internetrobustness>]

Library Lab. Harvard’s Library Lab, supported by the Arcadia Fund, was started in 2010. The Lab leverages the entrepreneurial aspirations of people throughout the library system and beyond to promote innovation and cooperation, and to solicit original ideas aimed at improving the way libraries work. The Berkman Center has collaborated with the Library Lab since its inception, helping to define and implement the technical ideas put forth by the proposals by the library specialists; in particular, Berkman Geeks and project managers share their expertise with Library Lab stakeholders to drive forward their innovative ideas. (See Technical Infrastructure Support for more information). [<http://osc.hul.harvard.edu/liblab>]

Library License. Initiated by Jeff Goldenson of the Harvard Library Innovation Lab at Harvard Law School, Library License is a collaborative effort between the Berkman Center and the Library Lab to develop a tool that improves public and non-commercial online access to copyrighted material. Specifically, Library License proposes a clause that authors can insert into contracts with publishers which would make additional digital copies of an author’s work available for free to libraries once sales of that work reach a previously agreed-upon trigger point (including but not limited to temporal and/or sales milestones). The ultimate objective of this project is to make material available in ways that complement the activities and goals of authors, publishers, and libraries.

2. Ongoing Projects

Blogging Common seeks to capture and present the spirit and wisdom of the blogosphere by surveying bloggers around the globe. Supported by the MacArthur Foundation, in November 2011, Blogging Common launched a survey of 2000 Russian-language bloggers. The survey addressed respondents’ blogging habits and experience as well as their motivations for blogging.

The results will be published as a comparison with the responses from the English-language blogosphere, surveyed last year. [<http://bloggingcommon.org/>]

Broadband Project. Led by Yochai Benkler and Rob Faris, the Broadband team has been focusing its energy on the “Local Next Generation Networks” project, a comprehensive study surveying locally-led efforts to deploy fiber-to-the-premises (FTTP) networks in the United States. The team has been conducting in-depth interviews with project planners and operators of these locally-led FTTP projects, who have been employing diverse business and management models to achieve an array of social, economic, and policy objectives. Backed by quantitative analysis of performance indicators compiled by HLS Library statisticians Constantine Boussalis and Travis Coan as well as by review of published reports and aggregation of secondary data, the team will publish results in Summer 2012. [<http://cyber.law.harvard.edu/research/broadband>]

Chilling Effects. Led by Berkman Senior Researcher Wendy Seltzer, Chilling Effects is in the process of expanding its scope as a platform for transparent reporting on and analysis of legal threats and their consequences for free expression. With new and expanded data submissions by Google and Twitter, the site now catalogs over 300,000 takedown demands in the U.S. and abroad. The site plans infrastructure updates and additional collaboration with international researchers and data sources during the coming year. [<http://cyber.law.harvard.edu/research/chillingeffects>]

Cloud Computing Initiative. Under the leadership of Urs Gasser and Senior Project Manager Caroline Nolan, the Cloud Computing Initiative is focused on developing research on emerging issues, law, policy, and current trends related to cloud computing. In December 2011, the team hosted its third workshop, “Global Perspectives on the Cloud,” in partnership with Keio University in Japan, the NEXA Center for Internet & Society in Italy, and the Research Center for Information Law at the University of St. Gallen in Switzerland. The team also completed its Cloud Computing primer, which pulled together research to date, including case studies, analytical input memos, and topical deep dives, as the foundation for our wiki-based repository of interdisciplinary resources. Phase 3 of the project commenced in Spring 2012, with a focus on developing a comparative global analysis of government approaches to the cloud; the resulting white paper will be published in Fall 2012 in conjunction with the project’s final workshop. In 2012-2013, the team will focus on specific research and analysis that leverages international collaborations and existing resources, with the goal of developing analytical papers and educational and practice guides on specific areas of interest that are useful to policy-makers, industry participants, civil society members, and other actors. [<http://cyber.law.harvard.edu/node/6082>]

Copyright for Librarians. Led by Terry Fisher and conducted in collaboration with international nonprofit eIFL.net (Electronic Information for Libraries), the Copyright for Librarians project aims to deliver a distance-learning program on copyright for librarians. Since its March 2010 launch, the wiki-based materials have been periodically updated and translated into Serbian, Chinese, Arabic, Russian, French, and Polish by instructors in each country. Most recently, in June 2012, the Romanian translation of “Copyright for Librarians: an online open curriculum in copyright law” was launched in Moldova. The course materials aim to inform librarians about copyright law in general and the aspects of copyright law that most affect

libraries, especially those in developing and transitioning countries. The curriculum includes nine modules organized into five different levels that can be used as the basis for a self-taught course, a traditional classroom-based course, or a distance-learning course. Published in Summer 2012, *Copyright for Librarians: the essential handbook* provides a useful adjunct to the online course, especially for those with limited connectivity or who simply prefer to study from a textbook. Consortium partners will receive a copy, and it is available on print-on-demand. [<http://cyber.law.harvard.edu/copyrightforlibrarians/>]

Cybersecurity. The Berkman Center continued to engage in a number of activities related to cybersecurity. Under the guidance of Professor Jack Goldsmith, this spring the team released a wiki that houses annotated cybersecurity resources, such as academic and private sector whitepapers, articles, and other literature. Building on feedback from diverse stakeholders, new resources are being added to the collection. In addition, utilizing the H2O platform, the cybersecurity team is also in the process of developing a cybersecurity curriculum that can be used by professors across multiple academic fields, and will include diverse modules focused on key technical, legal, policy, and other issues. Releases of the updated wiki and the H2O syllabus are expected in Fall 2012; both will be refined and augmented with input from Harvard faculty and select partners. [<http://cyber.law.harvard.edu/research/cybersecurity>]

The **Digital Media Law Project (DMLP)** works to ensure that individuals and organizations involved in online journalism and digital media have access to the legal resources, education, and assistance that they need to thrive. The DMLP, which launched in May 2007 as the Citizen Media Law Project, focuses on three broad areas: legal education and training, litigation and *pro bono* legal services, and the collection and analysis of legal threats facing online speakers and publishers. With funding from the Open Society Foundations, Knight Foundation, and Harnisch Foundation, former Director David Ardia, current Director Jeff Hermes, Staff Attorney Andy Sellars, and Research Attorney Arthur Bright had a very productive year in connection with the DMLP's various initiatives:

- **Online Resources:** The DMLP continues to expand its online legal resources for independent journalists and digital publishers. The DMLP's Legal Guide, which covers a range of topics relevant to digital media creators and other online publishers, currently runs to 650 separate pages and was expanded over the past year to cover additional legal issues (including the inclusion of new states, more detailed coverage of state publicity rights, and new sections on business formation).

The DMLP's Database of Legal Threats against online speech also remains a core initiative of the project. New lawsuits and other threats against digital publication are continuously added to the database, which currently has 954 separate entries. Each entry consists of a plain-language description of the case or threat and links to blog or press coverage. Most entries also contain the underlying documents, including copies of cease-and-desist letters, lawsuit complaints, legal briefs, and court orders.

In addition, the DMLP has developed successful topic-specific guides to respond to important legal issues affecting citizen and professional journalists, including the "Frequently Asked Questions Guide to Reporting on Occupy Wall Street" (also available

in a printable pocket version and mobile app) and the “Guide to the Internal Revenue Service Decision-Making Process under Section 501(c)(3) for Journalism and Publishing Non-Profit Organizations.”

- **Online Media Legal Network:** The DMLP’s attorney referral service, the Online Media Legal Network, continues to be very active. In the past year OMLN added 72 new member attorneys, law firms and legal clinics to the network, and helped clients with 133 new legal matters, bringing the OMLN’s totals up to 256 members assisting 195 clients with 395 individual matters. The DMLP also strengthened its relationships with international attorney referral networks, which allows it to use the OMLN to coordinate assistance for cross-border legal issues.
- **Advisory Work:** The DMLP has also been a consultant to government and non-profit entities on the First Amendment and related issues affecting freedom of speech and information. In particular, the DMLP has been an active participant this year in experiments with bringing digital and citizen media into the courtroom. The DMLP was invited to address the Massachusetts Supreme Judicial Court Media Judiciary Committee about proposed amendments to SJC Rule 1:19, which deals with cameras and media access to Massachusetts courtrooms. It also serves on the Advisory Board of the OpenCourt project, a groundbreaking experiment run by WBUR, Boston's NPR news station, involving the continuous streaming of video from an active Boston-area courtroom. Over the past year, the DMLP worked with the HLS Cyberlaw Clinic to advise OpenCourt in connection with successful litigation brought to protect OpenCourt against prior restraints.
- **Amicus Briefs:** As part of its effort to address breaking legal issues for journalism and online speech, over the past year the DMLP participated in a wide range of litigation as an *amicus curiae* with the invaluable assistance of the Cyberlaw Clinic. Among the cases in which the DMLP filed briefs were: *American Civil Liberties Union of Illinois v. Alvarez* (U.S. Court of Appeals for the Seventh Circuit; First Amendment right of citizens to film police officers); *Jenzabar, Inc. v. Long Bow Group, Inc.* (Massachusetts Appeals Court; intersection of protections for critical speech with trademark law); *Ron Paul 2012 Presidential Campaign Committee, Inc. v. Does* (U.S. District Court for the Northern District of California; effort by Ron Paul’s presidential campaign to unmask anonymous online speakers); and *Commonwealth v. Busa* (Boston Municipal Court; challenge to the constitutionality of Massachusetts’ anti-counterfeiting law, which lacks any protections for speech).
- **Conferences and Speaking Engagements:** The DMLP co-sponsored three media law conferences in the last year: Planting the Seeds of Freedom: A Celebration of the First Amendment (March 2012, Reynolds Journalism Institute at the University of Missouri); Media Law in the Digital Age: The Rules Have Changed - Again (October 2011, Center for Sustainable Journalism at Kennesaw State University); and Law School for Digital Journalists (September 2011, Cambridge, MA). DMLP staff members also appeared at numerous conferences on legal issues as session leaders and featured panelists, and were invited on multiple occasions to speak on media and intellectual property law topics in academic venues.

- **Publishing:** The DMLP regularly updates its community on its activities as well as disseminates information on important issues affecting online speech and independent journalism through its popular twice-weekly blog entries and monthly newsletter.

The Digital Public Library of America (DPLA) planning initiative led by John Palfrey and supported by the Alfred P. Sloan Foundation and the Arcadia Foundation, for which the Berkman Center serves as Secretariat, is taking the first concrete steps toward the realization of a large-scale digital public library that will make the cultural and scientific record available to all. The project launched nationally in October 2011 with a day-long public conference that was attended by over 300 librarians, technologists, creators, students, government leaders, and other stakeholders. The conference was preceded by a day of working meetings that convened nearly 100 members of six different workstreams to address substantive questions related to building the DPLA.

DPLA West, the project's second major public event, took place on April 27, 2012 at the Internet Archive in San Francisco. The event assembled over 300 stakeholders in an open forum to facilitate innovation, collaboration, and connections across the DPLA effort; it also showcased the progress made in developing the DPLA prototype and provided ongoing opportunities for public participation. Between the two major events, Berkman Fellow Maura Marx and Project Coordinator Rebekah Heacock worked with the DPLA workstreams to host a series of workshops around the country. In addition to continuing to build the DPLA community via workstreams, workshops, and large public events, the DPLA planning initiative has also made big strides in developing the technical prototype. Specifically, the interim technical development team, organized in January 2012, promptly released its first build in February 2012 and hosted a “hack day” in Cambridge, MA in April 2012 that brought together developers to test the initial prototype and to begin to build applications that demonstrate its potential. [<http://dp.la/>]

Global Network Initiative (GNI). The Berkman Center continued its long engagement with the GNI, a multi-stakeholder coalition comprised of technology companies, investors, academics, and rights groups focused on advancing and protecting online free expression and privacy in the ICT sector. Highlights from the Berkman Center’s contributions this year include a September 2011 report co-authored by Caroline Nolan with colleagues at the Center for Democracy & Technology and Jillian York of the Electronic Frontier Foundation on “Account Deactivation and Content Removal: Guiding Principles and Practices for Companies and Users”; participation in a range of substantive learning sessions, including a working meeting with Yahoo! about understanding—and responding to—the challenges faced by companies regarding visual media content; and inputs to emerging issues statements on topics including multi-stakeholder governance, the International Telecommunications Union (ITU) censorship in Vietnam and Thailand, and EU policy-making. The Berkman team also played a key role in the inaugural Learning Forum in June 2012, which featured a well-attended public segment centering on a draft report on the balance points between free expression and national security, and an internal learning session led by Managing Director Colin Maclay, which focused on key takeaways from the second phase of independent assessments (a major GNI milestone). Through Board service, representation on all Board sub-committees, including the Co-Chair position on the Policy and Learning Committee, and select contributions to issues where we can best leverage the expertise of our community and related research, the Berkman team continues to support the GNI’s

organizational development as it strengthens and expands its global reach, community, message, and efficacy. [<http://cyber.law.harvard.edu/research/principles>]

Herdict. The brainchild of Jonathan Zittrain, Herdict is devoted to globally collecting and freely disseminating real-time information about Internet filtering, denial of service attacks, and other Web blockages. Herdict continued last year's effort to grow from a proof-of-concept into a truly interactive and successful platform, with a particular focus on increasing the amount of quality data that it collects. The dramatically redesigned website better facilitates reporting and includes several important features that allow users to track the sites that they care about as well as enlist the support of other users in testing those sites. Herdict is also in the process of moving beyond its purely crowdsourced model of data collection by continuing to explore partnerships that could provide additional sources of inaccessible data. Alongside these efforts to improve the user experience and bolster the quality and quantity of data collection, the team has also aimed to raise its global profile, both in academic and government venues and in the mainstream media. For example, there have been several news stories that have used Herdict data, and Herdict Project Director and Berkman Fellow Ryan Budish as well as Herdict Technical Manager Mike King were both speakers and judges at the EU Hackathon in Brussels, at which one of the winning projects made extensive use of Herdict data. Herdict's recent investments have already paid dividends: when Pakistan blocked Twitter for eight hours on May 20, 2012, Herdict received hundreds of visits from Pakistan and over 60 reports of inaccessibility, enabling it to fully document the outage from start to finish. [<http://cyber.law.harvard.edu/research/herdict>]

The Impact of the Internet on Russian Politics, Media, and Society. This year marked the conclusion of a three-year research project that investigated the role of the Internet in Russian Society. Funded by the MacArthur Foundation, the study assessed a number of interrelated areas that contribute to and draw upon the Russian Internet, including the Russian blogosphere, Twitter, and the online media ecosystem. In addition to investigating a number of critical questions pertaining to the interplay of the Internet and politics in the Russian context, key project goals involved testing, refining, and integrating various methodological approaches to the study of the Internet more broadly. The project released a series of working papers and research results that not only assess the Internet's impact on Russian politics, media, and society, but also establish a compelling model for the future study of the Internet, politics, media, and society across many different countries and contexts. The overview paper for the series, "Exploring Russian Cyberspace: Digitally-Mediated Collective Action and the Networked Public Sphere," summarizes the methods used over the course of the project and finds evidence that Russia's networked public sphere constitutes an independent alternative to the more tightly controlled offline media and political space and that Russians are increasingly turning to digital platforms for social mobilization and civic action. Additional papers probe specific elements of the Russian media ecosystem in greater detail. In the near future, the project will also publish works that highlight key findings from the study of Russian Media Cloud, which represent the first works using the text aggregation and analysis tool built at the Berkman Center and which the team used to compare the English and Russian media ecosystems. The creation of a Russian instance of Media Cloud marked a major milestone in the project's work, and, alongside the mapping and study of various arenas for online activity, establishes a strong precedent for the future use of a combination of human and automated data gathering and analysis techniques to better evaluate

the shape and state of the networked public sphere.

[\[http://cyber.law.harvard.edu/research/russia/paper_series\]](http://cyber.law.harvard.edu/research/russia/paper_series)

Interoperability. Led by John Palfrey and Urs Gasser, in June 2012, the Interoperability Project celebrated an important milestone: the release of Palfrey and Gasser's book *Interop: The Promise and Perils of Highly Interconnected Systems*. The publication is an extension of their 2007 study and paper, "Breaking Down Digital Barriers: When and How ICT Interoperability Drives Innovation" (Berkman Center Research Publication, 2007), and their many years of research on various dimensions of interoperability in the digital world and beyond. *Interop* investigates the relationship between interoperability and innovation in the ICT environment and other contexts, sharpening the theory of interoperability as well as identifying its relevance for consumers, companies, policy-makers, and the public. The book also inspired a series of 10 case studies, which examine specific topics relevant to interoperability, and the interplay of law, policy, technology, and economics within those real-world examples.

[\[http://cyber.law.harvard.edu/research/interoperability\]](http://cyber.law.harvard.edu/research/interoperability)

Law Lab. The Law Lab project entered a new phase in 2011 with the completion of its initial Kauffman Foundation grant and the approval of continuing Kauffman support for two more years of work. In its first three years of its existence, the Lab pursued a broad range of research, development, and capacity-building activities focused on digital identity approaches, digital business organization platforms (including, most notably, LLC formation software), methods for educating law students and practitioners about these institutions, and an experimental and observational platform that forms the basis for multi-disciplinary research into economic behavior and related fields. Looking forward, the Lab will promote the adoption of its digital business organization software and explore opportunities to integrate it with social media tools and cloud-based services, develop additional digital institutions for enterprise and innovation, and explore the role of interoperability in creating institutions with the potential for generative interaction and growth. The Lab will also continue its focus on the study and development of other technologically driven advances in legal practice, education, and administration.

[\[http://cyber.law.harvard.edu/research/lawlab\]](http://cyber.law.harvard.edu/research/lawlab)

Media Cloud is an open source, open data platform that allows researchers to answer complex quantitative questions about the content of online media. Using Media Cloud, academic researchers, journalism critics, and interested citizens can examine what media sources cover which stories, what language different media outlets use in conjunction with different stories, and how stories spread from one media outlet to another. The Media Cloud team has worked closely with Berkman's Russia Project to understand the Russian media, in which Media Cloud collected over 14,000 feeds from Russian blogs, top traditional and online newspapers, Russian government websites, and television. Media Cloud was also used to analyze the emergence of popular movements to oppose the proposed SOPA/PIPA legislation in the United States. Yochoai Benkler subsequently presented the SOPA/PIPA results in multiple fora including the Guardian Activate Summit, the Personal Democracy Forum, and the Truthiness in Digital Media Symposium. The project, which has been collaborating with the MIT Center for Civic Media since 2011, recently released a public website where researchers, media analysts, and members of the public can conduct their own basic searches over its extensive database of collected media,

as well as began working to create a version that can easily be installed by outside researchers. [<http://mediacloud.org>]

metaLAB (at) Harvard. metaLAB's first full academic year was marked by tremendous progress on research projects, teaching initiatives, and organizational growth. In the fall, metaLAB staged a session on Digital Humanities during iLaw, a significant introduction of its core team and research domains to the broader Berkman community. metaLAB's Beta Sprint proposal for the DPLA, a collaboration with spinoff non-profit Zeega, Loeb Library, and the Library Lab, was featured as one of six showcase presentations at the October 2011 DPLA kick-off in D.C. In January 2012, the team released an early version of The Digital Archive of Japan's 2011 Disasters, a new approach to collaborative archives developed with The Reischauer Institute for Japanese Studies and Zeega. In January 2012, they also finalized an agreement for a new, multi-year experimental publishing series, *metaLAB Projects*, with Harvard University Press. Increasingly, metaLAB's research synchronizes closely with experimental teaching initiatives, ranging from the first full year of a Curatorial Innovation Program sponsored by the Graduate School of Arts and Sciences (GSAS) and the Graduate School of Design (GSD) to a Digital Humanities workshop for graduates and undergraduates to hybrid seminar/studios at the GSD. These creative approaches to combining making with thinking in the classroom translated into three successful grants in the inaugural round of the Hauser Initiative for Learning and Teaching. In January 2012, the team brought on its first full-time position, Managing Editor and Curatorial Practice Fellow Matthew Battles. This spring, metaLAB took on its first dedicated residence at the Graduate School of Design's new research campus. [<http://metalab.harvard.edu/>]

Mindsport Research Network (MRN). Led by Berkman Center Co-Director and Co-Founder Charles Nesson, the Mindsport Research Network aims to build multiple experimental frameworks for understanding human strategic thinking in mindsports. Associated research and activities extend not only to understanding the intuitive thinking process of outstanding competitors, but also to the potential educational, emotional, intellectual, and economic benefits that students can cultivate through mindsport cooperation and competition. Quintessential mind sports include GO, Dominoes, Chess, Bridge, and Poker, and the concept extends to the mental component of all strategic games. In June 2012, the project team hosted a meeting on "Bringing Mindsports into the Classroom and Beyond: A Workshop on Curriculum Design and Civic Education" at HLS, which focused on developing a novel curriculum for teaching mindsports to diverse students across varied environments, communities, and contexts. In partnership with MIT Media Lab and select local schools, takeaways from the event will inform next steps in the curriculum development process and for the project overall. [<https://cyber.law.harvard.edu/research/mindsport>]

The Mobile Giving Study, a partnership with the mGive Foundation and the Pew Research Center's Internet & American Life Project, was launched in January 2011 and is supported by the Knight Foundation. This project examines the impact of new digital tools on charitable giving, using mobile giving after the 2010 Haiti earthquake as a case study. Results from the group's survey of 1000 randomly selected donors to the mGive Text Haiti campaign were published in January 2012. The study has also created clusters of key words, phrases, and links relevant to the campaign, to mobile giving, and to charitable giving in general. These clusters

have been used to create a map that explores how the campaigns spread within social media. Results from this analysis will be published in 2012. [<http://cyber.law.harvard.edu/node/7322>]

Nigeria Project. In a convergence of media, creativity, economic development, storytelling, intellectual property, social issues, technological change and much more, the Nigeria Project is led by Colin Maclay in collaboration with Michael Best at Georgia Tech, Ethan Zuckerman at MIT, and various Nigerian partners, to understand the state of the Nigerian film industry and opportunities for its future. Colloquially termed Nollywood, Nigeria is the world's most prolific movie producer and trails only the U.S. and India in economic terms, generating perhaps \$500 million per year and serving as a major employer. Moreover, Nollywood's distinct African aesthetic makes its cultural relevance equally significant. Nollywood is also completely digital, unlike any other national film industry, with national and international distribution primarily via (often unlicensed) DVD. Despite Nigeria's digital nature and its increasingly vibrant technology scene and population, stakeholders within the sector are just beginning to embrace broader use of digital media technologies and the ideas that empower them. The project's explorations have included a series of meetings, workshops, screenings, an international symposium, and even an attempt at film-making. Cyberlaw Clinic students have contributed tremendously by researching different licensing and value generation models that respond to challenges related to piracy, distribution, and funding of movies in Nigeria.

The OpenNet Initiative (ONI), supported by the MacArthur Foundation and Google, continues to identify and document Internet filtering and surveillance on a global scale. The ONI published its third book this year, *Access Contested: Security, Identity, and Resistance in Asian Cyberspace*, which examines the interplay of national security, social and ethnic identity, and resistance in Asian cyberspace. The book offers in-depth accounts of the unique national struggles against Internet controls in the region, and its release was marked by the development of a new, unified Access Website that contains all three ONI books. The ONI has also produced a number of special reports this year on topics that include faith-based Internet censorship in majority Muslim countries and the emergence and tactics of the Syrian Electronic Army. In November 2011, the ONI made its summarized global filtering data available for download. The data provides an overview of the most recent ONI ratings of the breadth and depth of Internet censorship in 74 countries across four content categories (political, social, Internet tools, and conflict/security), making ONI research more accessible to scholars, journalists, and data mash-up developers. In April 2012, the ONI released a new FAQ that answers some key questions about the project's approach to studying Internet filtering. This resource also addresses questions about filtering in North America, filtering on private networks, and ONI testing data. [<http://opennet.net/>]

Youth and Media Project. Led by John Palfrey and Urs Gasser, in close collaboration with Berkman Fellow Sandra Cortesi and Project Coordinator Nathaniel Levy, the Youth and Media Project at the Berkman Center encompasses an array of research, advocacy, and development initiatives around youth and technology. By understanding young people's interactions with digital media such as the Internet, cell phones, and video games, this project seeks to address the issues raised by young people's practices, learn how to harness the opportunities presented by young people's digital fluency, and shape our regulatory and educational frameworks in a way that advances the public interest. This year, the activities of the Youth and Media team focused

primarily on the diverse activities of the Youth and Media Lab and efforts related to the Berkman Center's partnership with the BTWF.

[\[http://cyber.law.harvard.edu/research/youthandmedia\]](http://cyber.law.harvard.edu/research/youthandmedia)

The **Youth and Media Lab** is a youth-driven research and development lab for media literacy, information literacy, and digital empowerment whose goals include increasing youth participation in the formation of research agendas and promoting innovation in digital learning. During its second year, the Lab demonstrated progress in each of its central areas of activity: exploratory research, curriculum development and peer teaching/learning, and tool development/content creation. Four projects in particular demonstrate the robustness of these activities:

- **Information Quality Report:** In February 2012, the Lab's team released the report "Youth and Digital Media: From Credibility to Information Quality." Building upon a process- and context-oriented information quality framework, the report seeks to map and explore what we know about the ways in which young users aged 18 and under search for information online, the ways in which they evaluate information, and the ways their related practices of content creation, levels of new literacies, general digital media usage, and social patterns affect these activities. The report was released with a one-page summary and accompanying infographic and was discussed at a workshop attended by a diverse group of artists, makers, practitioners, and scholars.
[\[http://youthandmedia.org/infoquality\]](http://youthandmedia.org/infoquality) [\[http://youthandmedia.org/workshop-on-youth-and-information-quality-online/\]](http://youthandmedia.org/workshop-on-youth-and-information-quality-online/)
- **Focus Group Interviews:** To better understand youths' processes in searching for and evaluating news online, the Lab's team interviewed approximately 100 students in Greater Boston and New York City during 2011. One of the most interesting findings is the trend of youth being "pushed" news information on social networks and then following up on this information using a search. This phenomenon is often true in the case of significant news events, such as the death of celebrities, which often "go viral." A ten-minute questionnaire, developed with the insights of Professor Eszter Hargittai of Northwestern University, complemented these focus group interviews by collecting more granular data on online behavior. The Lab continues to conduct focus group interviews and to synthesize the previous year's results.
- **Youth Ambassador Program:** An important part of the Lab is the Youth Ambassador Program, a small yet diverse group of talented and dedicated students who engage proactively with multifaceted online challenges and opportunities. In addition to refining the peer teaching and learning strategies deployed in the previous year and reflecting on such experiences, the ambassadors have focused on collaborations that harness youths' creativity to leverage the work of existing institutions. At the EdTechTeacher 2012 Winter Conference, ambassadors discussed the role of technology in their learning practices before an audience of teachers and educators. At the Hewlett OER Grantees Meeting 2012, the Lab brought youth perspectives to a discussion about how learners engage with digital learning resources. [\[http://youthandmedia.org/edtechteacher2012-winter-conference/\]](http://youthandmedia.org/edtechteacher2012-winter-conference/) [\[http://youthandmedia.org/videos/learners-perspective-on-digital-learning-resources/\]](http://youthandmedia.org/videos/learners-perspective-on-digital-learning-resources/)

- **Born This Way Foundation:** As part of the Berkman Center’s partnership with the BTWF, the Youth and Media Lab team has aggregated and summarized recent academic literature on youth bullying, both online and offline, to be released in a forthcoming research update as part of the Kinder & Braver World Project: Research Series. The purpose of the document is to translate scholarly research into terms that resonate with a concerned public audience, which may include but is not limited to parents, caregivers, educators and practitioners. In addition, the Lab’s team provided significant assistance to the Berkman Center core team in the lead-up to the February 2012 Symposium on Youth Meanness and Cruelty, co-hosted by the Berkman Center as part of the official launch of the BTWF at Harvard University. In the near term, the Lab’s team will also engage its ambassadorial program in topics of kindness, bravery, and healthy relationships and support the development of the Kinder & Braver World Project.
[\[http://youthandmedia.org/projects/born-this-way-foundation-partnership/;](http://youthandmedia.org/projects/born-this-way-foundation-partnership/)
[http://cyber.law.harvard.edu/node/7491\]](http://cyber.law.harvard.edu/node/7491)

3. Selected Independent Scholarship

The majority of Berkman’s scholarship occurs within the context of our projects, which leverage collaboration and reflect the collective input of our project teams and wider community. While many fellows commit the majority of their research efforts to Center-wide initiatives, others also pursue independent projects during their fellowship term. Select examples include:

David Abrams has been investigating the phenomena of lawsuits targeting individuals who have downloaded a single instance of a copyrighted movie using peer-to-peer networks. These lawsuits typically name tens of thousands of “John Doe” defendants, aiming to obtain a subpoena that would reveal the identity of the owner of the involved IP address, thereby allowing the plaintiff to extract a settlement of up to several thousand dollars. These lawsuits create a revenue stream with high transaction costs for copyright owners as well as raise interesting questions pertaining to economics, policy, and law. In his alternate role as Program Director for HLS’s Problem Solving Workshop, David continues to shepherd the class of first year law students through this novel course.

Mike Annany has focused his research this year on projects at the intersection of news technology design and normative models of the press. Specifically, he has written journal papers and book chapters analyzing social media policies and application programming interfaces in news organizations, as well as assessing the emergence of DIY news production and what this means for the idea of press freedom. For example, in collaboration with Professor Kate Crawford of the University of New South Wales and Microsoft Research, Mike has interviewed senior designers and CEOs of companies designing mobile news apps, asking how their notions of the fourth estate and journalism become embedded in software design decisions. Additionally, working with Dr. Taylor Owen of the University of British Columbia, Mike organized a conference entitled “Databased Conflicts” that convened journalists, diplomats, software designers, and NGO leaders to think about how data works in moments of social crisis and natural disaster. Mike gave talks and chaired panels on these and related topics at a wide variety of forums, including the Oxford Internet Institute, WikiSym, the Center for Design Innovation, the Computer Supported Cooperative Work conference, and the Berkman Center. Beginning in

August 2012, Mike will begin a new position as Assistant Professor at the University of Southern California's Annenberg School for Communication and Journalism.

David Ardia passed on the reins of the DMLP to Berkman Fellow Jeff Hermes and began his new job as Assistant Professor of Law at the University of North Carolina School of Law, where he also serves as Co-Director of the UNC Center for Media Law and Policy. At UNC, he organized and moderated a daylong workshop to advance recommendations in the FCC's 2011 report on the "Information Needs of Communities" by exploring how Internet, cable, satellite, and mobile broadband service providers could help to meet the need for local accountability in journalism. Over the past year, David also continued to advance his own scholarship in First Amendment law, Media Law, and Cyberlaw. In March 2012, he was invited to speak at the Internet Law Scholars Works-in-Progress Symposium at New York Law School, where he presented his article, "Speech Unjoined," which examined the constitutional and pragmatic reasons why courts have been reluctant to order injunctive relief in defamation cases and elucidated the challenges and dangers of enjoining defamatory speech on the Internet. He recently co-authored the media law casebook, *Media and the Law* (Lexis Nexis), with Lee Levine, David Kohler, Mary-Rose Papandrea, and Dale Cohen; a revised second edition is forthcoming in March 2013.

Dalida María Benfield joined the Berkman community just in time to absorb much productive energy and file her dissertation at UC-Berkeley in December 2011. Upon her arrival, Dalida worked with Jesse Shapins of metaLAB(at)Harvard to initiate an artist-fellows working group, the Networked Cultures Working Group, that acts as a think tank for digital art, music, and cultural production at Berkman and throughout the broader Harvard community. Throughout the year, she also co-coordinated the MIT-Yale-Harvard Cyberscholars Working Group and contributed to the OccupyResearch initiative, led by Berkman Fellow Sasha Costanza-Chock. In the spring of 2012, Dalida collaborated with Matthew Battles of metaLAB to organize a symposium on digital art and social transformation (focusing on Cairo and Boston) that was presented in conjunction with an exhibition at the School of the Museum of Fine Arts. This event inspired a book project, *Histories of Now*, which will be published in the fall of 2012. Dalida has two other book projects in the works: *Third Cinema, Now*, based on her dissertation, and *La Memoria Robada (The Stolen Memory)*, a co-edited volume on contemporary global Latino/a and Latin American art.

danah boyd joined forces with John Palfrey and the Berkman team to help launch the Born This Way Foundation (BTWF). Both danah and John served as inaugural Research Fellows of the BTWF, a capacity in which they worked with the Berkman team and a wide variety of scholars to synthesize research, highlight the best paths forward, and provide guiding strategies to the Foundation. As part of the Foundation's launch, danah, John, and the Berkman team also helped run a research symposium focused on combating meanness and cruelty. In addition to her intense commitment to the BTWF, danah continued her research on youth privacy, sexting, and teen drama; she also began a new project examining the role of technology in commercial sexual exploitation of children ("child sex trafficking"). She also co-authored papers on big data, teen dating violence, and parental understanding of the Children's Online Privacy Protection Act. Additionally, she continues to work on her very overdue book, *It's Complicated: The Social Lives of Networked Teens*.

Harris Chen's work primarily focused on cybercrime, criminal evidence in the cyberworld, and criminal investigation in the digital age. Specifically, Harris conducted research for the Department of Justice of Taiwan on the topics of *in rem* forfeiture and criminal justice reform as well as lectured on the Taiwanese prosecution system at Vermont Law School. Additionally, Harris's research interests over the past year investigated price gauging, particularly how prices are being manipulated via channels like social networking websites and blogs. During his fellowship, Harris also participated in the Harvard-MIT-Yale-Columbia Cyberscholar Working Group (please note that Columbia University was newly added this year). In the March 2012 Working Group session, he presented at Columbia University on how social networking sites could influence future criminal investigations, and the resulting threat to online privacy. Harris also wrote several articles on the conflict that SOPA/PIPA stimulated regarding freedom of speech and copyright protections and *in rem* forfeiture of domain name seizure, respectively.

Tyng-Ruey Chuang continued to look into issues related to the reuse and circulation of digital artifacts, particularly when commercial aggregators and cultural institutions are involved. He has delivered a number of presentations on these topics. Specifically, Tyng-Tuey spoke on "Rethinking Open Data and Cultural Institutions" in February 2012 in Taipei as part of the Taiwan E-Learning and Digital Archive Conference's CultureMondo Workshop. In March 2012, he gave a seminar on "The Interactions between Terms of Service and Public Licenses" at the Berkman Center. And in September 2011, he was on a panel at the Creative Commons Global Summit in Warsaw, at which he discussed "CC's Role in the Global Commons Movement."

Juan Carlos De Martin has begun working on a book project exploring the role of universities in the Internet age. He has also researched, designed and taught an extremely successful multidisciplinary undergraduate course on the digital revolution at Politecnico di Torino in Italy, the design of which greatly benefited from discussions at the Berkman Center. Additionally, Juan has supervised the publication of the final policy report of Communia, the European Thematic Network, on the digital public domain. In collaboration with the other editor of this policy report, Melanie Dulong de Rosnay, Juan published *The Digital Public Domain: Foundations for an Open Culture*, a book that includes a selection of the main contributions produced by the Communia project as well as a foreword by Berkman Co-Founder and HLS Professor Charles Nesson. Juan also co-directs the Nexa Center for Internet and Society in Turin, Italy, where he has focused his energy working on projects such as the Net Neutrality Bot and coordinating the publication of the Italian version of the booklet, *How Does the Internet Work?*, which has been distributed widely among the Italian Parliament. Juan has also written several editorials on digital matters for the Italian national newspaper *La Stampa*, and his work has helped to establish for the first time a more transparent and merit-based process to nominate the members of the Italian Communications Authority.

Judith Donath's main project over the past year has been working on her book, *The Social Machine*, which is about designing new media for online social interaction while balancing three goals: exploring the extraordinary possibilities of global connectedness and innovative interfaces; making the online world legible through judicious use of physical metaphor and an understanding of human cognition; and being cognizant of the social impact of the proposed design. Throughout her writing process, Judith has engaged with colleagues at the Berkman Center, and the resulting feedback and discussions have deepened her emphasis on privacy,

public space, and boundaries, among other topics. Similarly inspired by discussions at the Center, Judith has also begun writing a proposal for her next book on signaling theory and the economics of honesty.

Oliver Goodenough devoted his time to a combination of Law Lab projects and the Cloud Computing Initiative. He continued his work on digital institutions, collaborating with Nevada's adoption of the digital LLC platform and making contact with other potential governmental and industry adopters. On the Cloud Computing project, Oliver completed a draft of his paper on the analytic background for governance of the cloud, portions of which are being incorporated in the Cloud Computing Wiki. Additionally, Oliver again taught a course on "Digital Drafting" at Vermont Law School and further developed and spread models for teaching digital lawyering knowledge and skills. Oliver also co-edited the e-book *Educating the Digital Lawyer*, which LexisNexis published in freely available form in January 2012.

Eszter Hargittai has been a prolific writer and contributor to the research community over the past year, with 9 articles published or forthcoming, 11 appearances as an invited speaker, and 4 presentations at academic conferences, not to mention two professionalization pieces in *Inside Higher Ed*. Her published articles include a collaboration with Berkman Co-Director and HLS Professor John Palfrey, Berkman Fellow danah boyd, and Jason Schultz of the University of California-Berkeley, entitled "Why Parents Help Their Children Lie to Facebook About Age: Unintended Consequences of the Children's Online Privacy Protection Act"; the article "Succinct Measures of Web-Use Skills," co-authored with Yuli Patrick Hsieh of Northwestern University; and the work "Searching for a 'Plan B': Young Adults' Strategies for Finding Information about Emergency Contraception Online," written with Heather Young of Northwestern University. Eszter also has several contributions to published anthologies in press and forthcoming, namely "Becoming a Tweep: How Prior Online Experiences Influence Twitter Use" (with Eden Litt), "Digital Inequality" (with Yuli Patrick Hsieh), and "Snap Judgments: How Students Search the Web for their Rights to Photograph in Public" (with Robin Hoecker). Additionally, Eszter's presentations over the past year have included talks at, among many others, Stanford University's First Annual Behavioral Science Summit, the Truthiness in Digital Media Symposium hosted by the Berkman Center, the MIT Center for Civic Media, the Annenberg School for Communication at the University of Pennsylvania, the Oxford Internet Institute, and the 2012 meeting of the American Sociological Association.

Alison Head continued her research for Project Information Literacy (PIL), an ongoing national study about how college students conduct research and find information for coursework and meet the demands of their everyday lives. In the fall, PIL released its latest report, *Balancing Act: How College Students Manage Technology while in the Library at Crunch Time*, which is based on interviews with 560 undergraduates at 10 U.S.-based colleges and universities. Alison highlighted findings from this report in a late 2011 podcast interview conducted by David Weinberger at the HLS Library Innovation Lab. A new PIL study that uses employer-stakeholder interviews and focus groups with recent graduates to investigate the information-seeking behavior and strategies that early adults use after they graduate from college and enter the workplace, their communities, and life at large is now underway with the Berkman Center. Additionally, Alison, who has a joint fellowship with the Berkman Center and the Library Innovation Lab, has spoken at a variety of Harvard forums throughout the year, including her

Berkman Luncheon Series talk, “Searching for Context: Modeling the Information-Seeking Process of College Students in the Digital Age”; a presentation to the Bureau of Study Counsel’s campus psychologists; and a presentation at one of Harvard Libraries Strategic Conversations entitled “Minding the Gaps: A Library Conversation about Research, Teaching, and Learning.”

Jérôme Hergueux finalized the construction of one the first online platforms to conduct interactive social experiments at a very large scale over the Internet. He reflected on the promises and methodological particularities of this new social science research tool in a forthcoming research paper, the substance of which also served as the basis of a Berkman Luncheon Series talk. In the meantime, Jérôme successfully completed online social experiments with Open Source Software developers and Wikipedia contributors. The goal of this innovative ongoing research project is to shed light on the social dynamics that underpin commons-based peer production of cultural and economic goods in the online sphere.

Jeff Hermes' primary focus is the operation of the Digital (née Citizen) Media Law Project and its five core initiatives: (1) its detailed Legal Guide on media and business law topics for non-lawyers; (2) its searchable Database of Legal Threats directed at online publishers; (3) its nationwide attorney referral service, the Online Media Legal Network; (4) its Research & Response initiative to address breaking issues and trends in digital media law; and (5) its regularly updated Blog and Newsletter on current issues in media law, technology law, and journalism. Jeff has also co-chaired conferences on media law issues at Kennesaw State University and the University of Missouri, led legal sessions for journalism classes at Columbia University and Elon University, and appeared as an invited delegate to the Joint Conference on Access to Foreign Law in Civil and Commercial Matters hosted by the European Commission and Hague Conference on Private International Law. During this past academic year, Jeff developed the interactive “Guide to the Internal Revenue Service Decision-Making Process under Section 501(c)(3) for Journalism and Publishing Non-Profit Organizations” in order to improve understanding of the often convoluted and counter-intuitive standards applied by the IRS in recognizing tax-exempt status. Since its publication in April 2012, the interactive guide has been accessed more than 3,600 times and the print version of the guide has appeared on several top ten lists for downloads on SSRN.

Benjamin Mako Hill (“Mako”) has been engaged in a series of empirical research projects on cooperation. He has completed several works on collaboration in the Scratch online community; notably, one paper Mako co-authored with Berkman Fellows Andrés Monroy-Hernández and danah boyd was published in *Computers and Human Interaction* and nominated for the Best Paper award; a second paper was submitted to and accepted for a forthcoming special issue of *American Behavioral Scientist*; and a third paper is currently under review at *Computer Supported Cooperative Work*. Furthermore, in collaboration with Berkman Director and HLS Professor Yochai Benkler and Berkman Fellow Aaron Shaw, Mako is continuing work on a research project that studies the effect of social awards in Wikipedia, which he will present along with Aaron at the annual meeting of the American Sociological Association later this year. This research team has also continued to make progress on a research project comparing collaborative processes across different organizations. Mako has made significant progress on this project as he has assembled and begun research with a dataset that includes 80,000 wikis. Additionally,

Mako has been active in coordinating and participating in the weekly Cooperation Group meeting at the Berkman Center.

Catalina Laserna continued research on her book, *Cybercy: Beyond Digital Literacy*. Over the past year, she digitized and reanalyzed video footage from two projects on which she worked while at Bolt, Beranek and Newman (BBN Technologies): RelLab, software that teaches special relativity to high-school students; and Genscope, software that enables students to investigate genetics. Both programs provide interactive visual modeling to support student understanding of scientific and mathematical concepts. Catalina hopes that her restudy of how the RelLab and Genscope simulations engaged a wide spectrum of students in conceptual understanding will inform the design and evaluation of new efforts to curtail the dropout rate of students who do not come from digitally literate backgrounds, yet who are increasingly comfortable with cybercy. She also enjoyed being part of the Cooperation Group and the Cyberscholar Working Group, a forum for fellows and affiliates of MIT, Yale Law School Information Society Project, Columbia University (newly added), and the Berkman Center.

Kevin Lewis received his Ph.D. from the Department of Sociology at Harvard in May 2012. Accordingly, most of his research efforts this year were focused on completing his dissertation, “Stratification in the Early Stages of Mate Choice,” which used data from OkCupid (a popular online dating site) to examine inequality in the early stages of mate selection (i.e., who “wins” and “loses” in online dating, and what types of preferences and interpersonal boundaries characterize our search for a romantic partner). He presented this work at a number of venues, including the Digital Seminar Series at Harvard Business School, the Computational Social Sciences Initiative Seminar Series at UMass Amherst, the Departments of Sociology at UC San Diego, UC Berkeley, and Cornell University, and also (appropriately) in a Valentine’s Day Berkman Luncheon Series talk. Additionally, along with former Berkman Fellow Jason Kaufman, Kevin continued research on the formation and evolution of friendship networks using a longitudinal dataset from Facebook, which culminated this year with the publication of “Social Selection and Peer Influence in an Online Social Network” in the *Proceedings of the National Academy of Sciences*. His work on online dating as well as Facebook has received attention in a number of media outlets this past year, including *Wired*, the *Harvard Gazette*, the *Atlantic*, Radio Berkman, *Harvard Magazine*, and even *Jezebel*. In the fall he will join the faculty at UC San Diego as an Assistant Professor in the Department of Sociology.

Catharina Maracke continued to help facilitate joint projects and activities between the Berkman Center and Keio University’s Internet and Society Laboratory. Based in Tokyo, she organized a series of meetings and conversations between the Berkman Center’s team and key faculty members at Keio University’s Shonan Fujisawa Campus that took place in early December 2011. The main focus of this visit was to follow up on the Cloud Computing Initiative, which was accomplished by a small workshop that included not only members of both institutions, but also participants from the Japanese Ministry of Internal Affairs and Communication and the Japanese Ministry of Economy, Trade and Industry as well as selected guests from the industry sector. In addition to and as an expansion of the collaboration between the Berkman Center and Keio’s Internet and Society Laboratory, Catharina has been working with Urs Gasser to initiate the formation of an international “Network of Internet Research Centers” to enable a globally coordinated approach to many of the important issues concerning

the future of the Internet and related technologies. The network is scheduled to launch in fall 2012 with the Berkman Center, Keio's Internet and Society Laboratory, Nexa Center for Internet and Society and the MIT Media Lab as the founding members. Throughout the past year, Catharina also continued her research and projects on open content licenses, with a particular emphasis on contributor agreements, open educational resources, and user innovation, and gave numerous talks, including a series of lectures at the Berlin School of Library and Information Science.

Miriam Meckel has focused on three fields of research during her time at the Berkman Center. First, she has assessed how to engage serendipity in a personalized Internet that is driven by algorithmic recommendations; to this end, her book *NEXT - memories of a future without us*, published in 2011, addresses the scenarios that might evolve if serendipity and the “human factor” are no longer part of the equation on the Internet. In another strain of her research, Miriam evaluated how the debate on network neutrality has eventually reached Europe. Specifically, in a joint study with other researchers, Miriam analyzed who has become involved in the public debate on network neutrality in different European countries, what major agents and arguments are to be found in these countries, and why the need for regulation is emphasized or negated. The third topic of her research, inspired by ongoing conversations with Berkman fellows and staff, has been the relationship between transparency and political accountability, which resulted in the presentation of a paper on WikiLeaks and political accountability at the 2012 International Scholars Association Convention in San Diego, California.

Andrés Monroy-Hernandez started a new research project examining the use of social and civic media in wartime. This project includes interviews with citizen news curators and big data analysis of Twitter messages, both from the Mexican Drug War, and has also involved collaboration with colleagues at Microsoft Research, including Berkman Fellow danah boyd. Over the past year, Andrés also continued his research on remixing; specifically, he worked on one study examining the tension between originality and generativity as well as another project, conducted in collaboration with Berkman Fellow Benjamin Mako Hill, investigating whether programming code benefits more from remixing than art. These projects have led to several publications in both academic venues, such as the *American Behavioral Scientist Journal*, and the mainstream media, including CNN and the *New York Times*.

Mayo Fuster Morell has worked on two main areas of research during her 2011-2012 Berkman fellowship: (1) assessment of how the adoption of ICTs has affected the organizational forms of social movements and policy networks; and (2) investigation of the 15M/indignados mobilization in Spain. This research has led to multiple publications, including a co-authored book in Catalan and an article, “The Free Culture and 15M Movements in Spain: Composition, Social Networks and Synergies,” in the *Social Movement Studies Journal*. She has also organized important events such as the “Understanding the New Wave of Social Cooperation: A Triangulation of the Arab Revolutions, European Mobilizations and the American Occupy Movement” workshop at the Berkman Center and the First International Forum on Digital Commons in Barcelona, as well as made contributions to various journals, including the *European Journal of ePractice*, *Digithum*, and *tripleC: Cognition, Communication, Cooperation*. Additionally, she has actively collaborated with various institutions, organizations and scholars,

including her recent projects pertaining to social movements, public policy, and commons-based peer production that involved Harvard's Yochai Benkler and MIT's Sasha Costanza-Chock.

Joseph Reagle is a Berkman Faculty Associate and Assistant Professor of Communication Studies at Northeastern University. His article, "Gender Bias in Wikipedia and Britannica," written with Lauren Rhue, was published in the *International Journal of Communication* as the result of work from the previous year, when he was the Berkman Academic Fellow. Joseph also continues to make progress on other work involving this same topic. His research on infocide (i.e., removing all traces of one's self) in free culture projects has been accepted for presentation, and he has begun research on a larger project entitled "Comment Culture: Feedback, Ratings, and Reviews in the Age of the Web." During the past year, Joseph had the opportunity to present a keynote speech on Wikipedia at Wikimania 2011 in Haifa, Israel.

Justin Reich's signature accomplishment this year was the completion of his dissertation, "The State of Wiki Usage in U.S., K-12 Schools," at the Harvard Graduate School of Education. The first Creative Commons licensed thesis at HGSE, Justin's work examines how social media are used in K-12 settings. His writings have been published in *Educational Researcher*, *Education Week*, *Contemporary Issues of Technology and Teacher Education*, among others. He also launched a new blog hosted by *Education Week*, *EdTechResearcher*, which seeks to bridge communications between researchers and practitioners interested in learning technologies. This year, Justin presented extensively to researchers and practitioners around the world, including a two-week stint in Singapore as an Outstanding Educator in Residence. Next year, he is partnering with Fellow Dennis Tenen on a new book project, *Opening the Dissertation*, which will serve as a guide for graduate students and advisors on the challenges and opportunities associated with openly licensing dissertations. In the fall, Justin will begin a new role as director of online community, practice, and research for the organization Facing History and Ourselves.

Geanne Rosenberg has been collaborating with and serving as a mentor for the Berkman Center's Youth and Media Lab, a capacity in which she has worked to develop and pilot strategic interventions and interactive curriculum that help empower high school and college students to find, assess, verify, report, create, and share accurate, high quality information online. To this end, she piloted one program, "Online Survival Skills For Students: A News and Digital Literacy" in 2011-2012 with freshmen at Baruch College in New York, high school students in Palo Alto, and honors scholars at Columbia University. Geanne continues to refine this curriculum in collaboration with the YaM team, and this program will be vastly expanded at Baruch in Fall 2012. She also continued her involvement with the Youth and Media Lab to develop a McCormick Foundation-supported news and digital literacy summit for high school students. In addition, Geanne is leading a multi-pronged project with support from the Carnegie Corporation and the Harnisch Collaborative Future of Journalism Projects to support Journalism Schools as News Providers by helping them limit legal risk and educate students and faculty on journalistic rights and responsibilities and best practices. Geanne also recently received a grant from the Kellogg Foundation to develop an internship program that will connect New York City high school students with ethnic news organizations as well as support these students through journalism, news, and digital literacy education. Geanne sits as a member of the Board of Directors of the Student Press Law Center.

This past academic year, **Dennis Tenen** taught the first-ever digital humanities course at Harvard in the Department of Comparative Literature. The undergraduate curriculum was paired with Jeffrey Schnapp's graduate seminar in the Romance Languages, both of which attracted a wide range of students from across the university and which culminated in fruitful collaborative projects among students, faculty, and the community at large. Particularly notable were both the students' long-term involvement with the Somerville public library system and several high-impact projects involving guest students from Spain and Taiwan. The syllabus and teaching model developed during this year were shared and will be emulated at Columbia University and Brown University in the next academic year. In addition to teaching, Dennis continued to submit his research on computational culture for publication, presented his work on the growth and decay of shared knowledge at the center, was invited to speak at the Media Places Symposium in Umea, Sweden, edited his final issue of *Modernism/Modernity*, reviewed a number of articles and applications, developed three new courses for his upcoming appointment at Columbia, submitted a book proposal along with Justin Reich arguing for the open-access dissertation and is co-authoring an article with Alison Head on information literacy in the liberal arts.

Eric von Hippel has engaged in a series of representative studies in the U.K., U.S., and Japan to investigate the true nature of product innovation and learn how much innovation there actually may be among consumers. This groundbreaking work found consumer innovation to be quite significant in both scale and scope as well as discovered that consumer innovators very seldom protect their innovations via intellectual property, and that 17% of what they develop diffuses to others. These findings have major implications for those interested in intellectual property law. Along with Jeroen P.J. de Jong and Stephen Flowers, Eric co-authored a paper that reports on this research, entitled "Comparing business and household sector innovation in consumer products: Findings from a representative survey in the UK," which was published in *Management Science*.

Jia Wang's independent research project, which involves collaboration with Chinese journalists and activists, is exploring the revival of the public sphere in an Internet empowered environment, with a focus on China. Jia conducted interviews and collected, and hopes to publish the outcome of this research in a paper in the near future. In addition to her own scholarship, Jia has been actively involved in Berkman and HLS-related activities. She conducted a cross-disciplinary literature review as a voluntary research assistant for the Mindsport Research Network Project with Charles Nesson. She also served on the Harvard-Yale-MIT Cyber Scholar Working Group and delivered a presentation on the influence of the Internet and multimedia on the political ecology in China. Additionally, Jia participated in a discussion group on Copyright Law led by Berkman Fellow Bradley Abruzzi.

David Weinberger devoted the majority of his time over the past year to co-directing the Harvard Library Innovation Lab and working with the DPLA, for which he helped to create a visual browser for large library collections as well as a software platform to make information about the nation's library holdings openly accessible. In addition to these projects, David focused on completing his book, *Too Big to Know*, which was published in January 2012. He worked on a number of other writing projects, including an article in *Scientific American* about the rise of big data and data commons as well as regularly published blog posts and disseminated what he

terms “contrarian ideas” about the history of information. This year also concluded David’s time as a Franklin Fellow at the U.S. State Department.

4. Publications

The Berkman Center produced over two dozen major publications this past year, including eleven books. Among the publications released through our website and other online channels include a Youth and Media research publication on online information credibility, a report on the impact of the Internet on Russian politics, and a comprehensive survey of online bloggers in the Middle East and North Africa. Each release was promoted over our listservs and via social media outlets; in some cases hard copies of the publication were produced. In chronological order, the books published this year include:

Co-Director Yochai Benkler published *The Penguin and the Leviathan: How Cooperation Triumphs over Self Interest*, describing the success of cooperative relationships in science, business, culture, and beyond.

Co-Director John Palfrey released *Intellectual Property Strategy*, a guide for entrepreneurs and legal practitioners to take advantage of innovative approaches to managing IP assets in a variety of contexts.

Access Contested: Security, Identity, and Resistance in Asian Cyberspace is the latest in a series of anthologies addressing Internet surveillance and censorship around the world. It builds on the themes first investigated in *Access Denied: The Practice and Policy of Global Internet Filtering* (2008) and *Access Controlled: The Shaping of Power, Rights, and Rule in Cyberspace* (2010). Contributing authors include Berkman Center Co-Directors John Palfrey and Jonathan Zittrain, OpenNet Initiative Co-Principal Investigators Ronald Deibert and Rafal Rohozinski, Berkman Fellows Hal Roberts and Ethan Zuckerman, and Berkman Researcher Vee Vian Thien. Its editors are Ronald Deibert, John Palfrey, Rafal Rohozinski, and Jonathan Zittrain.

Lawrence Lessig, Roy L. Furman Professor of Law and Leadership at HLS and Director of the Edmond J. Safra Center for Ethics, published *Republic, Lost: How Money Corrupts Congress—And a Plan to Stop It*, which explores institutional corruption in American politics.

Berkman Faculty Fellow Beth Coleman published *Hello Avatar: Rise of the Networked Generation*, which argues against a clear boundary between the “virtual” and “real” worlds and offers the idea of the avatar as a way to understand the networked self.

Too Big to Know: Rethinking Knowledge Now That the Facts Aren't the Facts, Experts Are Everywhere, and the Smartest Person in the Room Is the Room, by Berkman Senior Researcher and HLS Library Lab Co-Director David Weinberger, describes the new nature of networked knowledge.

Co-Director Jeffrey Schnapp, also and Faculty Director of the Harvard metaLAB, published *The Electric Information Age Book: McLuhan/Agel/Fiore and the Experimental Paperback*, which narrates the collision of mass-market paperbacks and graphic design in the sixties and seventies.

Berkman Affiliate and former Berkman Fellow Rebecca MacKinnon released *Consent of the Networked: The Worldwide Struggle for Internet Freedom*, which advocates for technologies and governance to support online rights and liberties.

Berkman Affiliate and former Berkman Fellow Doc Searls published *The Intention Economy: When Customers Take Charge*, a work that builds on ideas developed in ProjectVRM on new business models and economic structures to enhance the power of consumers.

Interop: The Promise and Perils of Highly Interconnected Systems, from Berkman Co-Director John Palfrey and Executive Director Urs Gasser, draws on a wide range of case studies, from electronic health records to global legal frameworks, to develop a theory of the dangers and opportunities of interoperability.

Other research publications include:

- **Online Security in the Middle East and North Africa.** In the wake of the Arab Spring, governments have expanded their strategies for suppressing digital activists and online media. Drawing on a survey of 98 bloggers in the Middle East and North Africa, this study describes perceptions of online security and recommends improvements for online security practices. Its authors are Research Director Rob Faris, Fellow Hal Roberts, Project Manager Rebekah Heacock, Senior Researcher Ethan Zuckerman, and Executive Director Urs Gasser.
- **2011 Circumvention Tool Evaluation.** This study evaluates a comprehensive range of tools used to evade Internet filtering in terms of their utility, security, usability, and openness. Its authors are Fellow Hal Roberts, Senior Researcher Ethan Zuckerman, and Co-Director John Palfrey.
- **The Evolving Landscape of Internet Control.** This paper synthesizes the past two years of the Berkman Center's research on methods used to control online speech. It addresses patterns of circumvention tool usage, the current suite of circumvention tools, the topography of Internet control around the world, and a summary of known Distributed Denial of Service (DDoS) attacks against independent media. Its authors are Fellow Hal Roberts, Senior Researcher Ethan Zuckerman, Research Director Rob Faris, Affiliate Jillian York, and Co-Director John Palfrey.
- **International Bloggers and Internet Control.** Based on a survey of bloggers around the world, this paper analyzes the usage of tools to evade Internet filtering, surveillance, and censorship. Complete results from the survey are published in "International Bloggers and Internet Control: Full Survey Results." Its authors are Fellow Hal Roberts, Senior Researcher Ethan Zuckerman, Affiliate Jillian York, Research Director Rob Faris, and Faculty Co-Director John Palfrey.
- **Account Deactivation and Content Removal: Guiding Principles and Practices for Companies and Users.** In partnership with the Center for Democracy & Technology, this paper advocates best practices for companies and consumers to mitigate the consequences of account deactivation and content removal. Its authors are CDT Policy Analyst Erica Newland, Senior Project Manager Caroline Nolan, CDT Director of the Project on Global Internet Freedom Cynthia Wong, and Affiliate Jillian York.
- **From Information Law to Communication Law: Earthquake Safety for Legal**

Constructions. Jean Nicolas Druet, a visiting scholar at the Berkman Center and Professor Emeritus at the University of St. Gallen, argues that information is by nature abstracted from social norms and values. He advocates for a shift away from the framework of *information* law and towards *communication* law, which accounts for a broader array of social expectations.

- **Open Wireless vs. Licensed Spectrum: Evidence from Market Adoption.** Yochai Benkler reviews licensing strategies in eight wireless markets. He finds that unlicensed wireless strategies are becoming increasingly dominant, and argues that future policy decisions should emphasize unlicensed technologies.
- **An Overview of State Anti-Bullying Legislation and Other Related Laws.** This paper surveys current and pending anti-bullying laws at the federal and state levels. Its authors are Berkman Affiliates Dena Sacco, Katharine Silbaugh, Felipe Corredor, June Casey, and Davis Doherty.
- **Youth and Digital Media: From Credibility to Information Quality.** The Youth and Media Project offers this map of the ways young Internet users explore and evaluate information online. Its authors are Executive Director Urs Gasser, Fellow Sandra Cortesi, and Researchers Momin Malik and Ashley Lee.
- **Changing the Culture: Ideas for Student Action:** The purpose of this report is to provide positive action items that students can take to make their schools and communities healthier places and to challenge meanness and cruelty. The report is authored by Anne Collier, Susan Swearer, Mia Doces, and Lisa Jones.
- **Bullying Prevention 101 for Schools: Dos and Don'ts:** This report by Susan Swearer, Mia Doces, Lisa Jones, and Anne Collier provides a list of dos and don'ts for schools in developing anti-bullying practices and policies.
- **What You Must Know to Help Combat Youth Bullying, Meanness, and Cruelty.** In this report, danah boyd and John Palfrey provide an empirically grounded foundation to better understand cyberbullying and other threats to youth safety online.
- **Final Report: Symposium on Youth Meanness & Cruelty:** As part of the official launch of the Born This Way Foundation, The Symposium on Youth Meanness and Cruelty took place at Harvard Law School on February 29th, 2012. Generously supported by the John D. & Catherine T. MacArthur Foundation and hosted by the Berkman Center for Internet & Society at Harvard University in partnership with the Harvard Graduate School of Education, the Symposium brought together experts, researchers, policymakers, foundation representatives, youth, and others to discuss research and findings related to bullying, meanness, and cruelty, while also emphasizing positive concepts like healthy relationships, civic engagement, and digital citizenship. In addition to an introduction to the program overall this report provides: high level notes from each of the sessions that took place during the Symposium, answers generated by Symposium participants in response to four driving questions that framed the discussions, and the central themes that emerged during the day.
- **Implementing Bullying Prevention in Schools: A How-To Guide:** Lisa Jones, Mia Doces, Susan Swearer, and Anne Collier offer a “how to” guide for schools trying to determine how to implement effective bullying prevention and intervention programming.
- **Exploring Russian Cyberspace: Digitally-Mediated Collective Action and the Networked Public Sphere.** This paper summarizes the major findings of a three-year

research project investigating the Internet's impact on Russian politics, media, and society. Its authors are Researchers Karina Alexanyan and Vladimir Barash, the Internet & Democracy Project's Director, Bruce Etling, Research Director Rob Faris, Executive Director Urs Gasser, Affiliate John Kelly, Co-Director John Palfrey, and Fellow Hal Roberts.

- **Mapping Russian Twitter.** This paper presents the results of a network map of more than 50 million Russian-language tweets collected between March 2010 and March 2011. Its authors are Researchers Karina Alexanyan and Vladimir Barash, the Internet & Democracy Project's Director, Bruce Etling, Research Director Rob Faris, Executive Director Urs Gasser, Affiliate John Kelly, and Co-Director John Palfrey.
- **A series of Case Studies on Interoperability,** authored by students, complements John Palfrey and Urs Gasser's recently-published book, *Interop*. These works include "The Bar Code/UPC" (Researcher Matthew Becker), "The Smart Grid" (Researcher Paul Kominers), "Intermodal Containers and Global Cargo Transport" (Researcher Jacob Albert), "Electronic Data Interchange" (Researcher Matthew Becker), "Cloud Computing" (Researcher Matthew Becker), and "Internet of Things" (Researcher Paul Kominers).
- **Guide to the Internal Revenue Service Decision-Making Process Under Section 501(c)(3) for Journalism and Publishing Non-Profit Organizations.** Berkman Fellow and Director of the Digital Media Law Project Jeff Hermes explains how news organizations can structure their operations and navigate the IRS's processes in order to achieve 501(c)(3) nonprofit exemptions.
- **Salience vs. Commitment: Dynamics of Political Hashtags in Russian Twitter.** Berkman Affiliates Vladimir Barash and John Kelly explore hashtag use in the Russian-language Twitterverse.
- **Briefing Document: Public Networks for Public Safety.** Berkman Researchers Kevin Tsai and Andrew Crocker, Project Coordinator Alicia Solow-Niederman, and Co-Director Jonathan Zittrain contributed to this paper, which builds on a March 2012 workshop to review the current state of mesh technologies and offer a map for the future development of mesh as either a networking technology or a social construct.
- **Public-Private Partnerships for Organizing and Executing Prize-Based Competitions:** Former Berkman Research Assistant Raymond Tong and Berkman faculty associate Karim Lakhani draw on interviews and secondary research on existing prizes that rely on multi-sector partnerships, and explore every aspect of forming partnerships and implementing prizes across the broad range of activities that occur within various stages of the prize lifecycle.
- **Municipal Government ICT in 3.11 Crisis: Lessons from the Great East Japan Earthquake and Tsunami Crisis:** In partnership with Mihoko Sakurai and Jiro Kokuryo, colleagues at Keio University, this paper describes a structured field survey of ICT divisions in 13 municipalities in areas devastated by the Great East Japan Earthquake and Tsunami on March 11, 2011 which revealed 1) lack of ICT business continuity plans (BCP), 2) importance (and lack of) a comprehensive data backup policy, 3) necessity to deal with diverse situations, 4) importance of organizing a collaborative network among governments and private sectors, 5) importance of securing power and network supply, among many other observations.

In addition to these formal publications, members of our community very actively produce writing and commentary on blogs and other online spaces. These online writings are aggregated and can be found on the Berkman Center website at [\[http://cyber.law.harvard.edu/planet/current/\]](http://cyber.law.harvard.edu/planet/current/).

D. Communications and Digital Media

The Berkman Center’s communications are an important component of our commitment to access to knowledge and the public good, as well as a driver of our community’s growth. Increasingly, our research initiatives depend, at least in part, on successful communications with various research communities and the wider public for their success. Our communications team has continued to develop an adaptive and modular approach, with the goal of being able to offer a range of facilities and services at relatively low cost and with minimal production time. The reach of our communications continue to yield high attendance at Berkman events, as well as an ever-increasing number of requests for comment from faculty and fellows, who are quoted almost daily in a vast range of news publications. This year, Berkman faculty, fellows, and researchers were consulted by, and quoted in, a wide range of outlets, including the *New York Times*, *The Economist*, BBC, NPR, *Wall Street Journal*, *Washington Post*, *Financial Times*, *Harvard Gazette*, *Ars Technica*, *The Guardian*, *MIT Technology Review*, and many others.

Berkman’s own media, including Web presences and mailing lists, anchor our communications and community work. Excluding our many project-specific websites, our main website and its resources are visited approximately five million times per year. The weekly *Berkman Buzz* has grown to over 10,000 subscribers, and an additional 10,000+ subscribers receive emails from our outgoing research list. Over 9,500 people receive the Center’s weekly *Events and Digital Media Roundup*. Moreover, Berkman’s employment, special events, and *Filter* newsletter mailing lists have continued to gain subscribers. Berkman also maintains substantial beachheads in platforms such as Facebook, YouTube, and Twitter, the latter having served as a key amplifier in recent years.

Output	2011-2012
Berkman Buzz	10,000 subscribers
Events and Digital Media Roundup	9,500 subscribers
YouTube <i>From May 31, 2011 - May 31, 2012</i>	6,700 subscribers/156,008 video views 881,000 video views overall
Twitter <i>As of May 31, 2012</i>	18,400 subscribers/2,500 tweets

Facebook <i>As of May 31, 2012, based on Facebook Fan pages</i>	4,720 likes
Podcasts (Combination of events and Radio Berkman feeds) <i>As of May 31, 2012, based on combined feedburner stats from Radio Berkman, Audio, Video, and MediaBerkman subscriptions</i>	1,300 subscribers
Radio Berkman <i>From May 31, 2011 to May 31, 2012</i>	114,000 downloads
SoundCloud Radio Berkman <i>From March 2012</i>	33 followers/285 listens

In addition to advances in the realm of digital media outputs, we continue to improve the quality and delivery of our popular Tuesday luncheon talk series. Nearly all public meetings, presentations, lectures, and other relevant events are webcast live, then archived online in a variety of formats, including open-source codecs and low bandwidth audio-only versions. In addition to webcasting and archiving events-based discussions, this year the Center produced several unique video packages, including some with our partners at Harvard’s Library Lab to highlight innovations in digital humanities; other collaborations with our Youth & Media Project demonstrated how youth are using new media for education and other purposes.

The communications team has focused on a strategy of synthesizing and summarizing various conversations happening within the Center to better communicate the work of projects to their audiences and extend the threads of conversation beyond the walls of the Center.

In 2011-2012, Fellow David Weinberger and Digital Media Producer Daniel Jones brought Radio Berkman into its third year with 21 brand new episodes, and over 100 total episodes. The semi-weekly radio-style podcast features highly produced interviews with authors, thinkers, and researchers on timely and provocative topics. Broadcasts have also included specially-produced episodes with more of a “Radio Lab” style. Our audience has expanded in part thanks to special episodes explaining issues surrounding SOPA/PIPA, those related to the Berkman Center’s work on libraries and truth in media, and a return to our series of special episodes on the music industry in collaboration with our partners in the Rethink Music conference. Our digital media stream is syndicated through the MediaBerkman blog, iTunes, Soundcloud, and PRX, and further distributed through YouTube; it is frequently resyndicated, embedded by third parties, and widely linked to by outlets such as the online technology journal *Ars Technica*. Over 700 Berkman media pieces are available online.

The communications team plans to be even more aggressive with Radio Berkman and our other digital media outputs in the coming year, expanding reach and improving quality with the help of partnerships and sponsorships, and also producing more dedicated video pieces with support from our summer interns.

E. All Events

Through discussions, lectures, conferences, workshops, and other gatherings, the Berkman Center convenes diverse groups around a wide range of topics that examine the Internet as a social and political space. The unique interactions generated through these events—both as process and as product—are fundamental elements of the Berkman Center’s *modus operandi*. While research and teaching are our top priorities, these auxiliary connections facilitate the continuous expansion and renewal of Berkman’s core network. They also stimulate interactions with other disciplines and institutions so that diverse perspectives—from academics, policy-makers, activists, students, and technologists—can be brought to bear on the complex issues generated by the interaction between technology and society.

1. Ongoing Events and Series

Luncheon Series. Every Tuesday for the past ten years, we have hosted a lunch gathering in our conference room. Each session involves a short presentation by a guest speaker or one of our community members, who talks about a hard problem or challenge that emerges from his or her current work. These presentations attract a loyal following among students, faculty, and others from Harvard and beyond, are webcast live, and are made available as a podcast series. On average, the luncheon reaches about 40 people in person per week. Notably, there were a number of talks this year that received significant attention, some with over 150 people in attendance, with many others following live online and others tuning in asynchronously. Many important projects and scholarly works have been vetted and influenced early in their trajectory at the Berkman Luncheon Series. This year’s luncheons (in chronological order) featured the following conversations:

- **Derek Bambauer** of Brooklyn Law School and **Oliver Day** of Akamai Technologies proposed a liability shield for security research to improve cybersecurity in a world dependent on cloud computing and mobile platforms.
- **Sascha Meinrath** of the New America Foundation discussed the Foundation’s Open Technology Initiative, which is helping to build wireless networks in Detroit and Philadelphia, develop Internet measurement tools, and create a Commotion Mesh Wireless Project.
- **Philippe Aigrain**, CEO of Sopinspace, discussed his new book, *Sharing: Culture and the Economy in the Internet Age*.
- **Zeynep Tufekci**, Berkman Center Fellow and Assistant Professor at the University of North Carolina, examined how the new media ecology, composed of satellite TVs, social media and cell phones, upset the erstwhile stable dynamics of repression under “durable authoritarianism” during the Arab Spring.
- **Intisar Rabb**, Berkman Center Fellow and Professor at Boston College Law School & **Umbreen Bhatti**, islawmix Co-Founder, launched islawmix, which connects news readers, media producers, and legal scholars with credible, authoritative information about trends in Islamic law (“sharī’a”) by developing innovative aggregation and visualization tools.
- **Benjamin Mako Hill**, Berkman Center Fellow and Ph.D. candidate at MIT, presented some findings from a qualitative, inductive, case study-based analysis of eight early projects to create online collaborative encyclopedias.

- **Beth Coleman**, Berkman Center Fellow and visiting professor at the Institute of Network Cultures, Hogeschool van Amsterdam, discussed interviews conducted with Egyptian activists around the events of Tahrir Square. Issues of co-presence, witness, and visibility proved central to her discussion.
- **Michael Nielsen**, author and an advocate of open science, offered a case study on how online tools can be used to transform the ways that humans work together to make scientific discoveries.
- **James Cowie**, Chief Technology Officer at Renesys Corporation, examined the geopolitics of Internet infrastructure.
- **Jonathan Lazar**, Towson University professor and incoming Radcliffe Fellow, talked about accessible Web design for people with disabilities.
- **Marcus Foth** of the Queensland University of Technology proposed an information substrate with an integrated open data API: in a way, an operating system for cities that integrates three types of data sources.
- **Mayo Fuster Morell**, Berkman Center Fellow, analyzed the role of the Free Culture and Digital Commons Movement in the genealogy of the “Indignate” Movement in the Spanish state.
- **John Davidow, Joe Spurr, and Valerie Wang** discussed the OpenCourt project, which aims to create a model for judicial transparency in the U.S as envisioned by our Founders.
- **Jeff Jarvis**, blogger, professor, and best-selling author talked about his new book, *Public Parts: How Sharing in the Digital Age Improves the Way We Work and Live*.
- The Citizen Media Law Project celebrated the second anniversary of its **Online Media Legal Network**.
- **Alison J. Head**, Berkman Center & Library Innovation Lab Fellow, presented a working typology of the undergraduate information-seeking process, including students’ reliance on and use of Web sources.
- **Justin Reich**, Berkman Center Fellow and Ph.D. candidate at the Harvard Graduate School of Education discussed the question “Will Free Benefit the Rich? How Free and Open Education Might Widen Digital Divides.”
- **Beth Kolko**, Professor at the University of Washington, described two projects that tackle the same issue: how and why do nonexperts contribute to innovation?
- **Andres Monroy-Hernandez**, Berkman Fellow & Ph.D. candidate at the MIT Media Lab, presented a framework for the design and study of an online community of amateur creators.
- **Felipe Heusser**, Berkman Center Fellow, surveyed the spread of transparency policy through freedom of information regulation, pointed to the rise of “Open Government Data” as the latest chapter of the transparency story, and highlighted how this development may affect “open accountability” and the rise of a new breed of online watchdogs.
- **Kevin Lewis**, Berkman Center Fellow & Ph.D. candidate in the Harvard Sociology Department, introduced a new social network dataset based on behavioral data from a popular online dating site.
- **Jérôme Hergueux**, Berkman Center Fellow, addressed the promises of Web-based social experiments.

- **Peter M. Shane**, Jacob E. Davis and Jacob E. Davis II Chair in Law at the Ohio State University's Moritz College of Law & Visiting Professor of Law at HLS, discussed his ongoing research on two questions: (1) Under what circumstances might online consultation actually make democratic participation more meaningful? and (2) What role could the regular availability of online consultation play in engineering an information and communication ecology more genuinely supportive of democratic information flow?
- **Alexander B. Howard**, Gov 2.0 Washington Correspondent for O'Reilly Media, talked about where the principles and technologies that built the Internet and World Wide Web are being integrated into government and society—and by whom.
- **Virginia Heffernan** of Yahoo! News presented “The Digital Dialectic,” discussing analog culture, digital culture, and what is next.
- **Dennis Tenen**, Berkman Center Fellow, discussed our intuitions about knowledge domains and the methods by which such intuitions could be modeled empirically.
- Future of Music Coalition's **Kristin Thomson** and Berkman Fellow **Erin McKeown** addressed the changing landscape for musicians and music fans.
- **Dalida Maria Benfield**, Berkman Center Fellow, framed women’s grassroots video production in the Global South, much of which is distributed widely through YouTube.
- **Erica Robles-Anderson** of the Department of Media, Culture, and Communication at New York University analyzed megachurches as part of late 20th century shift towards conducting collective life in increasingly mobile, mediated, and distributed arrangements.
- **James Gleick**, author of *The Information: A History, a Theory, a Flood*, discussed his new book.
- **Matthew Battles**, Managing Editor and Curatorial Practice Fellow at metaLAB (at Harvard, weaved critical and reflective discussion of online experience with a short story from Battles’ new collection, *The Sovereignties of Invention*.
- **Mike Ananny**, a Berkman Center Fellow, posed the question: “What does a public right to hear mean in networked environments and why does it matter?”

2. Conferences and Special Events

The Center’s conferences engage students, faculty, and fellows, as well as government representatives, business leaders, and civil society, through their unique tenor and approach, often touching off new collaborations. A selection from this year includes:

- **Cultivating New Voices, Approaches, and Audiences for National—and International—Reporting:** The Berkman Center hosted a conversation about the challenges of reporting international stories to U.S. and global audiences. In an age of shrinking news budgets, American newspapers and broadcasters are producing less original reporting of international stories. While gripping events like the Arab Spring capture the attention of the public, many important international stories fail to garner widespread attention. The challenges for international reporting are both ones of supply (who reports the news from around the world?) and demand (who pays attention?). Discussants included: journalist Fatima Tlisova (Voice of America), Pulitzer Prize winner Dele Olojede, Ethan Zuckerman (Berkman Center/Global Voices), Colin Maclay (Berkman Center), Ivan Sigal (Global Voices), and Jon Sawyer (Pulitzer Center).
- **VRM+CRM 2011:** Led by Berkman alum Doc Searls, the Center hosted a workshop on “vendor relationship management” (VRM). The aim of this event was to get VRM and

customer relationship management (CRM) developers and other interested parties (such as CRM customers) together to start building out common ground.

- **Open House:** The Berkman Center hosted its annual open house in Fall 2011, offering Harvard students, faculty, fellows, staff, and other members of our community an opportunity to learn more about our projects and ways to get involved in our community. This year's open house attracted over 350 participants.
- **News and Entertainment in the Digital Age: A Vast Wasteland Revisited:** In 1961, Newt Minow—then Chairman of the Federal Communications Commission—delivered a landmark speech to the National Association of Broadcasters on “Television and the Public Interest,” in which he described television programming as a “vast wasteland” and advocated for public interest programming. Fifty years later, we reflect upon the changed landscape of television and dramatic shifts in the broader media ecosystem, and identify lessons learned that may help to offer insight into the next 50 years of media and public discourse. The event featured: Newt Minow (Former Chairman of the FCC / Sidley Austin), Dean Martha Minow (HLS), Ann Marie Lipinski (Nieman Foundation), Jonathan Alter (Bloomberg View), Terry Fisher (HLS), Yochai Benkler (HLS), John Palfrey (HLS), Jonathan Zittrain (HLS), Susan Crawford (Cardozo School of Law), Perry Hewitt (Harvard University), Ellen Goodman (Rutgers University School of Law - Camden), Doris Kearns Goodwin, Virginia Heffernan (*New York Times*), Reed Hundt (Former Chairman of the FCC), Kevin Martin (Former Chairman of the FCC / Patton Boggs), Nicholas Negroponte (One Laptop per Child), Ethan Zuckerman (C4 / Berkman Center), and more.
- **Now You See It: How the Brain Science of Attention Will Transform the Way We Live, Work, and Learn:** Cathy Davidson, Ruth F. DeVarney Professor of English and John Hope Franklin Humanities Institute Professor of Interdisciplinary Studies, Duke University and co-founder of HASTAC, helped us think in historical, theoretical, and practical ways about how, as individuals and institutions, we can learn new ways to thrive in the interactive, digital, global world we already inhabit.
- **Law School for Digital Journalists:** The Online News Association (ONA), the DMLP at Harvard's Berkman Center for Internet & Society, and the UNC Center for Media Law and Policy presented Law School for Digital Journalists, part of the Pre-Conference day at ONA's 2011 Conference & Awards Banquet, September 22-24, 2011, in Boston. This intensive day of practical legal training covered what digital journalists need to know about how the law affects their profession, both on the editorial and business sides. Classes were taught by leading media lawyers and journalism educators.
- **Festival of Ideas:** The Festival of Ideas was a gathering of intellectual leaders (with Berkman fellows at the core) that connected both substance and process to identify thematic clusters within Berkman fellows' work and among the people working on them in order to ensure connection points among clusters and outline various structures for collaboration.
- **The Penguin and the Leviathan: How Cooperation Triumphs over Self-Interest:** Yochai Benkler launched his new book, *The Penguin and the Leviathan*.
- **Digital Public Library of America Plenary Meeting:** As noted in the Ongoing Projects section of this report, the first Digital Public Library of America (DPLA) Plenary Meeting was convened by the DPLA Secretariat at the Berkman Center for Internet & Society and hosted by The National Archives in Washington, DC. It brought together a

wide range of stakeholders to present the history of and vision for the DPLA effort, showcase the best ideas and models submitted to the Beta Sprint (an open call for code and concepts defining how the DPLA should operate), and create multiple points of entry for public participation in the work of the DPLA.

- **Media Law in the Digital Age: The Rules Have Changed – Again:** Co-produced by the DMLP and Kennesaw State's Center for Sustainable Journalism, Media Law in the Digital Age gathered publishers of online content and works in digital media and those who study the way in which technology has influenced journalism and law.
- Co-hosted with the HLS Library, the Edmond J. Safra Center for Ethics, the HKS Center for Public Leadership, and the Berkman Center for Internet & Society, HLS Professor and former Berkman Center Faculty Director **Lawrence Lessig** launched his new book, *Republic, Lost: How Money Corrupts Congress—and a Plan to Stop It*.
- **Interweaving Strategy, Leadership, Web Entrepreneurship and Social Sector Impact:** John Williams of The Bridgespan Group discussed how organizations—both for-profit and not-for-profit—achieve strategic clarity, and why it matters in advance of his appointment to the Harvard Innovation Lab as an entrepreneur in residence.
- **Rethink Music Rights Registry Workshop:** At the Rethink Music conference in April 2011, a registry was discussed primarily as a means of permitting prospective licensees to identify and contact owners to request uses of their works. An obvious extension of such a registry would be to ensure that it incorporates works that have no owners (e.g. public domain works), thus mapping the public domain and informing the public which content is available for use without restriction by virtue of its being out of copyright. The workshop evaluated the reasons to create a registry and the goals that such registry might serve, examined and took stock of past and ongoing efforts to create rights registries, assessed the processes that led to and the long-term goals of such efforts, and considered the practical and legal concerns associated with creating such a registry.
- **Intellectual Property Strategy:** John Palfrey accompanied by special guests, launched his new book, *Intellectual Property Strategy*.
- **The Fate of Civic Education in a Connected World:** This lively, “Fred Friendly” style seminar coincided with the publication of two edited volumes: *Teaching America: The Case for Civic Education* (David Feith, ed.; Rowman & Littlefield), and *What is College For?: The Public Purpose of Higher Education* (Ellen Condliffe Lagemann and Harry Lewis, eds.), and featured Charles Nesson as provocateur and Ellen Condliffe Lagemann (Bard College), Peter Levine (Tufts University), Harry Lewis (Harvard SEAS), Elizabeth Lynn (Project on Civic Reflection), and Juan Carlos de Martin (Berkman Center) as participants.
- **Computers Gone Wild: Impact and Implications of Developments in Artificial Intelligence on Society** was an informal discussion that took place at HLS on December 8, 2011. Hosted by Jonathan Zittrain, Marin Soljačić (MIT) and the Berkman Center for Internet & Society, this gathering brought together eighteen mostly local guests to discuss the ways that AI is changing society. Unlike futuristic predictions involving the Singularity or the underlying technology, this workshop explored current technology and included sessions that discussed warfare, finance, education, and labor.
- **Oneville Workshops:** In collaboration with Faculty Associate Mica Pollock (Professor of Education Studies and Director, CREATE (the Center for Research on Educational

Equity, Assessment, and Teaching Excellence, UC San Diego), Berkman hosted three sessions for a Working Group funded by the MacArthur-UCHRI Digital Media and Learning Research Hub at the University of California, Irvine, titled “Using Social Media to Transform ‘Traditional’ Public Schools: Designing Policy and Practice in Diverse Intergenerational Teams.” The Working Group engaged participants in the Ford Foundation-funded OneVille Project from Somerville, Massachusetts, with participants from the Berkman Center, the Center for Civic Media (MIT), Tufts, and Emerson College. The group explored how diverse youth, families, and educators working together can innovate new uses of commonplace tech for linking diverse partners in schools and communities.

- **Ideas for a Better Internet Summit:** Stanford Law School, HLS, the Berkman Center for Internet & Society, the Stanford Center for Internet and Society, and TEDxSF hosted a special event and reception on the Stanford campus, featuring a series of talks and a panel from thinkers and innovators working to improve the future of the Internet as we know it. The i4bi Summit featured sessions with some leading minds from Silicon Valley alongside an expo of student ideas coming out of the joint Stanford-Harvard Ideas for a Better Internet (i4bi) seminar.
- **Too Big to Know:** David Weinberger launched his new book, *Too Big to Know: Rethinking Knowledge Now That the Facts Aren't the Facts, Experts Are Everywhere, and the Smartest Person in the Room Is the Room*.
- **Consent of the Networked:** The Worldwide Struggle for Internet Freedom: Rebecca MacKinnon of the New America Foundation, Global Voices, and Berkman Center alumna presented on her new book, *Consent of the Networked*. This talk was co-hosted by the MIT Center for Civic Media.
- **Connecting Democracy:** Online Consultation and the Flow of Political Communication: Co-sponsored and organized by the HLS Library, this event featured a panel discussion with Peter Shane on his new book, *Connecting Democracy*.
- **Film screening: Bully and Forum Discussion:** Co-sponsored and hosted by the Harvard Graduate School of Education and the organization Facing History and Ourselves, *Bully* follows five kids and families over the course of a school year. As teachers, administrators, kids and parents struggle to find answers, *Bully* examines the dire consequences of bullying through the testimony of strong and courageous youth.
- **Wadah Khanfar: One Year after Mubarak: The Past and Future of the ‘Arab Spring’:** In a conversation co-sponsored by the MIT Media Lab, Center for Civic Media, Berkman Center, Shorenstein Center, Nieman Foundation, and Edward R. Murrow Center for Public Diplomacy at Tufts, former head of Al Jazeera Wadah Khanfar offered his thoughts on the Arab Spring and discussed current issues in the Middle East with Joi Ito and Ethan Zuckerman.
- **Symposium on Youth Meanness and Cruelty:** As described in detail in the New Projects section, the Symposium on Youth Meanness and Cruelty took place at HLS on February 29, 2012, as part of the launch of the Born This Way Foundation. It brought together experts, researchers, policy-makers, foundation representatives, youth, and others to discuss research and findings related to bullying, meanness, and cruelty, while also emphasizing positive concepts like healthy relationships, civic engagement, and digital citizenship.

- **Born This Way Foundation Launch Event:** As described in detail in the New Projects section, the BTWF officially launched at Harvard University on February 29th, 2012. Oprah joined Lady Gaga and her mother, Cynthia Germanotta, as they formally unveiled the BTWF before a crowd of policy-makers, nonprofit organizations, foundation leaders, students, and youth at the Harvard Graduate School of Education’s Askwith Forum. Participating guests included author and speaker Deepak Chopra, U.S. Secretary of Health and Human Services Kathleen Sebelius, and HLS Professor and Director of the Charles Hamilton Houston Institute for Race and Justice Charles Ogletree.
- **Truthiness in Digital Media: a symposium that seeks to understand and address propaganda and misinformation in the new media ecosystem:** Co-hosted by the MIT Center for Civic Media and supported by the Ford Foundation, the Berkman Center organized a symposium and hack day that built upon recent convenings and a number of related projects, taking a critical step towards a deeper understanding of Internet misinformation in the digital media ecosystem, with a keen eye towards collectively identifying novel solutions and concrete actions to combat the problem in the near term and over time.
- **Understanding the New Wave of Social Cooperation: A Triangulation of the Arab Revolutions, European Mobilizations and the American Occupy Movement:** Berkman and other Internet researchers undertook a historically grounded comparative approach that attempted to place recent social mobilizations. They assessed the relationships (or lack thereof) between the Arab revolutions, European mobilizations, and the American Occupy Wall Street Movement. The analysis focused on contextualizing (both historically and from a socio-political perspective) the impact of digital tools in these cases by connecting the social movements studies tradition with the analysis of Internet-peer based phenomena, drawing connections among European, North American, and Arabic approaches to research and analysis.
- **A conversation with Julie Brill, Commissioner, Federal Trade Commission:** John Palfrey hosted a conversation on the Federal Trade Commission’s policy and enforcement initiatives in the areas of online privacy and data security.
- **Information Quality Workshop:** The Youth and Media team hosted a workshop on “Youth and Information Quality Online” as part of the Digital Media and Learning Research Hub Workshop and Working Series. This highly interactive and participatory workshop focused on digital media and information quality issues in the youth context, including the search, evaluation, creation, and dissemination practices of young Internet users.
- **E-Books in Libraries Workshop:** As described in detail in the New Projects Section, on February 24, 2012 as part of the E-Publishing Models Project, the Berkman Center brought together key stakeholders from leading publishers, libraries, and academia for the “E-Books in Libraries” workshop.
- **Public Networks for Public Safety: A Workshop on the Present and Future of Mesh Networking:** This workshop provided a starting point for conversation about whether mesh networks could be adopted within consumer technologies to enhance public safety communications and empower and connect the public while simultaneously improving public safety. Participants included members of government agencies, academia, the telecommunications industry, and civil society organizations. In conjunction with this

workshop, the Berkman team published a briefing document. (See Publications for more information.)

- **Public Access To Federally Funded Research: Copyright And Other Issues:** The American Bar Association, Section of Intellectual Property Law, Committee on University Intellectual Property Law, and HLS Cyberlaw Clinic hosted a conversation on open access mandates with Mark Seeley, Senior Vice President and General Counsel of Elsevier, and Peter Suber, Faculty Fellow at the Berkman Center for Internet and Society. The discussion was moderated by Jonathan Hulbert, University Attorney at Harvard and Vice-Chair of the Committee on University Intellectual Property Law.
- **Hewlett OER Grantees Meeting 2012:** The Berkman Center hosted the annual meeting of the William and Flora Hewlett Foundation’s Open Educational Resources grantee community. The focal point of this year’s meeting was Education—the “E” in OER—with the goal of collectively developing an action-oriented roadmap for increasing OER’s impact across different educational contexts, from classrooms to informal learning settings. The three-day meeting included over 150 participants from around the world and concluded with a hack day.
- **Rethink Music:** During the 2011-2012 academic year, the Berkman Center again worked with Berklee College of Music on a series of initiatives relating to music law and business. In October 2010, the Center hosted a small working group meeting at HLS, featuring a range of industry stakeholders (including representatives from the academic, legal, creative, policy, and business communities). This group spent a day identifying and discussing a wide variety of legal and business issues relevant to creators and distributors of music, and issues related to the creation of a global registry database.
- **DPLA West Conference:** DPLA West—which took place in San Francisco, CA—was the second major public event bringing together librarians, technologists, creators, students, government leaders, and others interested in building a Digital Public Library of America. The conference was co-hosted by the Internet Archive.
- **ROFLCon III:** Berkman co-sponsored the noted Internet culture and meme conference.
- **Cyberlaw Colloquium:** The Cyberlaw Colloquium is a long-standing event in the cyberlaw community, offering a forum for professors to present in-progress research among peers. Traditionally held in the Philadelphia area, this year, the Berkman Center for Internet & Society at Harvard University hosted the meeting in Cambridge, MA.
- **Interop: The Promise and Perils of Highly Interconnected Systems:** With the HLS Library and the Harvard Book Store, the Berkman Center launched John Palfrey and Urs Gasser’s newest publication, *Interop: The Promise and Perils of Highly Interconnected Systems*.
- **Public Provision of Public Goods: A Conference on the Present and Future of Municipal Fiber:** Hosted along with Columbia’s Tow Center for Digital Journalism, this workshop had three main objectives: (1) to take a close look at the current state of municipal broadband networks and municipal broadband technologies, both in the U.S. and Europe; (2) to understand the legal and regulatory challenges municipal broadband networks face; and (3) to inform journalists. The overall goal was to encourage the creation of a public narrative around municipal broadband.
- **The Intention Economy: When Customers Take Charge:** Doc Searls discussed his new book, *The Intention Economy*.

3. Working Groups

Cyberscholar Working Group. The working group is a monthly forum for students, fellows, and affiliates of Harvard's Berkman Center, Yale Law School's Information Society Project, and the Comparative Media Studies Department/Future for Civic Media at MIT; Columbia University joined the working group this year. At each meeting, members discuss research and papers in progress. Some of this year's discussions included:

- **Brad Abruzzi**, Berkman Center Fellow and Associate Attorney in the Office of the General Counsel at Harvard University, on copyright and the vagueness doctrine.
- **Leah Buechley**, Assistant Professor at the MIT Media Lab, on "LilyPad in the Wild: How Hardware's Long Tail is Supporting New Engineering and Design Communities."
- **Sasha Costanza-Chock**, Berkman Center Fellow and Assistant Professor (as of Fall 2012) at MIT's Center for Future Civic Media, on "The Praxis of Digital Media: a project-based, service-learning approach to Multimedia for Social Change."
- **Seeta Peña Gangadharan**, Postdoctoral Fellow, Yale Information Society Project, Yale Law School, on "Data integration and segregation: Profiling the poor online."
- **Karen Brennan**, MIT Media Lab, on "Best of Both Worlds: Issues of Structure and Agency in Computational Creation, In and Out of School."
- **Daniel Kreiss**, Yale Information Society Project, on "Acting in the networked public sphere: the Obama campaign's strategic use of new media to shape narratives of the 2008 presidential race."
- **Pol Pla i Conesa** of the MIT Media Lab on augmented reality.
- Berkman Fellow **Jia Wang** on "Empower Public Sphere with ICTs—A Chinese Perspective."
- Berkman Fellow **Jennifer Shkabatur** on "Transparency with(out) Accountability: The Effects of the Internet on the Administrative State."
- **Harris Chen**, a Taiwanese public prosecutor at Chiayi District Prosecution Office and Berkman Center Fellow, on "The Future Criminal Investigation in the Digital Age."
- **David Thaw**, Research Associate at the University of Maryland Department of Computer Science and the Maryland Cybersecurity Center, on "Comparing Management-Based Regulation and Prescriptive Legislation: How to Improve Information Security Through Regulation."

The Networked Cultures Working Group. In Fall 2011, Berkman Fellow Dalida María Benfield and Jesse Shapins of metaLAB (at) Harvard initiated a series of artist-fellows meetings, now called the Networked Cultures Working Group, for all involved in digital art, music, writing, and other forms of cultural production at the Berkman Center. The group has met monthly throughout the year, and has proven to be an important think tank for the development of art, writing, and pedagogical projects; feedback on works in progress; and reflection on a myriad of legal and ethical issues related to cultural production. The group also collectively produced an artwork on Zeega, in beta form, entitled "Revolutions: A Work in Progress," which was presented at the Museum of Fine Arts, Boston as part of the "Histories of Now" symposium in March 2012. The group will continue to meet in the coming year and foresees even greater involvement from the Berkman community and beyond, offering an important center for open-ended digital cultural production that incorporates key values of the Berkman Center.

4. Project Events

A number of Berkman projects used events to connect with other researchers and to share and develop their work. For example:

Google Big Tent MTV 2012: In partnership with the Google Public Policy team and Net Literacy, a student-driven digital literacy and advocacy organization, on March 29, 2012, the Youth and Media Lab co-hosted Google's first U.S. Big Tent event on digital citizenship. The event was held at the Computer History Museum in Mountain View, California, and convened some 300 leaders in policy, education, business, and the not-for-profit sector for a dialog about the key challenges and opportunities of digital literacy and safety. The event's guiding questions included: What social norms should we have online and how should we enforce them? How can citizens contribute to their communities through digital technologies? What are the implications of technology on lifelong learning and our culture as a whole?

F. Technical Infrastructure Support

“The Geeks”—as the technical staff at Berkman are affectionately called—maintain the core technical infrastructure at the Center. The Geek team consists of two complementary sub-groups, one half dedicated to infrastructural support and maintenance and the other half committed to software development.

All software at the Berkman Center, be it developed in-house or in collaboration with external departments and/or contractors, passes by the centralized development team. All hardware deployed at Berkman—the servers, desktops, and laptops that run the development and production instances of any and all software—is maintained by the part of the Geek team dedicated to infrastructural support. The Geek team currently consists of Justin Clark, Dan Collis-Puro, Sebastian Diaz, David Larochelle, Anita Patel and Edward Popko.

The Geek team has developed various software in support of a significant number of projects in the past year. Three full-time developers worked on such projects, including but not limited to a novel implementation of an RSS aggregator; a library carrel reservation application; an online atlas viewer; custom Wordpress blog templates and plugins for other Harvard departments; an authentication plugin for Harvard-wide authentication; redesigns of Berkman internal project sites; a tool to track intern and fellow applications; a tool that tracks all online media outlets' topics; an internal URL shortener for the Berkman community; and a graphing engine used for a Berkman event. All this work (currently 49 public code repositories) is published under open-source licenses, allowing other Harvard departments as well as the online community as a whole to benefit from the Geeks' work.

The Geeks collaborate with the Harvard Library Lab, an endeavor that involves the Harvard Library, Harvard University Information Technology Library Technology Services, and the Office for Scholarly Communication, for a large percentage of this development work. Under this collaboration, Berkman Geeks provide their technical backing expertise for project innovations within the Harvard Library system. Such cooperative work has allowed the Geeks to

be more involved with other groups within the larger Harvard community, facilitated dialogue among various schools and departments, and led to the proposal of innovative ideas with the potential to alter the “geekery” landscape at Harvard.

Such development efforts sit atop the technical infrastructure built and maintained by the other half of the Geek team. This component of the team supports over 40 servers comprising an aggregate of 150+ CPU cores and 350+ GB of RAM that run development environments, databases, email, file storage, video streaming, authentication and Web applications. These services are run as a full production environment with 24/7 on-call response.

The Geeks also deliver critical infrastructural support and maintenance, with half of the Geek team providing technical assistance for all the staff, fellows, and interns at the 23 Everett Street office. The team supports all workplace computing, with over 30 user workstations, a fully functional video editing infrastructure, and a multimedia conference room. The team also supports all technical needs for Berkman-sponsored events, whether locally or remotely.

The Geeks have always collaborated with teams outside of Berkman and shared understandings regarding how to navigate through technology. To this end, the Center hosts blogs, wikis, content management systems, and custom applications for use not only by Berkman affiliates, but also by various other Harvard departments and individuals. In addition, the Geeks continually keep up with the latest technological trends and expertise, speaking on topics in which they have expertise at both Harvard and non-Harvard events as well as playing a technical advisory role in a variety of initiatives within the Harvard community and beyond.

II. LOOKING AHEAD

The Berkman Center’s priorities and activities for the next academic year can be mapped and grouped in various ways, according to, for example, key issues or topics, or, more traditionally, as different types of engagement such as research, teaching, and advocacy.

This year’s preview takes a different route and uses the primary *modes of operation* of the Berkman Center as the organizing principle across select areas of activity. Such “modes” include areas with emphasis on consolidation, implementation, leverage, acceleration, and incubation.

A. Areas of Consolidation: Events

A central area of consolidation is events. As described throughout this report, the Berkman Center hosted a larger number of high-profile events this past year—more than ever in its history—from the Hewlett Foundation OER Grantees Meeting, the Truthiness in Digital Media Symposium, two public plenaries for the Digital Public Library of America, and a Symposium associated with the launch of Lady Gaga’s Born This Way Foundation, just to name a few. In addition to our regular lunch and speaker series, these large scale undertakings were punctuated by dozens of smaller meetings, including workshops, project-specific events, and other conversations, often designed to further specific research objectives, foster new collaborations and institutional partnerships, and share findings and working hypotheses with new audiences.

Inspired and informed by our recent experiences as well as the work of other organizations in the space, in the coming year we hope to consolidate our events schedule and work towards a longer-term events strategy with an eye towards sustainability and strong synergies with research and other activities. While a number of large events are already in the planning phase and/or have been announced – most prominently the next two plenary meetings of the DPLA—overall, we anticipate supporting a gradual shift in emphasis from large gatherings towards smaller convenings, including working meetings and workshops, in order to support ongoing research projects and other core initiatives. We will also intensify our efforts to experiment with new event forms and formats, including the use of new technologies and channels for engagement and participation, which may later also be used in the context of conferences, symposiums, and the like.

B. Areas of Implementation: Research Projects

The Berkman Center has made—or renewed—a series of strategic commitments over the past academic year, including its engagement with the DPLA initiative, the Internet Monitor project, the Internet Robustness effort, or the Harvard Library Innovation Lab, among other ambitious undertakings. These initiatives are emblematic of the Center’s commitment to take on new problems and challenges and serve the public interest, while leveraging existing research and activities and building upon previous experience. All four projects can be conceived of as ‘umbrella’ initiatives that tie together research areas and project-based activities that have long been at the core of Berkman’s research agenda. Additional proposals for projects of at least comparable scale are in preparation or have been submitted to potential funders.

Against this backdrop and after a phase of intense incubation of new endeavors, the main focus of the next academic year will be on implementation and execution as far as research and technology development are concerned. This mode will also be reflected in the next phase of our organizational development, with a strengthening of the project management and technical support layers.

The following selection of milestones across some of the key projects and initiatives—several more could be added—are illustrative of the kind of implementation and development work ahead:

- *DPLA*: A key priority for the coming year is to establish the DPLA as an independent 501(c)(3) non-profit organization, complete with an Executive Director and Board of Directors. On the development front, and in close collaboration with the Technical workstream, Berkman will continue work on the DPLA metadata platform, in addition to designing and creating a front-end that will gesture towards the possibilities of a fully integrated DPLA system. Working closely with content providers, the DPLA will also institute the foundational pieces of a content infrastructure and design and launch a joint virtual exhibition with Europeana on the subject of migration from Europe to the United States. Finally, the Berkman team will plan and convene two public plenaries and continue to coordinate efforts by the workstreams to tackle issues related to content and scope, legal issues, technical aspects, audience and participation, governance, and financial/business models.

- *Internet Robustness*: In the first phase of this recently launched project, the team will compare and assess the several technical components and alternatives that can potentially form the technical basis for the mutual aid system, including modifications to server protocols and software and extensions to browser functionality. Careful attention will be paid to scalability, interoperability, ease of use, privacy, and security.
- *Internet Monitor*: The activities of the newly established Internet Monitor project will focus on the creation of a website that provides key information and data regarding the state of the global Internet to policy makers, digital activists, and user communities. Further, a first annual report will be drafted based on the collected and aggregated data, in addition to three to four special reports; the team will also hold briefings, meetings, or conference calls with communities of interest.
- *Harvard Library Lab*: In the coming year, the Berkman team will strengthen its collaboration with the Harvard Library Lab. In addition to the continued engagement of our Clinical Program on the legal and policy side, our tech team will work closely with the Lab to develop and road-test the Library License tool, aimed at improving public and non-commercial online access to copyrighted material. Lab funds will also support the development of new features and tools associated with our H2O platform.

C. Areas of Leverage: Collaborations and Partnerships

In recent years, the Berkman Center has invested heavily in the development of bilateral partnerships with domestic and international Internet & Society centers. As highlighted in this report, collaborations across disciplines and continents have already resulted in a series of remarkable outcomes, including international conferences and expert workshops, in addition to co-teaching opportunities and joint research projects. Over the next academic year, the Berkman Center hopes to build upon these collaborations and consider taking these well-established partnerships with selected “sister” centers around the world to the next level with the launch of a global network. Utilizing a genuinely transnational and interdisciplinary perspective, the proposed initiative will seek to address and explore strategic issues with societal impact at the intersection of networked technologies, markets, culture, and law. Collaborators will work together to coordinate and leverage research, teaching, and outreach activities to advance the public interest in these thematic areas, and build capacity and encourage active engagement across national and organizational barriers.

A number of long-time Berkman Center collaborators and partners have been engaged in envisioning and scoping the network, including the Alexander von Humboldt Institute for Internet and Society (Germany); the Bangalore Centre for Internet and Society (India); the Center for Technology and Society at FGV (Brazil); Keio University (Japan), the MIT Media Lab and its Center for Civic Media (USA), and the Nexa Center for Internet and Society at the Politecnico di Torino (Italy).

The Humboldt Institute for Internet and Society will take the lead during the first year of the network's operation, and we are working with them to plan for an inaugural event in Cambridge in December 2012.

D. Areas of Acceleration: Innovation and Experimentation in Teaching

In parallel, the Berkman Center will strengthen efforts to enable and support innovation in education and teaching. Building upon recent innovative course offerings by Berkman faculty, including Cyberlaw and IP: Advanced Problem Solving; Ideas for a Better Internet; iLaw; Solving Problems Using Digital Technology, the Center will continue to build resources, tools, and platforms that support innovative teaching generally, and in particular, interested faculty members at Harvard. For example, this summer Terry Fisher and Jonathan Zittrain engaged with University faculty regarding support for the future development and implementation of the EdX platform, a joint effort led by Harvard and MIT focused on learning designed specifically for interactive study via the web.

On the development front, with the generous support of the Hauser Center and the Harvard Library Lab, the Berkman Center will develop key features and new functionality for the next iteration of the H2O project. In addition to a new, streamlined user interface, the team will be incorporating and developing essential features, such as, for example, genealogies, to enable users to track the evolution of their syllabi over time; syllabus-splitting, to facilitate the ability of professors to splice their syllabi according to different days, hours, and numbers of classes; support for non-text forms, such as PDFs, video, and images, and other enhancements.

The Youth and Media Lab team will also build on its work on developing and testing curricular modules on important youth policy issues in collaboration with youth. Focused on information quality, particularly in the context of online news and journalism, and issues of kindness, creativity, and social-emotional skills online, the modules are being deployed in highly participatory, peer-led workshops designed to foster greater awareness and reflection. In the coming year, the YaM team will create new opportunities for roll-out and impact in collaboration with community and youth organizations beyond the Boston area.

Berkman's support for innovation in teaching also extends to the policy realm, where, as a partner in the Harvard Open Access Project (HOAP), Berkman faculty and fellows are working with University partners to foster the growth of open access to research, within Harvard and beyond. Using a combination of consultation, collaboration, community-building, and direct assistance, this group continues to shape efforts—at Harvard, other Universities, and the public policy space—aimed at making knowledge accessible and reusable, in order to maximize the return on investments in research, discovery and new technologies.

E. Areas of Incubation: Translating Ideas into Research and Practice

Finally, the Berkman Center will continue its active support for promising, yet nascent ideas that will benefit from additional thought, study and research. Over time, we envision developing such efforts into fully formed initiatives that are informed by and draw on our experience with translating early ideas into robust research efforts, initial collaborations into expanded

partnerships, and research concepts into practical solutions— whether in the form of policy recommendations, multi-stakeholder action, or other tangible actions. Examples include:

- *Information Quality*. From Executive Director Urs Gasser’s extensive research over the past decade, to the 2012 Youth and Media study, “Youth and Digital Media: From Credibility to Information Quality (Berkman Research Publication),” to the March 2012 Truthiness in Digital Media Symposium, among other examples, the Berkman Center has long engaged with issues related to information quality. This coming year, the team will work to pull these different strands together into a research initiative that aims to examine the history, contexts, intervention tools, coping mechanisms, challenges, and implications of the fundamental shift in the information ecosystem brought about by digital technologies.
- *The Nigeria Project* is another manifestation of Berkman’s efforts to translate ideas into action and practical application, through coalition-building, research (including licensing and value generation models), and practice guides and workshops. Building upon initial work focused on understand the state of the Nigerian film industry and opportunities for its future, in the coming year, the team will continue to work key stakeholders to build upon and foster the broader use of digital media technologies to enhance the profitability, impact, and reach of the industry overall.

III. ADDITIONAL INFORMATION: TEAM

The Berkman Center owes its accomplishments to our exceptional and committed team of faculty, staff, fellows, students and affiliates.

A. Board of Directors

As described in the Executive Summary, this year the Berkman Center's governance structure has shifted from a two-layered Steering Committee structure into its new, single-layered structure that consists of a board of 13 directors.

The new Board of Directors is comprised of:

Yochai Benkler
Susan Crawford
John Deighton
William Fisher (Chair)
Urs Gasser
Phillip Malone
Charles Nesson
Felix Oberholzer-Gee
John G. Palfrey
Jeffrey T. Schnapp
Stuart Shieber
Mark Wu
Jonathan Zittrain

Departing faculty members who graciously served as members of the Steering Committee include:

Mark Edwards
Jack Goldsmith
Alex Keyssar
Charles Ogletree

B. Staff

Berkman's Executive Director Urs Gasser leads the Center's full-time staff, which is comprised of a growing team of project managers and coordinators, technical developers and administrators, financial and administrative support specialists, managers of media and communications, and event and community architects. In the 2011-2012 fiscal year, the following individuals contributed to Berkman as full-time staff members:

Executive Director: Urs Gasser
Managing Director: Colin Maclay
Research Director: Rob Faris
Clinical Program Director: Phil Malone

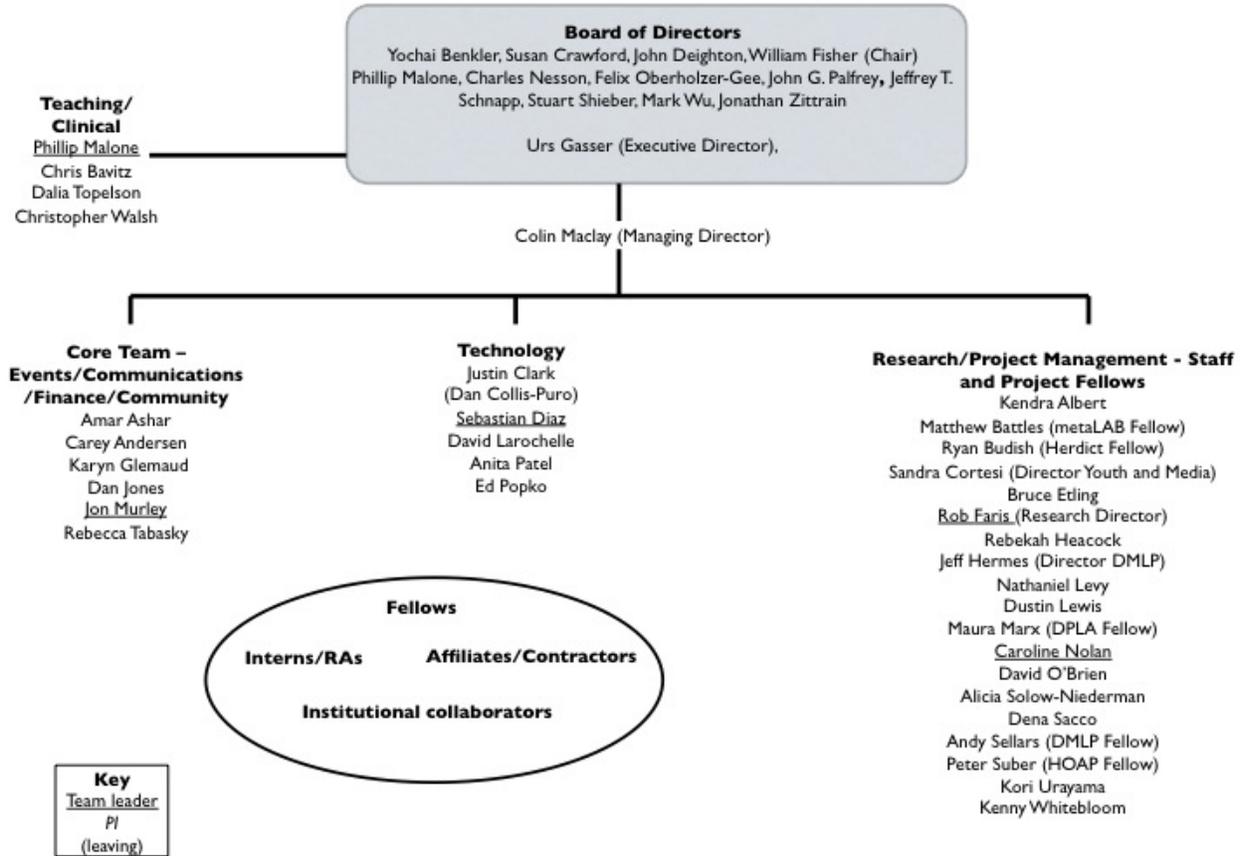
Research Associate: Kendra Albert
Office Manager: Carey Andersen
Program Coordinator: Amar Ashar
Clinical Program Assistant Director and Clinical Instructor: Christopher Bavitz
Junior Systems Administrator: Justin Clark
Systems Administrator: Dan Collis-Puro
Senior Systems Administrator: Sebastian Diaz
Project Manager: Bruce Etling
Financial Associate: Karyn Glemaud
Project Manager: Rebekah Heacock
Project Manager: Jeff Hermes
Digital Media Producer: Dan Jones
Lead Engineer: David Larochelle
Project Coordinator: Nathaniel Levy
Project Manager: Dustin Lewis
Project Manager: Laura Miyakawa
Financial Manager: Jon Murley
Senior Project Manager: Caroline Nolan
Project Coordinator: David O'Brien
Junior Web Developer: Anita Patel
Desktop Support Specialist: Ed Popko
Senior Researcher: Dena Sacco
Project Coordinator: Alicia Solow-Niederman
Community Coordinator: Rebecca Tabasky
Clinical Instructor: Dalia Topelson
Project Coordinator: Kori Urayama
Project Coordinator: Kenneth Whitebloom

Tremendous contributions were made by a number of key project fellows, including:
metaLAB (at) Harvard: Matthew Battles
Herdict: Ryan Budish
Youth and Media: Sandra Cortesi
Cooperation: Benjamin Mako Hill and Aaron Shaw
Digital Public Library of America: Maura Marx
Digital Media Law Project: Andy Sellars
Harvard Open Access Project: Peter Suber
Clinical Instructional Fellow: Chris Walsh

A number of key part-time staffers provided invaluable support to the Center's research agenda:
Rocky Acosta
Meredith Beaton
Arthur Bright
Nell Breyer
Ned Crowley
Frances Harlow
Seongmin Lee

Mary McCrossan
 Joey Mornin

C. Berkman Center Organizational Chart



D. Fellowship Program

The Berkman Center fellows are central to the Berkman Center’s success, and provide a continuous source of energy, inspiration, and inquiry as they spend time at the Berkman Center.

Each Berkman fellowship carries a unique set of opportunities, responsibilities and expectations. All fellows engage issues related to the fairly limitless expanse of Internet & Society issues, and all are committed to the intellectual life of the Center and to fellowship program activities. Some fellows work directly as researchers on Berkman Center projects. Other fellowships consist of independent work, such as the research and writing of a manuscript or series of papers, the planning and execution of an event, the development and implementation of a project, or a study on issues related to the Berkman Center’s areas of inquiry.

As a group, fellows actively participate in exchanges through a weekly fellows hour, various online media, working groups run by fellows, and a wide-range of events and interactions. Along with Berkman faculty, students, staff, and other affiliates, fellows help to develop and advance Berkman Center projects as well as learn and teach through courses, curricula, and gatherings.

Our community of fellows represents a diversity of disciplines, stages of careers, opinions, cultures, and approaches to their work and output. Many of our fellows, while deeply rooted in a particular discipline, simultaneously exist at the boundary of that discipline, pushing forward how its approach can relate to our studies, while simultaneously exploring other disciplines. We work to select fellows who are generous with their energy and time, and are able to work effectively as part of an intellectual community. Practitioners as well as theoreticians are part of our fellowship community, helping to highlight applications outside of academia.

Highlights of the accomplishments of our 2011-2012 fellows can be found in the Independent Scholarship section and a list of fellows who constitute the 2012-2013 class can be found below.

In addition to working with our fellows, each year we spend a considerable amount of time conducting outreach, reviewing applications, interviewing candidates, and making difficult selection decisions for the year to come. Our community is comprised of some returning fellows and some new fellows, which helps us to create continuity and provide ongoing support for community members while also providing room for fresh ideas and new relationships. Our review process for 2012-2013 fellows involved 150 strong candidates, drawn from our annual open call for applications, who represented 36 countries and 24 disciplines.

In the 2012-2013 year, we will partner with the Nieman Foundation for Journalism at Harvard to host two Nieman-Berkman Fellows in Journalism Innovation, each of whom will serve as members of both the Berkman and the Nieman fellowship communities. This initiative represents a promising step toward catalyzing and deepening our relationship with the Nieman community and bolsters our efforts to better understand and support journalism's digital future.

In addition to fellowships, we also have two additional affiliations: Fellowship Advisory Board members and Faculty Associates. The Fellowship Advisory Board was established for exceptional former fellows who have sustained their bright and sharp contributions to the Center over many years across new projects, technologies, and people. Faculty Associates are colleagues who have a faculty position and with whom we are jointly committed to building or maintaining a relationship. This category of affiliation allows us to explore opportunities for continued and future collaboration and provides one avenue through which we can build relationships across institutions.

2011-2012 Berkman Fellows:

David Abrams
Brad Abruzzi
Mike Ananny
Dalida Maria Benfield
danah boyd
Ryan Budish

Herbert Burkert
Harris (Yu-feng) Chen
Tyng-Ruey Chuang
Beth Coleman
Sandra Cortesi
Sasha Costanza-Chock
Juan Carlos de Martin
Judith Donath
Mayo Fuster Morell
Oliver Goodenough
Eszter Hargittai
Alison Head
Jérôme Hergueux
Jeff Hermes
Felipe Heusser
Benjamin Mako Hill
Vivek Kundra
Catalina Laserna
Kevin Lewis
Catharina Maracke
Maura Marx
Betsy Masiello
Giuseppe Mazziotti
Erin McKeown
Andres Monroy-Hernandez
Intisar Rabb
Justin Reich
Hal Roberts
Jeffrey Schnapp (started year as a faculty fellow, and transitioned onto Berkman's new Board of Directors)
Andy Sellars
Aaron Shaw
Jennifer Shkabatur
Peter Suber
Zeynep Tufekci
Hugo Van Vuuren
Kevin Wallen
Chris Walsh
Jia Wang
Dennis Yi Tenen

2011-2012 Berkman Fellowship Advisory Board

Wendy Seltzer
Jake Shapiro
David Weinberger
Ethan Zuckerman

2011-2012 Berkman Faculty Associates

David Ardia
Fernando Bermejo
Jim Bessen
Michael Best
Dan Gillmor
Matt Hindman
Jeffrey Huang
Lewis Hyde
Beth Kolko
Karim Lakhani
Harry Lewis
Wayne Marshall
Claire McCarthy
Miriam Meckel
Mica Pollock
Joseph Reagle
Geanne Rosenberg
Christian Sandvig
Clay Shirky
Eric Von Hippel
Dorothy Zinberg

New 2012-2013 Berkman Fellows:

Kendra Albert will deepen her relationship with Berkman and work on the H2O project for open educational resources, as well as explore new topics in generativity and online gatekeeping.

Meg Leta Ambrose, a Ph.D. candidate at the University of Colorado's interdisciplinary ATLAS Institute, will explore the legal, social, and technical issues surrounding the proposed digital right to be forgotten.

Laura Norton Amico, editor and founder of Homicide Watch in Washington, D.C., will study criminal justice journalism in the digital age, focusing on best practices, useful tools and new models for crime and courts reporting. She is one of two new Nieman-Berkman Fellows in Journalism Innovation.

Bodó Balázs, a Fulbright Visiting Researcher from the Budapest University of Technology and Economics, will work on his book on bottom-up, voluntary intellectual property regimes that emerge in piratical file-sharing communities and other informal media economies.

Matthew Becker, a HLS 3L and Editor-in-Chief of the Harvard Journal of Law & Technology, will explore a solution to the problem of adhesive standard form contracts such as terms of service, using an approach that draws on the decentralized nature of the Internet.

Jacques de Werra, Professor of Intellectual Property and Contract Law at the University of Geneva, will conduct research on the development of global intellectual property licensing policies in the online environment.

Ruha Devanesan, Executive Director of Internetbar.org, will research the impact of the digitization of the music industry on developing world music creation and consumption.

Borja Echevarría de la Gándara, Deputy Managing Editor of El País in Spain, will study the structural evolution of newsrooms around the world and how disruptive innovation is altering traditional business and workflow models for news. He is one of two new Nieman-Berkman Fellows in Journalism Innovation.

Eric Gordon, Associate Professor at Emerson College and Director of the Engagement Game Lab, will examine how social media and games are transforming local civic engagement.

Phil Hill, a J.D. candidate at HLS, will explore copyright law and policies relating to creative expression in the digital age.

Diana Kimball, an MBA candidate at Harvard Business School, will apply an open-source ethos to her work on mentoring and her research on internet culture.

Rosemary Leith, a Director of the World Wide Web Foundation, will join Berkman's Internet Robustness team, building awareness and facilitating partnerships in the effort to support a more stable and reliable Web.

Ching-Yi Liu, Professor of Law at National Taiwan University and Principal Investigator of Taiwan's National E-Learning and Digital Archives Program, will explore issues related to network neutrality, technology policies related to digital libraries, and freedom of the press in the Internet age.

Maria Löblich, Assistant Professor at the Department of Communication Science and Media Research, Ludwig-Maximilians-University Munich, will work on civil society's involvement in net neutrality contentions and its intertwining with other political actors in the United States.

Xinlei Lu, a Ph.D. candidate in the School of Journalism at Fudan University, Shanghai, will work on how cyber-technology has been employed to prevent HIV/AIDS in the gay community in China, and the political, commercial, and social factors implicated therein.

Jun-Ru Lu, a public prosecutor of the Taipei District Prosecutors Office in Taiwan, will develop his research on electronic case files and evidence in criminal procedure.

Silvio Meira, Professor of Software Engineering at the Center for Informatics at the Federal University of Pernambuco and Chief Scientist at the Recife Center for Advanced Studies and Systems, will work on innovation networks and habitats in developing economies and Brazil in particular and will have a go at the emerging web of machines.

O'Seun Odewale, Personal Assistant and Adviser to Governor of Ekiti State, South West Nigeria, will explore Open Society in the context of new technologies and the politics of control.

Jonathon Penney, a research fellow at the University of Toronto's Citizen Lab and a Ph.D. candidate at the Oxford Internet Institute, University of Oxford, will work primarily on his doctoral research concerning regulatory chilling effects online.

Alberto Pepe, a postdoctoral research fellow at the Center for Astrophysics of Harvard University and co-founder of Authorea, will research and promote Open Science and develop the next generation of tools for the collaborative authorship of research projects.

Molly Sauter, a S.M. candidate in Comparative Media Studies at the Massachusetts Institute of Technology, will be examining conflicts of anonymity and pseudonymity at the intersections of digital activism and "real life" activism.

Elisabeth Staksrud, a research fellow at the Department of Media and Communication at the University of Oslo, will work on her new book, critically exploring the relationship between NGOs and the Internet industry in the field of online protection of children.

Alexander H. Trechsel, Professor of Political Science at the European University Institute in Florence, will work on Internet voting and, more generally, the transformation of representative democracy in the digital era.

Jessica Valenti, a feminist author and activist, will research and develop a plan for a national think tank grounded in digital feminism and its communities.

Heather Whitney, a J.D. candidate at HLS, will investigate how we can better leverage social platforms and the rise of citizen science and quantified self to improve health and health research.

John Palfrey will take on a new role as a senior research fellow at Berkman while he transitions to his position of Head of School of Phillips Academy, Andover. He will also maintain his position as a member of the Berkman Center's Board of Directors and serve as a Principal Investigator on selected projects, including DPLA.

Fellows returning for 2012-2013 include: Dalida Maria Benfield, danah boyd, Ryan Budish, Herbert Burkert, Sandra Cortesi, Juan Carlos de Martin, Judith Donath, Mayo Fuster Morell, Oliver Goodenough, Eszter Hargittai, Jérôme Hergueux, Benjamin Mako Hill, Catharina Maracke, Maura Marx, Claire McCarthy, Intisar Rabb, Justin Reich, Hal Roberts, Andy Sellars, Aaron Shaw, Peter Suber, Kevin Wallen, and Christopher Walsh.

2012-2013 Fellowship Advisory Board

Wendy Seltzer
Jake Shapiro
David Weinberger
Ethan Zuckerman

2012-2013 Berkman Faculty Associates

Mike Ananny, David Ardia, Fernando Bermejo, Jim Bessen, Michael Best, Beth Coleman, Sasha Costanza-Chock, Dan Gillmor, Matt Hindman, Jeffrey Huang, Lewis Hyde, Beth Kolko, Karim Lakhani, Kevin Lewis, Harry Lewis, Wayne Marshall, Miriam Meckel, Carlos Osorio, Mica Pollock, Joseph Reagle, Nagla Rizk, Geanne Rosenberg, Christian Sandvig, Clay Shirky, Zeynep Tufekci, Eric Von Hippel, Dennis Yi Tenen, and Dorothy Zinberg