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Rotisserie: The Internet Improvement Act of 2002

STATUS

Rotisserie is in final ratings period.

July 5, 2002 5:00:00 PM EDT

QUESTION

You've been given 200 words to write "The Internet Improvement Act of 2002" in the jurisdiction of your choice, which will be suitably modified by neutral lawyers to cover minor details and bases you may leave out. Whatever you write will be cheerfully passed by the relevant legislature and signed by the relevant executive. What does your law say?

ROTISSERIE POSTS

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- 1 post, average rating 3.00
 - (post rating: 3) [Web Site Ingredients Act](#) From: [radude7](#)

The Web Site Ingredients Act requires any web site that records any information from users will be required to self label the web site by putting a label that describes the security, and business processes of the web site. Such label shall have a number 1 through 5, with 1 having no security, and 5 being the most secure. The standards 1-5 are described on the following government web site, [weblevel.us.gov](#)

- 1 post, average rating 2.00
 - (post rating: 2) [Consumer privacy protection act](#) From: [Adam](#)

Carnivore. Interception and monitoring of web transmissions will be viewed as a wiretap subject to the same restrictions.

Cookies, spyware, etc. It is unlawful to access another's computer in an effort to gather information about that person without obtaining explicit authorization from the individual. You must disclose what information is gathered, what purpose it will be used for, and the identity of any others you are sharing the information with.

Spam. Person not desiring to receive unsolicited advertisements can place their e-mail address on a national list. It is a finable offense to spam anyone on the list.

- 1 post, average rating 2.00
 - (post rating: 2) [Copy Freedom Act of 2002](#) From: [drewclark](#)

Under the Internet Improvement Act of 2002, Digital Millennium Copyright Act's anti-circumvention provisions (Section 1201) are hereby repealed. Further, the act of copying copyrighted material (as opposed to redistributing copyrighted material), will not longer be a crime under the applicable provisions of Title 17. Finally, the rates and terms for royalties under compulsory licenses created by this title shall be set on the basis of terms that are fair to both the content provider and the user. Software is no longer eligible for patent, only copyright. With regard to patents, business method patents are hereby ruled to be obvious and non-patentable.

With regard to privacy, all protections accorded under the 4th Amendment to the Constitution are hereby accorded to the documents and business records of citizens who entrust such records to third parties. Provisions of the USA Patriot Act that permit e-mail and Web URLs to be searched under the ?pen registers? or ?trap and trace? statute (without probable cause) are hereby repealed. Indeed, ?pen registers? and ?trap and trace? orders shall only issue on the order of a judge after ascertaining that it is reasonably necessary for an existing investigation.

- 2 posts, average rating 1.00

- (post rating: 1) [Internet Improvement Act of 2002](#) From: [kjo2x](#)

Noncoercive use: Governmental entities and contractors will make reasonable accommodation for individuals who either cannot access or choose not to use computer-mediated (i.e. Internet) communication devices.

A standards body will be commissioned to develop protocols for an enhanced email system that ensures that all "mailers" are identified properly and that provides a mechanism for confirmation of mail receipt or refusal.

A new privacy policy will be developed that provides full disclosure of all personally identifiable information collected about Internet users. All collection of personally identifiable information will require active consent in advance (opt-in).

Internet service providers will be prohibited from collecting and disclosing any subscriber information except as required by law or by a court order.

- [Email and Privacy](#) From: [furd](#)

I am a little confused; does "mailer" mean anyone who mails, or those who mail commercially? If the latter, how to distinguish? If the former, why are the socially beneficial effects of anonymous communication being rejected?

And I am really confused by the notion of "full disclosure of all personally identifiable information." To whom? Who polices the content? I'm not sure if this is supposed to tie to email or ISPs, or whether this is an independent clause.

I guess what I'm really saying is - what's the coherent thesis behind these initiatives? As a set of standalones, there are pros and cons to the pieces that you pose. Numbering 1 thru 4, I would say that 1 and 4 are unqualified goods, while 2 and 3 are more problematic

- 1 post, average rating 1.00

- (post rating: 1) [Internet Improvement Act of 2002](#) From: [furd](#)

In order to improve the Internet, Congress degrades that access to the Internet will be guaranteed to all citizens where access means:

- 1) ability to read information on the internet;
- 2) ability to publish information on the internet; and
- 3) ability to create content for and on the internet

While Congress does not establish a positive requirement that access be supplied by the state, it is the responsibility of the state to ensure that freedom of access and creation on the Internet is guaranteed for all citizens.

- 2 posts, average rating 1.00

- (post rating: 0) [IIA 2002](#) From: [jacsmith4506](#)

My draft of the IIA of 2002 sponsored by Rep. Jose Serrano (South Bronx) and Rep Bobby Rush (Chicago-III) would define broadband services over the wire as both a telecommunications platform properly subject to the public regulations of common carriers and an information service with the protections of the US Constitution.

- [Step in the right direction, would require clarification](#) From: [kjo2x](#)

While I am speaking out-of-school here (my knowledge is limited primarily to Yochai's online introduction to the issues of "Access to the Internet"), it sounds like this is a step in the right direction in forcing these broadband suppliers to be more open to

competition. As he suggests, the FCC could have started with defining the broadband services as a telecommunication service and "then decided to forbear from imposing regulatory components of that framework that would be inappropriate to broadband service." I think the public is best served with both high levels of competition between ISPs and protection against the broadband suppliers openly or surreptitiously limiting access to content from competitors (i.e. policy routing).

- 3 posts, average rating 0.33
 - (post rating: 0) [Internet Access Act](#) From: [jkozma](#)

The Federal Communications Commission shall designate such data communication protocols as are essential for end users to access public domain information on the Internet. Prior to designation, such protocols shall be subject to public comment. Such protocols may be promulgated, and public comment solicited and considered, by any recognized standards organization or by the FCC.

Once a protocol had been designated under this section, the FCC shall have the authority to require licensing of any technology or other proprietary information, including patents and trade secrets, necessary to its use. If the owners of such technology or information do not agree to license fees and terms prescribed by the FCC, fees and terms shall be set by arbitration. If US treaty obligations do not, in a particular case, allow the owners of such technology or information to be compelled to submit to arbitration in this manner, license fees and terms shall be set by the dispute resolution mechanisms prescribed the applicable treaty.

- [FCC: the new Internet Protocol Police](#) From: [drewclark](#)

It makes no sense to require the Federal Communications Commission to designate protocols necessary for communicating public domain information. The protocols that work for commercial information will also work for public domain information. In any case, such protocols should not be the business of the FCC: involving this bureaucracy (or any bureaucracy) in such decision-making is a guaranteed way to slow down the development of technologies that can exploit the Internet. Further, the requirement to compel licensing of patent and trade secret measurement has not been shown to be necessary. What compelling purpose is served to abrogate such intellectual property rights?

- [International Internet Access Act](#) From: [wendyk](#)

Although we agree with the principles set forth in the Internet Access Act, we are concerned that the FCC is empowered to set rules for communications within the United States. Our concerns with the Act, go to the protocols and public comment period.

How will the FCC ensure notice is provided to the rest of the cyber community? How will the notification be sent to China, Russia, Japan, Greece, South America, India, Korea, United Kingdom, Yemen, Germany, when some of these jurisdiction have a comparable FCC, and some dont. Some nations have completely different legal systems and may not want to/ or be able to for time, distance/cost reasons submit to arbitration established by the FCC in America. How will the FCC ensure that notifications "reaches" the entire cyber community? We urge the IAA to consider establishing a separate and independent agency free from the constraints of jurisdiction in any location and take into consideration concerns of a "global" cyber community whose interests are beyond those of the United States.

- 1 post, average rating 0.00
 - (post rating: 0) [Internet improvements](#) From: [dwallace](#)

Like rural mail delivery and electricity, Internet browser and e-mail service will be guaranteed for those who desire it underwritten by government to ensure a minimum standard. All users, however, must register with name, address and contact information and periodically update that information. Failure to pay and/or register may result in termination of the connection to a particular home or individual.

Development of multi-language support and web site translation software will enable the use of Web sites by those outside North America in their choice of language.

International transactions completed online are subject to the national laws, taxes and regulatory systems of the buyer and seller's citizenship. Access to material deemed unsuitable by national governments may be blocked.

- 1 post, average rating 0.00
 - (post rating: 0) [Lex Networkia](#) From: [kiyoshi](#)

Instead of a 'traditional' law enacted by a Sovereign, I would propose a sort of Lex Mercatoria, or in the words of Edward Valauskas, a "Lex Networkia."

This would be a uniform, collectively created (and enforced) set of behavioral norms, rules for ending disputes and for interacting in Cyberspace. It would be enforced pretty much the way merchants enforced their norms: by expelling the vicious infringer from the community. Problems and the solutions thereto would be solved by independent, impartial, fair persons (or bodies) that would be commonly regarded as respectable and apt for this task.

Code would have to be open and thus susceptible to modification and evolution. Some sort of copyleft norm would be in place, so that every improvement to this commonly created, commonly owned, commonly used code would return to the same code it came from.

For those who were not technically ready to program, and/or use a given application, special sites would be created in order to troubleshoot problems and make the infrastructure user-friendly enough to make sure that everybody could use it and choose his/her preferences as to levels of security, privacy, on-line providers, etc.

Modifications to this code would be made on the basis of societal benefit and general acceptance. Discrepancies would try to be solved by the parties involved (in many cases the entire community -which poses a problem of participation.) If no agreement was reached, the controversy would be solved by the impartial person/entity briefly described above.

- 3 posts, average rating 0.00
 - (post rating: 0) [The Internet Improvement Act of 2002](#) From: [wendyk](#)

Jurisdiction: The world wide web

Purpose: IIA Recognizes the WWW as a global cyber community & its greatest resource is an information and educational tool. IIA will loosely model itself as the united nations of the web to Establish 1) netizen congress to establish norms & regulations regardless of location 2) web tribunal to resolve disputes & 3) web courts to decide unresolvable disputes.

IIA will establish a congress ensuring equal representation from real world jurisdictions & will include a proportionate balance of netizens, techizens, and legalzens ensuring that each netizen participating in the congress has equal say in deciding the rules to regulate the net. Net Congress immediately charged with developing web guidelines (which will be flexible enough to account for new technologies) & establish "net property" rights, including resolving issues of engineering, architecture, freedom of access, neteducation, commerce, file sharing, and will balance the freedoms of the community while ensuring that individual netizens rights to privacy, protections from attack (including viral attacks), criminal actions, stalking, etc are taken up in the netizen congress.

- [Virtual nation](#) From: [Adam](#)

Setting aside the fact that world leaders probably would refuse to give up their power to the collective, I think your proposal is interesting. I would add the following addendums

for your consideration.

Bill of Rights. I think we should have some form of individual protection from Mass Rule (e.g., a Bill of Rights).

Executive Branch. I think a mode of enforcement is a necessary element for any society (my personal contention) including a virtual one.

Nation States. A more controversial suggestion. People probably won't agree on a list of individual privacies, power structure, form of governing, etc. Why can't we have virtual nation states? These states would each have their own separate form of government, rules, etc. They would not be bounded by geography. Users could chose which set of rules, government, etc they most liked and sign up agreeing to be bound by those rules and jurisdiction OR they could set up their own. There would be no real limit on the number of nation states nor any limit on how many states an individual could join.

Under this modified model, you may want the "United Nations" upper layer to have a set of very basic governing rules regarding individual rights and huminatrian rights that we are willing to force upon everyone. For example, we may universally outlaw murder, rape, etc.

- o [Re IIA02](#) From: [MF](#)

Given we can't even get the current U.S. administration to embrace the simple idea of a world criminal court, this will remain a lovely vision that will regretfully never come to pass. If web were really just an informational and educational tool, this might be more realistic, but is also a massive engine of global commerce, which will prevent the forces of globalization from triumphing over the forces of nationalism.

- 1 post, average rating 0.00

- o (post rating: 0) [Rollback and Moratorium Act](#) From: [Jay](#)

The Act of 2002 would establish, in at least the US, preferably in all global jurisdictions, a moratorium until the year 2020 on the enactment of any Internet-related or digital technology related laws, with retroactive effect to 1990.

In the US, this would rollback, e.g., the DMCA, AHRA, Patriot Act as applicable to non-terrorist computer use, etc.

Until at least 2020, all disputes re Internet and digital technology would have to be settled under already existing statutory and constitutional law.

All new technical Internet development between now and 2020 would have to preserve the space of global e2e interconnectivity.

In the year 2020, with the benefit of hindsight, local jurisdictions (nation states) will decide what, if anything, needs to be done for the future on a local jurisdiction basis.

International regime schemes, other than preserving e2e connectivity and open functionality, would continue to be forbidden until XOXO.

- 2 posts, average rating 0.00

- o (post rating: 0) [The 2002 US Internet Improvement Act](#) From: [cervante27](#)

Article 1: Improve Domain Name System. Replace ICANN by inter-governmental organisation to set policy. Impose new requirments on registries to protect domain name (grace period for lapeded registration) higher penalties for contributory cybersquatting and trademark infringement. In addition, the Act limits the "hoarding" of domain names of non-commercial nature (.org, .edu, etc.)by granting names only to those institutions duly recogined by the IRS as non-profit or education establishments.

Article 2: Amend provisions of the Copyright Act, DMCA, and Trademark. Abolish future extensions to copyright protection. Require registration digital copyright right. Set up an automatic system for digital rights management at the USPTO.

Article 3: Promote the creation of proprietary as well as open software
The USPTO should more thoroughly apply existing thresholds of utility, novelty, non-obviousness for software-based patents and devote more resources to building a database of prior art in the area of software and business patents.

Article 4. Improve security, and privacy and safety on the Internet.
ISP providers will be liable for contributing to spam. Personal information on public databases should be safeguarded from commercial or potential criminals.

Article 5. Foster Broadband Infrastructure by Lifting Taxation moratorium on the Internet. A flat internet tax will apply for sales of goods and services exchanged on the internet. Proceeds will help fund broadband for all American.

o [Critique of articles 1 - 5](#) From: [jkozma](#)

Article 1: It is not within the authority of the federal government to establish an "inter-governmental organisation to set policy." Moreover, it is unnecessary, and it would be unwise, for the federal government to become involved in the DNS.

Article 2: Even if future extensions to the term of copyrights were abolished by statute, anytime Congress desired to extend the terms again in the future it would first simply repeal such a statute (all by simple majority). Thus, such a statute would have no effect. That is, Congress cannot legislate away its legislative power.

Article 3: It is not clear how "the creation of proprietary as well as open software? should be promoted. As the holder of a software patent (No. 5,983,169), I can attest that the USPTO applies "the existing thresholds of utility, novelty, non-obviousness" very thoroughly, though it is true that the prior art references at their disposal are limited to the most part to existing patents. As such, the USPTO has already implemented a special system for collecting prior art relevant to business method patent applications.

Article 4: The circumstances under which ISPs would be liable for contributing to spam is not specified. There are already myriad statutory provisions for safeguarding personal data. It is not clear what constitutes a "public database." Is it one maintained by the federal government? It's hard to imagine a situation where "commercial" criminals should be dealt with in a similar fashion to "potential" criminals.

Article 5: This idea has superficial appeal, but probably would not work in practice. It would be manifestly unfair to impose sales or use taxes on Internet commerce that do not applied to traditional retail sales. The current situation is that states are losing revenue on Internet sales not because they are not allowed to tax Internet sales, but because they cannot force Internet retailers to collect the taxes in the same way they require "brick and mortar" retailers to do so. If the law is changed to allow states to force Internet retailers to collect sales taxes, it wouldn't be possible, in the same law, to designate that the revenues from such taxes would be earmarked for a particular use, such as broadband Internet access.

• 1 post, average rating 0.00

o (post rating: 0) [Politically Possible Privacy Legislation](#) From: [ckelly](#)

Require all entities collecting personal information to provide in a conspicuous manner a statement of the data they collect, and their policies as to use of that data. Should _not_ apply only online.

• 2 posts, average rating 0.00

- o (post rating: 0) [Five Wise Men act of 2002](#) From: [twotonshoe](#)

(w/little time left before deadline) Let's appoint Benkler, Fisher, Lessig, Nesson, and Zittrain the Executive Board of Internet Governance, with ultimate authority, tasked with "improving the internet", operating by full consensus only...

- o [Hmmm. And that's not a hum.](#) From: [Jay](#)

The problem here, as I see it, is with the notion of consensus, which would permit them, BFLN&Z, to escape individual responsibility.

They should have to vote. And if these 5 gentlemen vote in unanimous agreement, it can only mean they have not fully identified and considered the issues.

So the alternative I offer is a quasi-two-pronged-counterintuitive test to be applied to all matters submitted to the BFLNZ Board:

1. If the BFLNZ Board are in unanimous agreement, the proposed matter fails on the grounds that the BFLNZ Board did not debate the issue adequately.
2. If there is a tied vote, with all 5 members of the BFLNZ Board voting, no abstentions, the matter will be approved. If you think it is impossible for a 5 member board to have a tied vote, you obviously haven't been paying attention to N in the sessions this week.
3. If each member of the BFLNZ Board reaches a different conclusion on the matter, five separate views in bitterest disagreement, the matter is not only approved, but also eligible for funding.

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