EXECUTIVE SUMMARY

During the 2009-2010 academic year the Berkman Center extended and refined structural adjustments and streamlining that were begun the previous year in response to the financial crisis. The consolidation of project management and technical staff helps the Center take full advantage of emergent synergies among research initiatives and among types of activities, and the development of partnerships with organizations across Harvard and around the world improves our institutional efficiency and effectiveness. Working on collaborative relationships and modes of inquiry, both internally and externally, is also at the core of our efforts to build interdisciplinary methodologies, research, and teaching that address the public interest challenges faced in the context of the Internet and digital technologies.

University-wide activities

2009-2010 was the Berkman Center’s first full year with Urs Gasser as Executive Director. It was also the first year of the joint Fellowship Program between the Berkman Center and the Center for Research on Computation and Society (CRCS) based at the School for Engineering and the Applied Sciences. While merging two freestanding fellows programs from different schools brings with it challenges, the benefits have already been substantial. The cross-disciplinary nature of the community has fostered a series of creative and innovative workshops, research projects, and future initiatives. Most notably, we partnered with CRCS on two multi-million dollar grant proposal submission to the National Science Foundation to study trustworthy computing and the creation of a trustworthy market in health data. Berkman and CRCS will continue to operate a joint fellowship program and further deepen the collaboration among faculty, fellows, staff members, and students across schools in the 2010-2011 academic year. Relatedly, this spring, Professor Jonathan Zittrain was named Professor of Computer Science in the Harvard School of Engineering and Applied Sciences.

The Center also continued its collaboration with the Harvard Law School library (HLSL) led by Berkman Co-Director Professor John Palfrey, through a joint Berkman-HLSL-Harvard Office of Scholarly Communication fellow with focus on Open Access issues; co-hosting of speakers and events clustered around the theme of access to knowledge; and shared development work around the H2O suite of tools, which are being recoded and improved in conjunction with HLSL’s newly launched Library Lab.
Expanding global partnerships

Berkman’s membership in COMMUNIA, a three-year project led by the NEXA Center for Internet & Society at the Politecnico di Torino and funded by the European Commission that aims to provide policy guidelines on issues related to the public domain in digital environments, culminated in the Center’s co-organizing of the concluding international conference with the title “University and Cyberspace: Reshaping Knowledge Institutions for the Networked Age”. The transatlantic conference was built around an important set of questions about the future of universities, libraries, and education in the digitally networked environment, and was structured into three thematic tracks, discussing the information and learning habits of today’s students who are deeply immersed into cyberspace, exploring the challenges and opportunities faced by libraries, and the interplay between physical and virtual spaces. Horizontal discussion items included questions such as: How is the role of universities as knowledge creating, sharing, and applying institutions going to change due to the Internet? How should universities use cyberspace to best implement their mission? What about the new opportunities to enhance the civic role of universities – who prepare people for citizenship and contribute to the public sphere - in our democratic societies? Berkman Co-director Charles Nesson who inspired the idea for the conference, Berkaman Faculty chair Professor William Fisher, and Professor John Palfrey, as well as members of other schools and Harvard University and Berkman staff participated as speakers and discussants in the three-day conference, which was held in Italy in June.

Starting this spring, we strengthened our relationship with Keio University in Japan by identifying a number of opportunities for collaboration, a process that resulted in the signing of a memorandum of understanding. In addition to initiating an exchange of research scholars, including fellows and visiting faculty members, we will be working with Keio and the St. Gallen University teams on a number of sessions at the Internet of Things conference that will take place in Tokyo this November. We are also considering a joint executive education program and short-term teaching initiatives, along with more long-term research efforts around issues such as broadband and cloud computing.

In addition to continued cultivation of local partners across the world, our partnership with UNICEF (a global initiative that works for children's rights, their survival, development and protection), focused on children’s digital safety in the developing world, releasing an initial, exploratory study this spring, Working Towards a Deeper Understanding of Digital Safety for Children and Young People in Developing Nations. This partnership will inform the Berkman Center’s upcoming Digital Medial Learning Hub workshop series on digital youth safety in the developing world.

Research endeavors

Under the leadership of Professor Benkler, with tremendous support from many contributors from the Berkman Center and collaborators around the world, the Center submitted a substantial comparative study on international experiences with broadband deployment and policy, prepared at the request of the FCC and aimed at informing the National Broadband Plan. In October the FCC created a formal pleading cycle for the draft study, and Berkman’s broadband research team incorporated the substantive feedback that resulted from the process. The study addressed
important and in part hotly debated issues with regard to fundamental policy choices and implementing instruments. In addition to writing the report, Professor Benkler presented the team’s findings in a public workshop at the FCC in December in Washington D.C. The final, significantly revised version of the study was submitted to the FCC in February and again raised important questions that had only gained little attention in recent years of public discussion of broadband policy in the US. In the wake of the FCC’s release of the National Broadband Plan, Professor Benkler published an opinion piece in the New York Times, which raised concerns about some parts of the FCC’s National Broadband Plan in light of the findings of our report. Our research in this space continues to have a real impact, and we are excited about next steps.

In its first full year of operation, the Law Lab has leaned into its role as a truly interdisciplinary effort, incubated at the Berkman Center but reaching out towards other research centers and partners, including technologists, policy-makers, business leaders, and entrepreneurs. The Law Lab promotes multi-disciplinary research into areas, principles, and mechanisms that facilitate and accelerate innovation, entrepreneurship, and new forms of wealth creation. This year, cross-cutting and interrelated research tracks laid the groundwork for the development of an Open Governance Platform for Entrepreneurship and Innovation; the design and implementation of digital institutions for application in legal and business practice; and the development of an experimental and observational platform that can provide the foundation for a broad range of large scale social science experiments. Each track incorporates a variety of new and evolving research methods, including exploratory research, application development, and capacity and network building.

Our recently-launched Cloud Computing Governance Initiative is emblematic of the Law Lab’s interdisciplinary mode and focus, and the Center’s continuing commitment to research with impact. This working group series is aimed at exploring and addressing legal and regulatory (“governance”) issues associated with cloud computing, including cross-sectional jurisdictional challenges. Via multi-stakeholder conversations, research efforts, and collaborations with other institutions in Europe and Japan, the series seeks to identify and evaluate the risks and opportunities associated with cloud computing, and to explore the potential of next generation governance models in confronting those challenges. Its primary focus is on the ways in which private actors, users, and governments alike can work together towards best practices in a cloud environment.

The Center’s Youth and Media Policy Working Group Initiative, supported by the MacArthur Foundation, formally launched with a workshop in October of last year. This year the Initiative was our main set of activities in the Youth and Media project area, along with our collaboration with UNICEF on youth digital safety in the developing world. The Working Group Initiative is organized along three tracks, with fellow Dr. danah boyd leading the track on risky behaviors and releasing a formidable set of resources and essays, including a much-needed analysis of the phenomenon known as “sexting,” authored by clinical fellow Dena Sacco, with support from clinical students. Professor John Palfrey leads the track on reputation and privacy and released a substantial literature review in this area, co-authored with an HLS LLM and a Ph.D. candidate from NYU. Urs Gasser leads the track on information quality and credibility and will soon release a conceptual paper written together with Berkman Fellow Sandra Cortesi and two research assistants. These three track leaders – boyd, Palfrey, Gasser – also filed comments in the
In 2010, the Berkman Center’s StopBadware project was spun off as an independent nonprofit. The announcement was made in late January on the occasion of the project’s fourth anniversary. Professor Zittrain’s neighborhood watch idea for combating malicious software blossomed under our roof into a freestanding, mission-driven organization of its own. As with other projects that were incubated at the Berkman Center and later received financial and organizational independence, StopBadware’s team will remain a part of our extended family. In the past academic year, we also started planning the spin-off of Herdict, a project led by Professor Jonathan Zittrain.
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I. REPORT OF ACTIVITIES

Mission

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

We are a research center, premised on the observation that what we seek to learn is not already recorded. Our method is to build out into cyberspace, record data as we go, self-study, and share. Our mode is entrepreneurial nonprofit.

Scholarship with Impact

The Berkman Center is devoted to research and teaching on issues at the intersection of emerging technologies, law, public policy, industry, and education and to the development of dynamic approaches and rigorous scholarship that can affect and support the public interest.

A foundational element of our mode and mission is to find ways to make our intellectual community vibrant and enriching for our faculty, students, fellows, staff, and the rest of the University. Our status as a University-wide research center has benefited the Center, the Law School, and the larger University community in numerous ways, first and foremost, by enabling us to collaborate more effectively with other schools, departments, and centers. It also facilitates the realization of our goal of being truly interdisciplinary in orientation, mode, and scope.

Areas of Inquiry

The Berkman Center has sought to be an honest broker in conversations about the relationship between the Internet and related technologies and society. Our efforts are concentrated in three zones, united by the question of how the Internet can elicit the best from its users:

- Law, Technology, Innovation, and Knowledge
- The Relationship between Internet and Civic Activity
- Technology, Law, and Development

In the field of intellectual property, we have sought to develop creative ways of resolving, in a rapidly changing technological environment, the tension between the need to stimulate innovation and the importance of providing broad public access to the fruits of that innovation.

In our second core area, we see an enormous need to bring clarity to the conversation about the Internet’s impact on democracy. As more activists are using the network as an essential toolkit for speaking out in democratic and non-democratic regimes alike, their personal security is increasingly threatened and their self-expression thwarted. In our third area of focus, we envision a growing opportunity to use Internet technologies to enhance economic and educational opportunities in developing countries, to improve the way that we teach and learn, and to make information accessible to citizens around the world who are not physically proximate to our libraries.
A. Teaching

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

1. Contributions to the Teaching Programs

Faculty and Fellows at the Berkman Center teach classes at Harvard Law School, Harvard College, Harvard Extension School, and Stanford Law School. Berkman faculty, staff and fellows taught a number of new courses during the 2009–2010 academic year, including:

- “Cyberlaw: Difficult Problems” (HLS / Stanford Law School) – This innovative course was offered to both Harvard and Stanford Law School students and taught at Stanford Law School by Professor Zittrain during January 2010. The course explored difficult problems in cyberlaw, as presented by a wide range of guest experts in the field (including academics, technologists, businesspeople, regulators, and social entrepreneurs).

- “Cybercrime” (HLS) – Clinical Professor Phillip Malone taught this seminar during the spring semester 2010. The course focused on the ways in which the technologies that have become increasingly ubiquitous in our society have also become either the means or the object of a wide range of criminal activity. The seminar explored the ways in which technology, and the social and cultural changes it has brought about challenge our traditional approaches to criminal law and procedure, in particular core concepts such as knowledge and intent, causation, and justification or excuse.

- “Online Law and Business in a Globalized Economy” (HLS) – This spring 2010 seminar, taught by Berkman Center Executive Director Urs Gasser, addressed the ways in which shifts in the information ecosystem initiated by the Internet have permitted the emergence of new businesses and business models. The course gave students a deeper understanding of the legal implications of seismic shifts at the intersection of law, technology, and new business models.

As part of the Berkman Center’s teaching program, Harvard Law School students participate in the Center’s Cyberlaw Clinic (discussed below) in conjunction with substantive courses offered at the Law School. Clinic-affiliated courses in 2009-2010 included: “Practical Lawyering in Cyberspace” and “Cybercrime,” both taught by Professor Malone; “Child Exploitation, Pornography, & the Internet,” co-taught by Lecturers Dena Sacco and Diane Rosenfeld; “Copyright and Trademark Litigation: TRO to the Supreme Court,” taught by Lecturer Dale Cendali; “Intellectual Property Law: Advanced,” taught by Professor Fisher; and Cyberlaw: Difficult Problems,” taught by Professor Zittrain.

In the coming year, courses affiliated with the Cyberlaw Clinic will include “Practical Lawyering,” “Cybercrime,” “Child Exploitation,” and “Advanced IP,” as well as a new seminar taught by Clinical Fellow and Lecturer on Law Christopher Bavitz, “Music and Digital Media.”
Additional courses affiliated with the Berkman Center during the 2009–2010 academic year included:

- **At Harvard Law School**: A seminar, “Antitrust, Technology, and Innovation” and reading group, “Identity, Anonymity, and Accountability in an Online World,” both taught by Professor Malone; “Communications and Internet Law and Policy,” taught by Professor Benkler; Berkman Center Fellow and Harvard Law School Lecturer Sam Bayard’s “Introduction to American Law,” offered to L.L.M. students; “The American Jury,” taught by Professor Nesson; “Copyright” and “Trademark Law,” taught by Professor Fisher; and Berkman Center Fellow and Visiting Professor of Law Julie Cohen’s “Copyright” and “Theoretical Foundations of Intellectual Property.”

- **At Harvard College**: “Cyberspace in Court: Law of the Internet,” a Freshman Seminar taught at Harvard College by Professor Malone

- **At Harvard Extension School**: “Internet and Society: Technologies and Politics of Control,” taught at Harvard Extension School by the Berkman Center’s Managing Director Colin Maclay and its Research Director, Dr. Robert Faris.

- **Oxford Internet Institute Summer Doctoral Programme (SDP)**. Professor Jonathan Zittrain and fellow Christian Sandvig traveled to Oxford to serve as tutors for the eighth SDP. The Berkman Center hosted SDP in 2007, has contributed to its curricular development, and continues to be an academic partner. SDP brings together advanced doctoral students from around the world who are engaged in dissertation research relating to the Internet and other ICTs. For ten days, students learn from leading academics, share work, and build a peer network that continues to grow.

2. **The Cyberlaw Clinic**

The Berkman Center’s Cyberlaw Clinic engages Harvard Law School students in a wide 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 it continues its tradition of innovation in this area. In recent years, the Clinic has grown dramatically in popularity, the breadth and complexity of its cases and projects, the types and variety of clients it serves, and the sophistication of its pedagogy and the connections it develops in its students between theory, doctrine, and practice.

In 2009–10, the Clinic enrolled its greatest number of students ever, 46, for a total of 89 HLS course credits. The Clinic’s three staff attorneys oversaw approximately 5,340 hours of student work during the 2009–10 academic year, an increase of nearly 500 hours compared with 2008–09. The Clinic had 5 law student summer interns during the summer of 2010, up from 3 interns during the summer of 2009.
In addition its growing enrollment, the Clinic consistently has some of the longest waitlists of students wishing to enroll in Harvard Law School clinics. For the fall 2009 semester, for example, the Clinic enrolled 19 students and had several times that number on its waitlist. Two of the Clinic’s “feeder” courses – “Practical Lawyering in Cyberspace” and “Child Exploitation, Pornography, and the Internet” – were among the five most popular classes associated with any clinics at Harvard Law School. Preliminary Clinic enrollment for the fall of 2010 and one portion of the spring semester 2011, have already produced substantially longer waitlists.

During the 2009–10 academic year, the Cyberlaw Clinic continued its emphasis on providing students a broad range of substantive and practical opportunities and challenging clients. Many of the Clinic’s cases and projects fall into a handful of key areas, including: counseling and legal guidance concerning complex open access, digital copyright, and fair use issues; litigation and amicus and other advocacy to protect online speech; legal resources and advice for citizen journalists; software and music licensing and contract advice, especially regarding Creative Commons and other “open” licenses; and guidance and amicus advocacy for effective but balanced protection of children in the areas of social networking, child pornography, and online exploitation. The new Music and Digital Media seminar being offered next year will continue to expand the Clinic’s ability to work with clients on issues concerning the exploitation of content online.

Since its inception, a fundamental goal of the Cyberlaw Clinic has been to develop and leverage deep ties between academic study and research, on the one hand, and legal practice, on the other hand. The Clinic has pursued this goal, in part, through the involvement of leading practitioners in our field. To that end, the Clinic forged a relationship with Cooley Godward Kronish LLP, one of the nation’s leading high-technology and high-stakes litigation law firms. This innovative relationship has facilitated important collaborations between the Clinic’s faculty and students and experienced practitioners from Cooley. In addition, Cooley is generously helping to support one of the Clinic’s supervising Fellows for five years. Cooley’s gift and the collaboration with the firm will enable teaching and mentoring of students on a range of litigation, counseling, and transactional/licensing projects and cases.

The Clinic’s teaching team brings tremendous practice expertise to the Center. The Clinic has been directed since 2004 by Clinical Professor Phillip Malone, previously a 20-year veteran of the US Department of Justice (DOJ). 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 Clinical Fellow and Lecturer on Law Dena Sacco, HLS ‘93, who was the Clinic’s inaugural Cooley Fellow for 2009–10 and will continue in that position next year. Ms. Sacco spent over eight years with the DOJ, first as a counsel in the Office of Policy Development and then as the federal prosecutor in Massachusetts with primary responsibility for child exploitation cases. Rounding out the clinical teaching team is Clinical Fellow and Lecturer on Law Christopher Bavitz, who spent four years at a law firm and six years in-house in the music industry before joining the Clinic. Mr. Bavitz will continue as part of the Clinic’s teaching team during 2010–11; he will co-teach “Practical Lawyering” with Professor Malone in the fall and will design and teach a new course, “Music and Digital Media,” in the spring.
During 2009-2010, the Cyberlaw Clinic continued its ongoing expansion of the number and types of clients it serves, including outside individuals, small start-ups, nonprofit organizations, professors, and government entities. At the same time, the Clinic continued its strategy of increasingly integrating Clinical student representation and legal support into the cutting-edge, public policy-oriented research projects underway at the Berkman Center. Over the last year, students provided representation to the following clients, among others: Citizen Media Law Project; Commonwealth of Massachusetts (Information Technology Division); Commonwealth of Massachusetts (various District Attorney’s Offices); Free Music Archive; the Global Network Initiative; Herdict Web; the Law Lab; the National Center for Missing and Exploited Children; 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.

A few prominent examples of cases and projects handled by Clinic students last year in several of the Clinic’s key practice areas include the following.

**Litigation:** The Clinic, directly and working in tandem with law firms located throughout the United States, represented individuals and organizations in connection with pre-litigation disputes and active litigation concerning a wide range of issues, including online speech and intellectual property matters. Of particular note:

- The Clinic successfully represented the proprietor of a Massachusetts-based online forum in defending against claims by a well-known print media organization which argued that the forum was liable for copyright infringement based on its users’ posting of article headlines and ledes. With the assistance and support of senior intellectual property attorneys at a major Boston law firm, a team of Clinic students prepared several rounds of correspondence on behalf of the client and ultimately convinced the claimant to abandon its claims.

- The Clinic supported a New York–based attorney defending an indigent defendant accused of online defamation. Clinic students provided background guidance on issues relating to statutes of limitations and jurisdiction in online defamation cases and helped to prepare (and review drafts of) papers filed by defense counsel in connection with dispositive motions. The matter was ultimately settled on terms favorable to the defendant.

- The Clinic played a similar litigation support role with respect to a pending case in which the plaintiff has sought to use trademark claims to suppress speech with which it disagrees. Clinic students supported a prominent advocacy organization in preparing summary judgment papers in connection with the defense of the suit.

**Amicus Advocacy:** The Clinic submitted three amicus briefs during the 2009–10 academic year:

- In June 2010, the Clinic, working with the Citizen Media Law Project, the Electronic Frontier Foundation, and Public Citizen, submitted a brief in the case of Barclays et al. v. TheFlyOnTheWall.com. Amici urged the Second
Circuit to carefully consider First Amendment concerns when applying the state common law doctrine of hot news misappropriation to protect facts. Two Cyberlaw Clinic summer interns were extensively involved in drafting the brief and in helping *amici* formulate their position.

- In March 2010, the Clinic worked closely with the Citizen Media Law Project — joined by the Public Participation Project, the Online News Association, and the Chicago Current — to draft and submit an *amicus curiae* brief to the Illinois Supreme Court, urging the Court to reject two lower courts’ narrow interpretations of the state’s Anti-SLAPP statute. The statute, known as the Citizen Participation Act, allows defendants to secure quick dismissals and recover fees when faced with meritless lawsuits that threaten their ability to speak and petition the government. Three Clinic students worked on the brief this spring, which was submitted with the assistance of local counsel Julie Bauer and Lindsay Beyer at the law firm Winston & Strawn in Chicago.

- In October 2009, the Clinic co-authored an *amicus* brief filed on behalf of the Citizen Media Law Project, the American Civil Liberties Union of Massachusetts, and the Lawyers’ Committee for Civil Rights of the Boston Bar Association, urging the Massachusetts Supreme Judicial Court to reverse a lower court’s decision interpreting the state’s Anti-SLAPP legislation. The brief was filed in support of Freda Hollander, a party in *Fustolo v. Hollander*, who was accused of defamation for articles that she wrote reporting on development activities planned by the plaintiff and meetings of community groups that opposed his plans.

- In May 2010, the New Hampshire Supreme Court upheld the First Amendment rights of a mortgage industry blog, holding that a lower court’s injunction preventing the blog from posting a leaked document constituted an unlawful prior restraint on speech. The reasoning of the ruling mirrored arguments made in a brief submitted to the Court in June 2009 by the Cyberlaw Clinic, representing the Citizen Media Law Project and the Reporters Committee for Freedom of the Press.

**Child Protection and Youth Online Safety:** The Cyberlaw Clinic has been active in promoting youth online safety through collaborations with advocacy organizations, researchers, and state and federal law enforcement agencies. The Clinic’s work in this area has ranged from providing guidance for parents and educators to actively supporting the criminal prosecution of individuals engaged in the creation or distribution of child pornography or other online conduct that is harmful to children. Representative matters in this area of practice include the following:

- Clinic students participated extensively in supporting the Berkman Center’s Youth and Media Policy Working Group Initiative's efforts to create and publish a comprehensive report that addresses legal and practical issues related to the practice colloquially known as sexting. The publication, entitled “Sexting:
Youth Practices and Legal Implications,” is available at http://cyber.law.harvard.edu/node/6223. [For more information, see Ongoing Projects, below]

- Clinic students drafted briefs and sentencing memoranda for the U.S. Attorney’s Office and for the Middlesex County District Attorney’s office in child pornography and other child exploitation cases involving an Internet component.

- Clinic students collaborated with students at HLS’s Education Law Clinic to analyze and provide guidance on cyberbullying for Massachusetts’ new Anti-bullying statute.

- Clinic students researched and wrote a comprehensive analysis of cases restricting the computer use of defendants convicted of child pornography crimes for a sample sentencing memorandum created for Assistant District Attorneys handling child pornography cases.

**Consumer Protection and Regulatory Compliance:** The Cyberlaw Clinic has done a variety of work in the area of consumer protection and regulatory compliance. Notably, during the past year, the Clinic has continued to serve as counsel on a number of legal issues for StopBadware, an online consumer protection initiative to combat “badware.” 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 offered by those organizations.

**Intellectual Property:** Clinical students addressed a wide range of intellectual property issues – including copyright and trademark questions – for a number of clients during the past year.

- The Clinic prepared and filed an Office Action Response with the United States Patent and Trademark Office, responding to a PTO Examining Attorney’s refusal to register a client’s trademark on the grounds that it was too descriptive.

- The Clinic advised an academic engaged in a large-scale project to scan and analyze literary works, addressing copyright questions concerning the protectability of so-called “critical editions” of classical texts.

- The Clinic advised several research and advocacy organizations on open source licensing options for software tools, including questions about what open source licenses would be appropriate to govern code in certain situations and how to responsibly engage in an open source development process while assuring rights issues are addressed.

- The Clinic worked closely with a media organization to develop best practices to be applied in addressing rights and other legal issues when archiving news footage online.
Clinic students provided substantial guidance and assistance for an extensive Berkman Center study and report on the copyright licensing practices of private charitable foundations. The report included a careful analysis of reasons for and against broader use of open licenses, such as Creative Commons and the GPL, for works supported by foundation funding. The Report, entitled “An Evaluation of Private Foundation Copyright Licensing Policies, Practices and Opportunities,” is available at http://cyber.law.harvard.edu/publications/2009/Open_Content_Licensing_for_Foundations. [For more information, see Publications, below]

**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 Citizen Media Law Project, a joint initiative that the Clinic helped to co-found in conjunction with the Center for Citizen Media that seeks to provide legal training and resources for individuals and organizations involved in citizen media. CMLP supports research and advocacy on free speech, newsgathering, intellectual property, and other legal issues related to citizen media. As noted above, the Clinic collaborated closely with CMLP on several *amicus* briefs during the past year, and Clinic students were actively involved in a number of CMLP initiatives relating to promotion of citizen journalism.

**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 documenting and responding to these issues globally. During the past year, it continued to provide legal support to the Global Network Initiative, 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 and set of principles to guide ICT companies in protecting and advancing freedom of expression and privacy online.

**Access to Justice:** In the Spring of 2010, the Clinic began a major project with the Massachusetts Trial Court’s Special Adviser for Access to Justice Issues to research, advise and prepare a strategic plan and set of best practices for using technology to pursue “access to justice” initiatives throughout the Commonwealth. The Special Adviser has been tasked by the Massachusetts Supreme Judicial Court with identifying ways in which technology can help to assist *pro se* and other litigants in their dealings with the court system. In support of this effort, the Clinic has embarked on a major review of the existing literature, similar initiatives throughout the country, and available technologies in order to provide detailed guidance on the development of such initiatives within Massachusetts and, eventually, to prepare national guidelines and implementation materials.
3. Participation of Students in Program Activities

In addition to the Cyberlaw Clinic and course offerings, we seek to engage students through research assistant positions, summer internships, and weekly events. This past year saw nearly 100 students directly involved in Berkman project research, and countless others involved across our program areas through formal and informal participation.

Building upon continued, ongoing growth of student involvement at Berkman, this fall we hosted a well-attended open house on the HLS campus, with attendees from universities throughout the Boston area spilling into aisles and onto floors in a Pound classroom before a meet-and-greet at our 23 Everett St. offices. This interest and involvement carried through the academic year.

Students played extensive roles in the substantive work of most of the Center’s projects and fellows’ work, performing primary research, helping to design and draft legal and other research papers, composing blog posts for project websites, conducting outreach and helping to build outside relationships and contacts, and writing code for research platforms and tools.

Selected examples and outputs from this year include:

- Recent Harvard College graduate (‘10) Isaac Meister, an integral member of the Berkman Center’s technical team, joined Berkman his freshman year. With great panache and spirit during his time in school and at Berkman, Isaac kept staff happy and the Center's core services running in his position as desktop support and junior systems administrator. He had his hand in developing many of the policies and operating procedures that are currently in place, and has been an exceptional member of not only our IT team, but the Berkman Center’s staff at large.
- Harvard L.L.M. student Diego Murgia Diaz and NYU Ph.D. candidate Alice E. Marwick joined with Berkman Faculty Director John Palfrey to conduct and publish a literature review on “Youth, Privacy, and Reputation” as part of the ongoing Youth and Media Policy Working Group Initiative.
- While a summer intern in 2009 with the Cooperation project, Columbia graduate student Scott Hartley conducted original research for his working paper analyzing the impact of team-based lending on Kiva.org.
- Throughout the academic year, over a dozen students contributed directly to our Broadband research efforts. A team of summer interns worked on literature reviews; and students from HLS, HBS, and St. Gallen contributed country case studies and other research and overview studies.

The Berkman Center’s embrace of student participation has also inspired students to lead events and research of their own, outside the Center. Many students working with the Berkman Center share its entrepreneurial spirit. Some relevant examples include:

- In 2008–2009, as part of Berkman’s Harvard Graduate Student Awards, the Berkman Center awarded funding to two Harvard graduate students, Jesse Shapins (Ph.D. candidate at the Harvard Graduate School of Design) and James Burns (Ph.D. candidate in the Department of Economics) to assist their Mapping Main Street project, an effort
focused on collaborative documentary media. During this academic year, they and their team presented their continuing work at our Tuesday luncheon series and at the Cooperation group meetings, worked with our Cyberlaw Clinic, and collaborated with outside partners and funders like National Public Radio and the Corporation for Public Broadcasting, as well as youth media programs around the country.

• The Open Video Alliance, co-founded by former Harvard students and Berkman research assistants Elizabeth Stark and Dean Jansen, among others, hosted a number of events this year with Berkman support, such as the Open Video Conference and a Wireside Chat with Lawrence Lessig. The Wireside Chat was hosted on the HLS campus with student involvement; the discussion about copyright, fair use, and online video was webcast and streamed live to nearly 40 other gatherings around the world, many of them hosted by branches of Students for a Free Culture and other university student groups.

• Former Berkman Research Associate Tim Hwang (Harvard College, ’08) has founded a number of internet & society research ventures in recent years, such as the Internet-meme conference ROFLCon and the Web Ecology Project, a collective of researchers—many of whom are local students and/or have been Berkman research assistants—doing “large scale data mining to analyze the system-wide flows of culture and community online.” Berkman supported this year’s ROFLCon, and research and tools developed with the Web Ecology Project have been applied to some of the Berkman Center’s official research efforts.

This summer, Berkman hosted 40 student interns who worked full time for ten weeks on Center projects. As with our Cyberlaw Clinic and Fellowship Program, we have seen a continued increase in interest in both academic and summer positions. Our summer program received over 400 applications for about 40 positions.

After a rigorous selection process, based on the needs of our projects and the skills and interests of the applicants, our summer intern class included students from around the world, including Harvard, Princeton, Yale, Columbia, Stanford, Brown, MIT, George Washington University, the University of Chicago, the University of Pittsburgh, the University of Virginia, Simmons, Occidental, Grinnell, Bennington, Institut d'Etudes Politiques (Sciences Po), the University of Belgrade, Ben-Gurion University, BI Norwegian School of Management, Pantheon-Assas Paris II University, the University of St. Gallen, Reed College, and York University. Some non-Harvard international students studying at U.S.-based institutions were able to participate in the program through the application of Curricular or Optional Practical Training (authorization for employment substantively relevant to their studies). This summer was also our second summer of participation with the Google Summer of Code program, through which eleven students from around the world developed open-source code in conjunction with Berkman Center mentors; two of those eleven were Harvard students who lived locally and were able to participate in the summer internship program community.

4. Curricula and Materials Development

Copyright for Librarians, initiated by Professor Terry Fisher and developed in collaboration with international nonprofit eIFL.net, was publicly launched in March 2010. “Copyright for Librarians” aims to inform librarians about copyright law in general, as well as the aspects of
copyright law that most affect libraries, especially those in developing and transition countries. The course materials of “Copyright for Librarians” – nine modules organized into five different levels – can be used as the basis for a self-taught course, a traditional classroom-based course, or as a distance-learning course. The publicly launched version of the curriculum benefited from contributions from around the Berkman Center (faculty, fellows, and staff) and from workshops abroad, led by Professor Fisher. [http://cyber.law.harvard.edu/copyrightforlibrarians/]

Led by John Palfrey and Urs Gasser, the Youth and Media project continued the development of the Creative Rights copyright curriculum, a web-based space designed to educate and engage youth about concepts of creativity, copyright law, and the public domain. The project had planned to release and pilot the Creative Rights curriculum with local middle schools this year; this has proceeded according to schedule, with the content completed and the web interface nearly completed. Pilot tests will take place by the end of 2010.

H2O. With support from the Harvard Law School Library, the Berkman Center began revamping a set of classroom tools under the H2O banner. These tools, which were initially developed several years ago, are now being recoded and integrated to create a suite of classroom tools. These include the Question Tool, a backchannel for live lecture feedback and questions; the Rotisserie, a structured forum for offline discussion of class content that encourages class members to interact with other students’ ideas; and Playlists, a platform for collections of online content that are easily shared and remixed, and are ideal for use as an online course syllabus. In addition to each of these tools, we have added a tool, Collage, to the suite. This new tool was built with the goal of creating an entirely online law school casebook. Collage allows a seed document to be annotated with various layers and notes. The first online casebook is being planned for Professor Zittrain’s Fall 2010 Torts class.

B. Law Reform, Impact and Advocacy

Broadband policy. In February, 2010, the Berkman Center delivered its independent review of existing literature about broadband deployment and usage throughout the world, Next Generation Connectivity, to the Federal Communications Commission (FCC). This influential review was commissioned by the FCC to provide academic and conceptual support for the formation of the FCC’s National Broadband Plan. The study was directed by Professor Yochai Benkler and involved multiple layers of the Berkman Center – faculty, fellows, staff, and interns – as well as international collaborators at the University of St. Gallen. The project was supported by the Ford Foundation and the John D. and Catherine T. MacArthur Foundation. The report was widely covered in the news media and the draft, which the FCC put out for public comment, substantially inflected debates about broadband policy in the period before the release of the National Broadband Plan.[http://cyber.law.harvard.edu/research/broadband_review]

In December 2009, the Center’s Citizen Media Law Project launched the Online Media Legal Network (OMLN). 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. 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 nearly 130 firms, individual lawyers, and law school clinics participating in the network, with practices in 35 states. Law schools with clinics participating in the network include Harvard Law School, 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 accepted 70 clients for assistance through the network, and has placed more than 85 matters with network attorneys. The network has assisted clients with a variety of issues, including litigation defense, business and entity formation, prepublication review, preparation of licenses and independent contractor agreements, and copyright and trademark counseling. [http://www.omln.org/]

In conjunction with their leadership roles in the Center’s Youth and Media Policy Working Group Initiative, danah boyd, John Palfrey, and Urs Gasser filed a response to the FCC’s Notice of Inquiry on “Empowering Parents and Protecting Children in an Evolving Media Landscape”; the filing synthesized the best research along the axes of concern of the Working Group Initiative: online safety, privacy, and information quality. In addition, boyd, Palfrey, and Gasser submitted written testimony on COPPA to the Subcommittee on Consumer Protection, Product Safety, and Insurance of the U.S. Senate Committee on Commerce, Science, and Transportation. Using research conducted by boyd and others, their testimony explained how COPPA is misinterpreted by parents and the public to be related to maturity of content instead of privacy protection.

C. Research and Scholarship

1. New Projects

The Distributed Denial of Service (DDoS) research project seeks to understand the ways in which DDoS attacks are becoming a popular technique for limiting access to independent media and human rights sites across the web. In conjunction with a number of subprograms at the Open Society Institute, researchers have spent several months surveying organizations that might be targeted by DDoS attacks, learning whether and how they’ve been attacked, and conducting follow-up interviews with organizations who have suffered DDoS. In June 2010, the project hosted a meeting attended by representatives of independent media organizations from Iran, Burma, Russia, and China that had been affected by DDoS, leading scholars on the topic from Akamai and Arbor Networks, and designers of DDoS mitigation services. Based on findings from the survey and interview process and discussions at the meeting, the team will release a report in September 2010 which will include a set of recommendations that websites can undertake to fend off DDoS attacks.

Blogging Common is a new project that seeks to gain understanding of the broader English-language blogosphere. Blogging Common will survey 1,000 bloggers randomly selected from a larger pool in an effort to gain insight into the practices and opinions of bloggers globally. The project plans to expand to Russian and Arabic.
**Interoperability.** This winter, Urs Gasser and John Palfrey initiated a book project based on their 2005 study and paper – “Breaking Down Digital Barriers: When and How Information and ICT Interoperability Drives Innovation” – on how interoperability and innovation relate in the Information and Communications Technologies (ICT) environment. The book will focus on building a theory of interoperability – the art and science of working together – and then illustrating how that theory works and why it matters through rich and diverse narratives. As part of the book-writing process, they have developed a series of case studies focused on lessons learned from other areas and sectors where interoperability is key, such as transportation, currency markets, and energy. These case studies explore how various forces (law, policy, technology, economic incentives, market innovations, etc.) drive and inhibit interoperability and what associated stakeholders seek to achieve via interoperability. The book will aim to sharpen definitions of interoperability and its relevance for consumers, companies, governments, and the public. The book is slated for release in Spring 2011, and will include associated resources, such as a wiki, blog, and student publications.

2. **Ongoing Projects**

**Broadband.** Since delivering its report to the FCC (see under “Law Reform, Impact, and Advocacy,” above), the broadband team has continued to work on pressing issues in broadband policy. In May, the Berkman Center and the Wharton School of the University of Pennsylvania jointly hosted a panel discussion on the FCC’s proposed “third way” in asserting its jurisdiction to implement policy for broadband service to U.S. homes. In addition, we have been partnering with teams at Sciences Po and Northwestern University to analyze the broadband literature and to map the flows of influence in the development of policy-relevant data. Finally, we are currently studying domestic municipal fiber to the home projects.

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

**Chilling Effects**, founded by Fellow Wendy Seltzer in 2001 and now a collaboration with the Electronic Frontier Foundation (EFF) and law school clinics across the country, provides an online clearinghouse analyzing cease-and-desist notices sent to Internet users and tracking their impact on online expression. The site now has more 40,000 notices, receiving more than 400 reports per week from Google, Yahoo, and other bulk and individual submitters. It provides information to academic researchers, journalists, and millions of visitors with notices linked from missing search results, news stories, and blogs. Chilling Effects has also shared data, news updates, and analysis with the Citizen Media Law Project. Along with Wendy Seltzer, Fellow David Abrams and several research assistants contributed to the project this year.

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

**Circumvention.** This project, funded by the Internews Network, designs and conducts research aimed at understanding the usage of circumvention tools, and is also involved in field-building in the area of circumvention research. In June 2010, the Berkman Center hosted a workshop convening circumvention tool developers. The Circumvention team is also undertaking several other research projects, including a survey of circumvention tool usage, a survey of VPN providers, and a second evaluation of circumvention tools to complement our 2007 research.
The Citizen Media Law Project (CMLP) works to ensure that individuals and organizations involved in online journalism and digital media have access to the legal resources, education, and help that they need to thrive. The CMLP, which launched in May 2007, focuses its work 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 Knight Foundation, Harnisch Foundation, and Philip L. Graham Fund, Fellows David Ardia, Sam Bayard, and Kimberley Isbell and public interest staff attorney Helen Fu have accomplished a great deal this year, including:

Launched the Online Media Legal Network: [See above, under Law Reform, Impact, and Advocacy].

Organized a Media Law Conference at Harvard Law School: CMLP and the Cyberlaw Clinic organized and hosted a one-day symposium and CLE program on April 9, 2010, entitled “Journalism’s Digital Transition: Unique Legal Challenges and Opportunities.” The event celebrated the launch of the OMLN and addressed some of the most pressing legal issues facing online media. More than one hundred people attended the conference, which brought together a mix of lawyers, academics, journalists, and students.

Published and Updated the Project’s Legal Guide Materials: CMLP continued to publish legal guide materials on a range of topics relevant to citizen media creators and other online publishers. This included publishing a guide addressing the legal protections for anonymous and pseudonymous speech on the Internet; a guide to live-blogging and tweeting from court; a guide to finding and evaluating media liability insurance; and a guide to publishing product and service endorsements that examined the Federal Trade Commission’s controversial “Guides Concerning the Use of Endorsements and Testimonials in Advertising” which took effect on December 1, 2009. CMLP updated its legal guide materials on Section 230 of the Communications Decency Act and its legal guide sections on state laws regulating recording activities at polling places. CMLP also maintained an active blog, written by CMLP staff and outside contributors, that addresses legal and other developments affecting citizen media creators and other online publishers.

Maintained the Project’s Legal Threats Database: CMLP continued to maintain its Legal Threats Database, a catalog of the growing number of lawsuits, cease-and-desist letters, and other legal challenges faced by those engaging in online speech. As of July 2010, the database contained 890 published entries from 41 states and 12 countries. 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.

Amicus Efforts: With the invaluable assistance of the Berkman Cyberlaw Clinic, CMLP helped organize media coalitions and contributed to a number of amicus briefs on topics of importance to online media in the United States Supreme Court, Federal courts of appeal, and various state courts. Topics included First Amendment protection for anonymous speech online, the application of the Massachusetts anti-SLAPP statute to members of the news media and professional bloggers, and constitutional limitations on the “hot news” misappropriation doctrine. [http://cyber.law.harvard.edu/research/citmedialaw]

Cooperation. Led by Berkman Faculty Co-Director Yochai Benkler, the 2009–2010 year was an extremely exciting one for the Berkman Cooperation group. The Cooperation Seminar featured a range of internationally known academics from economics, psychology, sociology and
evolutionary biology, including Sam Bowles, Herb Gintis, and Simon Gachter. The discussions sparked by the seminar were extremely fruitful and have led to a number of new collaborations, as well as the development of a common language for discourse across disciplines. Several new Berkman fellows participated in the meetings, helping to bridge from the work of the Cooperation group with that of the broader Berkman community. The Cooperation Seminar will continue in the fall, with a combination of old faces and new ones.

The Online Cooperation Research (OCR) component of the Project was also quite busy producing research publications on the basis of its earlier work. These efforts have (so far) culminated in a contribution to the Berkman Center Working Paper Series as well as three academic articles currently undergoing peer review. In addition, the project continued experimental efforts to utilize a distributed workforce from online labor markets to conduct observational data collection and behavioral experiments. As part of this ongoing effort, the OCR expanded its collaboration with the Law Lab through an Online Experimentation Workshop held in March, in which the project’s “Not A Number” software, created by Berkman Center developers Jason Callina and Anita Patel, made its public debut.

Industrial Cooperation Project. The Industrial Cooperation Project (ICP) is one of the tracks of the Cooperation Project and is coordinated by Berkman Fellow Carolina Rossini. Despite the growing popular and academic recognition of the importance of commons-based and peer-developed production, there is still relatively little sustained academic work that studies the scope of these phenomena. This research extends the work initially outlined in Wealth of Networks to provide a map of commons-based production and cooperative peer production today. The project began by looking at various “verticals,” or industry sectors, that had a major impact on development, such as educational materials, biological innovation around both health and food, and software and information technology. The study then mapped presently-practiced commons-based production into these verticals. The practices were not limited directly to development, because the objective is to learn about the range of feasible practices, rather than to identify direct inputs to development today. In addition to searching in development-related verticals, the study also sought to identify commons-based and peer-production practices that reflect different types cooperative production. Finally, the project explored the construction of an experimental, web-based platform for enabling participants in, and observers of, collaborative and commons-based practices to describe their own experiences and communities, and to comment on and annotate the descriptions of others.

[http://cyber.law.harvard.edu/research/cooperation]

Global Network Initiative. During 2009–2010, the Berkman Center continued to build on its long engagement with the Global Network Initiative (GNI) in cooperation with technology companies, investors, academics, and rights groups. Over the past four years, Berkman has played a lead role in this coalition in its efforts to guide companies, stakeholders, and governments in confronting the complex policy challenges arising from the globalization of ICTs. The GNI is a new form of digital institution designed to respond to increasing government efforts to force the ICT sector to engage in Internet censorship and provide access to users’ personal data. In its first year since its official launch, the GNI engaged in a number of learning activities focused on emerging issues, including intermediary liability, account deactivation, export controls, and more. In addition to leading learning calls and developing associated research aimed at deepening the GNI’s collective understanding of these issues, Berkman worked closely with other members to identify, discuss, and confront some of the key
implementation challenges raised by the complexities surrounding Internet filtering, censorship, and surveillance worldwide. As a research and learning partner to the Initiative, we are also playing a role in helping to establish the nascent organization, by participating in the hiring of our new Executive Director; engaging in a number of international outreach efforts; representing the academic constituency on the newly created GNI Board; and co-chairs the Learning and Policy Committee. We also contribute to the work of the Accountability and Governance working group. With support from the Bradley Foundation, Berkman will continue to be active in the GNI process by supporting its ongoing organizational development and learning from the GNI as an innovative digital institution that seeks to address gaps where law and policy are ill-suited. [http://cyber.law.harvard.edu/research/principles]

**Herdict Web.** The brainchild of Jonathan Zittrain, Herdict Web – a portmanteau which means “the verdict of the herd” – celebrated its public launch in February of last year. By crowdsourcing reports of Web site inaccessibility around the world, Herdict provides a real-time view of Internet filtering. Herdict receives hundreds of reports from thousands of visitors each day. Since its launch, Herdict has received reports from over 230 countries. Over the past year, Persian and Russian interfaces have been added to the original English, Chinese and Arabic sites. Users may now also report sites via Twitter and email. Recent online crackdowns in China sparked a *Newsweek* report which stated, “When China (once again) began blocking YouTube back in March over video of Tibetan protests, Herdict was among the first to know as reports came flooding in from the field.” Herdict reports also documented Internet censorship during the 2009 Iranian election and the blocking of WordPress in Guatemala. The submitted data has been cited in the *Financial Times*, the BBC, and the *Wall Street Journal*, among numerous other publications. [http://cyber.law.harvard.edu/research/herdict]

**Impact of the Internet on Russian Politics, Media, and Society.** This year, the Internet & Democracy project focused its efforts on an in-depth investigation of the role of the Internet in Russian society. This two-year study includes a number of interrelated areas of inquiry that contribute to and draw upon the Russian Internet, including the Russian blogosphere, Twitter, and the online media ecology. In addition to investigating a number of core Internet and political communication questions, a key goal for the project is to test, refine, and integrate various methodological approaches to the study of the Internet, including: 1) social network analysis; 2) textual analysis of Russian online news content and blogs with Media Cloud, a text aggregation, indexing, and analysis tool; 3) textual and link analysis of Twitter; and 4) a scientifically rigorous online survey of Russian bloggers.

The project also built and refined a number of data collection and analysis tools required for the study. These tools now have the ability to process Cyrillic text, and we are actively collecting large amounts of online news, blog, and Twitter data that will contribute to a number of research streams within the project. The team also carried out a research trip to Russia and met with leading Russian Internet companies, academics, universities, and technologists, including the Russian search giant Yandex, SUP media (which owns the largest Russian blogging platform, LiveJournal), and leading academics from the Higher School of Economics, Moscow State University, and the Carnegie Moscow Center. The project also presented its research at a number of conferences and meetings, including at Columbia University’s Harriman Institute, which had a core focus on the Russian Internet and new media last year.
The project had a number of publications, including a journal article in *New Media & Society* as well as a book chapter on the Arabic blogosphere for Georgetown University’s Center for Contemporary Arab Studies, an essay on online organizing in SAIS Review, and an Op-Ed in the *Washington Post* on the Twitter “revolution” in Iran. A set of case studies completed last year under the project on E-democracy in Switzerland, completed in partnership with St. Gallen University, were also released as a book by St. Gallen. The project plans to release a major study of the Russian blogosphere in fall 2010.

**Law Lab.** Founded in 2008, the Law Lab promotes multi-disciplinary research into legal principles and mechanisms in order to facilitate and accelerate innovation, entrepreneurship, and new forms of wealth creation. Led by Yochai Benkler, John Clippinger, Urs Gasser and Oliver Goodenough, in its first year, the Law Lab honed its mission: “to investigate and harness the varied forces – evolutionary, social, psychological, neurological, and economic – that shape the role of law and social norms as they enable cooperation, governance, and entrepreneurial innovation.” The Law Lab also conducted research in support of its broader mission to develop tools and a research platform to facilitate collaborative and evidence-based approaches to legal scholarship and entrepreneurial innovation. Such activities included analyses of the legal and governance processes involved in such entrepreneurial activities as business formation; intellectual property protection and its alternatives; working relationships; venture finance; and capital formation. In addition to research, the Law Lab developed a number of innovative tools, including pilot software for evolvable contracts and term sheets to illustrate how complex contracts can be made more transparent and fair, and an open-source Digital LLC tool that provides entrepreneurs with a platform to create “virtual LLCs” and “virtual corporations,” which can achieve full legal status and exist entirely in digital form. As part of its privacy and security track, the Law Lab is developing a user-centric framework for privacy and security of personal information. It is also working with the MIT Human Dynamics Group at the Media Lab to conduct experiments on protecting and sharing personal information in conjunction with the World Economic Forum.

A key facet of the Law Lab’s work is to leverage its academic research outputs towards fostering concrete applications for law, business, and education. This spring, the Law Lab continued with its speaker series, with presentations by Matt Dunne on “Transforming the Last Mile State,” and Nathan Eagle on “Big Data, Global Development, and Complex Social Systems,” in addition to other thought-provoking speakers. The Law Lab also hosted a special Speaker Series sub-track, “The Psychology and Economics of Trust and Honesty,” led by Fellow Judith Donath. Additional events focused on legal issues surrounding cloud computing, crowdsourcing and online dispute resolution, digital corporations, new finance models, and a meeting with policymakers regarding the National Strategy for Trusted Identities in Cyberspace. The team is also in the process of writing three chapters for a forthcoming book sponsored by Kauffman Foundation on New Rules for Growth. [http://lawlab.org]

**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. For the past year, work on Media
Cloud has focused on four fronts: building and stabilizing the core system to support indexing of over 25,000 incoming news feeds; implementing a clustering system that allows us to identify sets of news sources that publish similar content within a set period of time; readying the system for localization and deploying it to index, cluster and compare several thousand Russian-language feeds; and redesigning the system, in collaboration with graphic designer Zoe Fraade-Blanar, to be usable by media critics and end users, as well as by researchers.

The Media Cloud team has worked closely with Berkman’s Russia Project on our Russian localization and our results will be published with the Russia Project’s final report. Early results from using the system to track media in conflict areas were published in conjunction with colleagues at George Washington University and presented in July at the US Institute of Peace. In the next few weeks, the Media Cloud team will be launching beta tests of our new system with partners at Columbia Journalism Review, Public Radio International, On the Media and Studio 20 at NYU. [http://cyber.law.harvard.edu/research/mediacloud]

OpenNet Initiative (ONI), supported by the MacArthur Foundation and Google, continues to identify and document Internet filtering and surveillance. In April 2010, ONI released its second volume, entitled Access Controlled (MIT Press), a global survey of Internet filtering and content control. In addition to the book, ONI has actively produced a number of reports in the past year on, among other things, China’s Green Dam Youth Escort software, Iranian Internet filtering during the 2009 elections, and Microsoft Bing’s filtering of certain keywords on its Arabic-language platform.

An additional grant from the MacArthur Foundation supports an extension of ONI research into the area of government surveillance. The research focuses on exploring the methodological alternatives for a more systematic and rigorous study of surveillance around the world, documenting the extent of surveillance from available evidence and convening human rights activists, technologists and policy researchers to share information and contribute to the research. The project draws on several methodological approaches, including research into surveillance technologies, analysis of regulatory frameworks, the role of private actors in data acquisition and comparative mapping of national-level Internet infrastructure. [http://cyber.law.harvard.edu/research/opennet]

ProjectVRM, led by Berkman Fellow Doc Searls, has grown to become a substantial community of developers working to provide individuals with tools that provide both independence from vendor lock-in and better means for engaging with vendors on individuals’ own terms. In the current year, under a grant through PRX from the Surdna Foundation, ProjectVRM began work on two open source VRM applications: ListenLog and EmanciPay. ListenLog, the brainchild of Keith Hopper at NPR, enables listeners to track their own listening history for themselves (rather than having a station or network do the tracking), and for their own purposes. EmanciPay is a relationship management and voluntary payment framework in which buyers and sellers can present to each other the requirements and options by which they are willing to engage. ListenLog is now included with the Public Radio Player for iPhone from PRX, which has been downloaded more than 2.5 million times. EmanciPay will function first as a Firefox add-on and is being developed with additional help from a Google Summer of Code programmer and two helpful grad students at MIT CSAIL. This year, ProjectVRM also began its first research work and took steps toward becoming an independent nonprofit organization
Launched in 2003 with Fellow Jake Shapiro at the helm, the **Public Radio Exchange** (PRX) has become the premier digital clearinghouse for public radio and a leading platform for fostering the communities in which public media thrives. PRX links independent producers, local stations, and listeners, helping to surface new voices and to aggregate, promote, and rate fresh content. PRX has distributed over 50,000 pieces to stations, bringing independent radio to millions of listeners (and generating over $1M in royalties to producers). Some PRX notable accomplishments this year include: the iPhone apps for This American Life iPhone and WBUR; winning the Knight News Challenge for PRX; the PRX “Remix Radio” channel on XM 136 – a 24/7 national broadcast service showcasing best of PRX. After a long incubation at partner Station Resource Group, PRX became a MA 501(c)(3) in early 2009. PRX also continues to partner with Doc Searls and ProjectVRM on using the project to test new approaches to listener contributions to public radio. [See description above.] Jake has been an active participant in a variety of CPB and foundation-convened discussions on “public media 2.0” – a growing policy momentum towards redefining public broadcasting for the digital age. [http://www.prx.org/](http://www.prx.org/)

**StopBadware.org** (SBW) is a collaborative effort to fight back against computer viruses, spyware, and other badware. Supported by Google, PayPal, Mozilla, and other organizations, SBW emphasizes the shared responsibility of everyone – consumers, industry, and government – to do their part to responsibly prevent the spread of badware. SBW operates the Badware Website Clearinghouse, a database of badware sites reported by corporate partners and the public, and BadwareBusters.org, an online community dedicated to helping people with badware removal and prevention. In January 2010, SBW became a standalone 501(c)(3) non-profit organization. SBW continues to share space at BerkmanSquared, the Center's second office at 50 Church Street. [http://stopbadware.org/](http://stopbadware.org/)

Led by John Palfrey and Urs Gasser, the **Youth and Media project** encompasses an array of research on youth and technology. Chief among these is the **Youth and Media Policy Working Group Initiative**, which has been highly active in the previous year in releasing a number of major reports.

**The Youth and Media Policy Working Group Initiative** led by John Palfrey, danah boyd and Urs Gasser, is exploring policy issues that fall within three substantive clusters emerging from youth’s information and communication technology practices: Risky Behaviors and Online Safety; Privacy, Publicity and Reputation; and Youth Created Content and Information Quality. The Initiative held a series of workshops throughout the year to outline a set of publications to inform policymaking around youth and digital media. The first was held in October, 2009, and focused on privacy and information quality. The second, held in January, 2009, was led by danah boyd, and brought together researchers and practitioners to examine how policy can serve as a vehicle for making change with respect to online safety and risky youth behavior. In April 2010, the initiative held its third workshop, which consisted of two sessions, with John Palfrey first leading a discussion of privacy, and Urs Gasser then leading a discussion about information quality, including presenting a draft of the Information Quality literature review for feedback. [For more, see Publications and Events sections below.](http://cyber.law.harvard.edu/digitalnatives/policy)
Also part of the Youth and Media project is the Digital Natives project, the extension of the acclaimed book *Born Digital: Understanding the First Generation of Digital Natives* by Palfrey and Gasser. Along with publication of translations of the work in 4 languages (with versions in 6 more languages forthcoming) and a paperback version, summer interns are producing a new series of videos exploring the themes and issues of the book.

Lastly, there is the Creative Rights project, which came out of the extensive research behind *Born Digital* that demonstrated the need for a sensible copyright curriculum. This project has developed such a curriculum and is in the process of implementing the curriculum in a web space that is easy for teachers to use.

### 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 committed the majority of their research efforts to Center-wide initiatives, many also pursued independent projects during their fellowship term. A few examples include:

**David Abrams** has been working with Professor Jack Goldsmith, Berkman’s Caroline Nolan, and several summer interns to create a comprehensive bibliographic wiki of Cybersecurity references. He has also contributed to the Citizen Media Law Project and Chilling Effects blogs, examining automated DMCA takedowns, Google’s February “blogicide,” and recent court decisions on DMCA and copyright infringement. Last winter, David shepherded the first-year class of Harvard Law School students through the new Problem Solving Workshop in his alternate role as Program Director of that course.

In addition to overseeing the work of the Citizen Media Law Project and Online Media Legal Network, **David Ardia** completed a two-year study of intermediary liability under section 230 of the Communications Decency Act. In the thirteen years since its enactment, Section 230 has become one of the most important statutes in the regulation of online speech. The article, entitled “Free Speech Savior or Shield for Scoundrels: An Empirical Study of Intermediary Immunity Under Section 230 of the Communications Decency Act,” was published in early 2010 in the *Loyola of Los Angeles Law Review* and is on several top ten lists for downloads on SSRN. David also published an article examining the tort of defamation in the *Harvard Civil Rights-Civil Liberties Law Review*. The article, entitled “Reputation in a Networked World: Revisiting the Social Foundations of Defamation Law,” argues that defamation law suffers from significant doctrinal and practical limitations that preclude it from achieving its goal of protecting reputation. It suggests that we should take as our touchstone that reputation is a societal interest and devise remedies that leverage the power of communities to deal with reputational harm. In March, David was invited to speak at a *BYU Law Review* symposium on *The Emerging Complexities of Government Speech*, where he presented his work in progress titled “Government Speech and Online Forums: First Amendment Limitations on Facilitating and Moderating Public Discourse on Government Websites.” The paper examines the role that government can play, consistent with the First Amendment, in providing online platforms for speech that are conducive to robust discourse and civic engagement.

**Fernando Bermejo** came to Berkman planning to do research on online advertising. During 2009-2010, he presented, together with co-author David Parkes, a paper titled “The Control
Revolution and the Rationalization of Feedback Loops in Online Advertising” at the Association of Internet Researchers (AoIR) conference in Milwaukee. Fernando also joined the writing group at Berkman, which was very helpful in writing a book chapter entitled “Counting, and Accounting for, Online Audiences” (Blackwell, forthcoming). He also wrote a chapter (“The Evolution of Audience Labor”) for a forthcoming book on history and new media to be published by Peter Lang and started a blog (“Mossing”). He gave a talk at the Berkman lunch series under the title “Mapping Online Advertising: From Anxiety to Method.” He also presented at the Cyberscholars Group on the topic of online measurement (“How do we know what we know about the Internet”) and at the Berkman Infrastructure Group (“Infrastructure as Condition, Possibility, and Waste”). He was also invited to speak at MIT’s Convergence Culture Consortium (C3) webinar on online advertising. Besides putting on paper all he has learned throughout the year on the issue of online advertising, he is working on two additional projects that grew out of Berkman’s fertile soil: a wiki that aims at hosting the most complete directory of data sources on and about the Internet, and an examination of Jonathan Zittrain’s idea of generativity from the point of view of communication theory.

Fellow danah boyd of Microsoft Research, published five academic papers this year, with seven more forthcoming, on topics such as the role of race and class in youth social network adoption and group polarization on Twitter. boyd contributed to public debates on privacy, inequality, “sexting,” and other safety concerns, and youth engagement with ICTs more broadly, through her blogging, academic, and other writings, and huge number of conference and other talks, not to mention comments in the media on relevant issues. At the Berkman Center, boyd led the safety track of the Youth and Media Policy Working Group Initiative [See Ongoing Projects, above.].

John H. Clippinger is completing several writing projects, finishing a chapter on reputations systems to be published in “The Reputation Society: How Online Opinions are Reshaping the Offline World” (MIT Press, 2011), and finalizing a chapter on New Rules for Privacy for a Kauffman Foundation-sponsored book entitled Rules for Growth. He is also working on an edited book project on innovations in open governance, and has completed a research project, “Evolvable Contracts,” to develop a prototype program use a symbolic programming language and genetic algorithms to model and evolve the terms of contracts. He continues to work on developing the Open Governance Platform architecture, which is aimed at protecting and sharing personal information on mobile platforms. The project is a collaboration with the MIT Human Dynamics Group and the World Economic Forum. Clippinger was nominated as a Global Thought Leader for the WEF Telecom Council and was made Co-Chair of the Open Identity Exchange Advisory Council. He is working to set up and participate in the WEF conference in Dar Es Salaam on mobile media and teaming with Tim O’Reilly on the Governance 2.0 Summit and Law Lab workshop. He is also collaborating with TechStars and other entrepreneurial accelerator networks to create a new pact for companies for the adoption of new open sources approaches to protecting and sharing person information.

Judith Donath worked on her book Designing Sociable Media with the invaluable assistance of the Berkman Book Group. The book examines how interface design shapes online social interaction, and covers many themes that are central to the Berkman community, including our understanding of public space and privacy, identity construction, and fostering constructive
online discussion. She also continued her work on signaling theory (understanding the economics of honesty in human communication). Judith organized a Berkman Law Lab speaker series (with archived talks, commentary, and online discussion) on “The Psychology and Economics of Trust and Honesty;” she also gave numerous talks on subjects including data portraits, signaling theory, information fashion, free culture, gender and technology, and discussion space design. With Gilad Lotan and Martin Wattenberg, she was commissioned by the Boston Book Festival to create an installation for their event. The resulting work, “The Future of the Book,” – a piece about mutability of published works as the physical book gives way to the electronic – is on display from April through August 2010 at UC Berkeley. Judith was also on the faculty of the European Summer School on Signaling Theory.

Herkko Hietanen wrote three papers which he presented in conferences. The first paper examined the legal issues of recording television with networked digital video recorders. The paper was presented at IEEE’s CCNC conference in January 2010. The second examined the challenges and opportunities of online video advertising and the changing dynamics of television advertising; it was presented at the ACM’s EuroITV conference in Finland 2010. The third paper analyzed an incident where NBC Universal used one of Berkman Center’s fellow’s images in their Olympic broadcast and examined how media companies should set up policies for licensing content from amateurs. The paper will be presented at 10th Annual Intellectual Property Scholars Conference at UC Berkeley. In addition, Herkko also mentored a Google Summer of Code project called AudioImager. The software, which was coded by a student in Finland, is a tool for amateur video makers who want to tell stories by using open content images. The AudioImager paper will be submitted to the ACM’s CHI 2011 conference and Herkko will present the software at the 2010 Open Video Conference. He also coordinated a Harvard-MIT-Yale Cyberscholars working group, which met seven times during the academic year and had lively discussions with presenters from each university.

Jason Kaufman had a productive year at the Berkman Center. His central focus has been completing the second and final year of an NSF grant to study social networks using Facebook data. Along with Kevin Lewis, he submitted a paper this May to a major sociology journal, the American Sociological Review, and along with colleagues Kevin and Andreas Wimmer, had another related paper accepted at an equally prestigious journal, the American Journal of Sociology. The researchers also made important new steps toward getting our data released to qualified social scientists, including several meetings with Berkman affiliates in the Computer Science department, and are now completing analyses for a new Facebook paper to be submitted to the journal Science. In addition, Kaufman gave an address on “Alexis de Tocqueville and the Mysteries of American Civil Society” at Sciences Po in Paris last January. He is also close to finishing a third (and hopefully final) draft of a historical novel about New York City during the Civil War. In the upcoming year, Kaufman hopes to complete publication of the major findings of the Facebook study, as well as complete an abbreviated “data release” of the social networks data derived there from.

Miriam Meckel focused on three related topics during the year: 1) She worked on a new book about serendipity and the digitalization of human life which made significant progress and was further inspired by many discussions with other Berkman staff and fellows. 2) Miriam published a series of articles for magazines and newspapers on the transformation of media and journalism
through the internet and social networks. 3) She has intensified her research on Social Media Journalism, a topic on which she produced two journal articles currently under review and gave a Berkman luncheon talk. Miriam participated in several Berkman workshops and traveled quite a few times to give talks on her fields of research and interest.

David Rand completed his first year as a post-doctoral fellow at Harvard. He continued his work exploring the dangers associated with punishment as a means for enforcing cooperation, publishing papers in Science and the Journal of Theoretical Biology. He also helped the behavioral research community take a significant step into the world of online experimentation, co-authoring a paper about incentivized online experiments (published as an NBER working paper), and hosting a Berkman workshop on using Amazon Mechanical Turk as an experimental platform. David also co-authored a paper on the social contagion of emotions across social networks, published in the Proceedings of the Royal Society B, which was featured by Wired and the Los Angeles Times, among other media outlets. Next year David plans to continue his work on cooperation, launching a wide range of online experiments, and hosting another year of Berkman's Cooperation Group seminar.

Christian Sandvig co-founded and ran “Infrastructure Group” [For more information, see Events, below]. He also spent a year with the Berkman Book Group making progress on his book manuscript on Internet Infrastructure. Christian gave several invited talks this year, including invited lectures at the University of Michigan, Oxford, Yale, and MIT. He wrote and presented papers at the annual meetings of the International Communication Association, the Conference of Information Schools, and the Association for the Social Studies of Science. His new research findings appeared this year in American Behavioral Scientist, the edited collection Enabling Communities in the Information Age, Research Confidential (a collection edited by Berkman Fellow Eszter Hargittai), and his writing on wireless broadband will appear in the forthcoming collection Race After the Internet with Berkman Fellows Eszter Hargittai and danah boyd. One of his earlier research articles was translated into Portuguese and appeared in Revista de Direito, Estado e Telecomunicações. He continued work on an empirical research project previously funded by the National Science Foundation on decentralized wireless communication systems, and formulated a new research project on audience measurement with Berkman Fellow Fernando Bermejo; as part of this project, he spoke at Berkman on a new stream of research about video distribution infrastructure on the Internet (including iPlayer, YouTube, Hulu, and the like). His work on infrastructure received a number of media mentions this year, including mention in the New York Times. Sandvig also began blogging on technology for The Huffington Post.

Jeffrey Schnapp continued his work on several scholarly and curatorial endeavors built on a browser-native 3D technology platform being developed out of his lab at Stanford, among them a project on the fashion history museum of the future. The platform in question also served as the basis for two multi-sited Mixed Reality Performance concerts performed live in Milan, Italy at the MiTo International Music Festival in September 2009. During 2009–2010, he led a pair of experimental research/design seminars at the Harvard Graduate School of Design: one on the material culture of the era of industry (with a final exhibition of student projects, entitled The Thing Tank, held at Gund Hall); another on the history of immersive environments, from panoramas to digital caves. His Trento Tunnels project, a repurposing of two abandoned superhighway tunnels in the northern Italian city of Trent as a regional history museum (with
digital supports including a teaching island in Second Life), received the *Italian Oxygen* innovative design prize from the review *Abitare* at the 2010 Milan International Furniture Fair and was selected for inclusion in the Italian Pavilion of the 2010 Venice Biennial. Among his publications during the current year were essays on mathematics in/and early 20th century experimental poetry and the sense of touch in medieval culture and science. Thanks to his year at the Center, Schnapp is developing a collaboration with Berkman fellow Dave Rand around a game/WWW/television documentary project on the themes of emergence and cooperation. Last but not least, he served as keynote at the first Harvard Digital Summit, held at Harvard Business School in early June 2010, where he presented a talk on “Shapes and Sites of Knowledge in a Print Plus Age.”

**Wendy Seltzer** focused her scholarship on intellectual property, openness, and innovation, publishing two articles on digital copyright: the first, “Free Speech Unmoored in Copyright's Safe Harbor: Chilling Effects of the DMCA on the First Amendment” (24 *Harvard J. of Law and Tech.*), uses data from the Chilling Effects Clearinghouse to assess the speech impact of copyright pressures on Internet intermediaries; the second, “The Imperfect Is the Enemy of the Good: Anticircumvention versus Open User Innovation” (25 *Berkeley Tech. L.J.*), offers a new critique of anticircumvention law based in its foreclosure of open source development and user innovation. This past year, she worked with the Silicon Flatirons Center for Law, Technology, and Entrepreneurship at the University of Colorado Law School, continued to lead the Chilling Effects Clearinghouse, and spoke at numerous conferences and workshops. She is currently writing on software patents, exploring how the incentives motivating patent law fail to match the reality of software development and business. Next year, Wendy will be based at Princeton’s Center for Information Technology Policy, studying definitions of “openness” at the intersection of technology, law, economics, and policy.

**Peter Suber** spent the year working for open access (OA), or free online access, to science and scholarship. He worked with Harvard’s Office for Scholarly Communication to establish OA policies at the schools that did not already have them, including the Business School, Medical School, and Divinity School. He worked with the Berkman technology team, especially Dan Collis-Puro, to enhance an open-source social tagging system for the purposes of the OA Tracking Project, a real-time alert service for new OA developments. He and Robin Peek from Simmons College refined and enlarged the Open Access Directory, a wiki-based encyclopedia of OA they co-founded in 2008. He’s putting the finishing touches on a collection of his essays on OA, which should appear from MIT Press in 2011. One highlight of the year was a set of talks in Iceland with the Ministry of Education, Science, and Culture, and all the country’s universities, on policies to ensure OA for Iceland’s national research output. Through the year he continued to write the monthly SPARC Open Access Newsletter and consulted pro bono with OA projects around the world, such as universities and foundations developing OA policies, publishers converting to OA for journals or books, organizations thinking about launching OA repositories, conference organizers with sessions on OA, and individual researchers and journalists writing about OA.

This past year, as part of his work developing and advocating for “A NATO for Cyberspace,” **Professor Jonathan Zittrain** published an article in *Fordham Law Review* entitled “The Fourth Quadrant,” which advances a way of thinking about responses to cybersecurity threats that do
not depend on government regulation or corporate intervention. In the arena of human computing, he continues to explore the idea of “Minds for Sale” (essayed as an Alumni Association lecture, as well as at the Berkman Center’s West Coast reception; see Events, below), with a future book intended. On one teaching front, he has organized a project, with Berkman staff and former students, called “Hack the Casebook,” in an effort to create a fully-accessible online torts casebook. Professor Zittrain’s other teaching, publication, and intellectual leadership contributions are represented throughout this report.

4. Publications

This year saw the publication of *Access Controlled: The Shaping of Power, Rights, and Rule in Cyberspace*, a substantially updated and revised continuation of the themes first investigated in *Access Denied: The Practice and Policy of Global Internet Filtering* (2008). *Access Controlled* consists of an anthology of essays on the theory and practice of Internet censorship and surveillance from Berkman Center Faculty Co-Director John Palfrey, OpenNet Initiative Co-Principal Investigators Ronald Deibert and Rafal Rohozinski, Berkman Managing Director Colin MacLay, Berkman Fellows Hal Roberts and Ethan Zuckerman, and Nart Villeneuve, CTO of Psiphon, Inc., and the Psiphon Research Fellow at the Citizen Lab at the Munk Centre for International Studies at the University of Toronto. The book also surveys Internet censorship and surveillance practices in regions and individual countries throughout the world. Its editors are Ronald Deibert, John Palfrey, Rafal Rohozinski, and Berkman Faculty Co-Director Jonathan Zittrain.

In addition to *Access Controlled*, the Youth and Media project produced a range of publications, including:

- **Youth, Privacy, and Reputation**: This extensive literature review, authored by Faculty Co-Director John Palfrey, NYU doctoral student Alice E. Marwick, and Harvard Law School student Diego Murgia-Diaz, investigated what is currently understood about youth, reputation, and privacy online.

- **Working Towards a Deeper Understanding of Digital Safety for Children and Young People in Developing Nations**: In collaboration with UNICEF, this exploratory study, by Executive Director Urs Gasser, Managing Director Colin Maclay, and Faculty Co-Director John Palfrey, contributes to a deeper understanding of the issues facing online child safety in developing nations.

- **Response to FCC Notice of Inquiry 09-94 “Empowering Parents and Protecting Children in an Evolving Media Landscape”**: This response to the FCC’s Notice of Inquiry, authored by Executive Director Urs Gasser, Faculty Co-Director John Palfrey, and fellow danah boyd, synthesizes current research and data on the media practices of youth, focusing on three main areas: (1) risky behaviors and online safety, (2) privacy, publicity, and reputation, and (3) information dissemination, youth-created content, and quality of information.

- **How the COPPA, as Implemented, is Misinterpreted by the Public: A Research Perspective**: Statement to the United States Senate, Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation, by danah boyd, Urs Gasser, and John Palfrey
• **Sexting: Youth Practices and Legal Implications**: As a project of the Cyberlaw Clinic and the Youth and Media Policy Working Group Initiative, this study addresses legal and practical issues related to the practice colloquially known as sexting. Its authors were Fellow Dena Sacco, Rebecca Argudin, James Maguire, and Kelly Tallon.

The **Publius Project** has continued to bring together a distinguished collection of Internet observers, scholars, innovators, entrepreneurs, activists, technologists and still other experts to write short essays, to foster an on-going public dialogue, and to create a durable record of how the rules of cyberspace are being formed, potentially impacting their future incarnation. This year’s highlights included a series of essays focused on ICTs in the developing world. Another series focused on youth online safety, published through the **Youth and Media Policy Working Group Initiative**.

This year’s other publications included:

• Professor Yochai Benkler and fellow Aaron Shaw co-authored **A Tale of Two Blogospheres: Discursive Practices on the Left and Right**, comparing the practices of discursive production and participation among top U.S. political blogs, discovering that sites on the left of the political spectrum adopt more participatory technical platforms; are comprised of significantly fewer sole-authored sites; include user blogs; maintain more fluid boundaries between secondary and primary content; include longer narrative and discussion posts; and (among the top half of the blogs in the sample) more often use blogs as platforms for mobilization as well as discursive production.

• **Next Generation Connectivity: A Review of Broadband Internet Transitions and Policy from Around the World**: At the FCC’s request, the Berkman Center conducted an independent expert review of existing literature and studies about broadband deployment and usage throughout the world. This widely publicized final report, authored by Executive Director Urs Gasser, Faculty Co-Director Yochai Benkler, Research Director Rob Faris, Fellow Stephen Schultz, and Project Manager Laura Miyakawa, has played a vital role in informing the FCC’s efforts in developing the National Broadband Plan.

• In collaboration with the William and Flora Hewlett Foundation, the Ford Foundation, and the Open Society Institute, Clinical Professor **Phil Malone** produced **An Evaluation of Private Foundation Copyright Licensing Policies, Practices and Opportunities**, an examination of the copyright licensing policies and practices of a group of twelve private foundations.

And the Berkman Center’s series with the Social Science Research Network was brought up to date this year, featuring many of the publications above and two new papers by **Professor John Palfrey**, as well as papers by fellow **Carolina Rossini** and senior researcher **Wendy Seltzer**.[http://papers.ssrn.com/sol3/JELJOUR_Results.cfm?form_name=Pip_jrl&journal_id=411981]

**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 a research community or wider audience for their general success. Since 2007-2008, our communications team has developed 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. That approach was put to the test during the 2009-2010 year, as major outbound **research and resource releases**, such as the Center’s broadband report for the FCC and Copyright for Librarians curriculum, were balanced against routine, periodic tasks like newsletter production, with one less team member than in the previous two years.

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**, particularly when events in the news intersect with our research areas, e.g., most recently, tensions between Research in Motion and foreign governments and the Wikileaks Afghanistan Diary. In the past 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*, 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 5 million per year. The weekly *Berkman Buzz* has grown to more than 8,000 subscribers. Our list for outgoing research has grown from 6,000 to over 7,400. 6,800+ people receive the Center’s weekly *Events and Digital Media Roundup*. Berkman’s employment, special events, and *Filter* newsletter mailing lists have also continued to gain subscribers. In addition, Berkman maintains substantial beachheads in platforms such as Facebook, YouTube, and Twitter, the latter having served as a key amplifier over the last year.

Berkman’s **digital media** outputs have been attracting more and more followers, and improved in quality and strategic focus. The addition of a new high quality camera in the Berkman conference room has resulted in a dramatic improvement in the quality of the webcasts and archives from our popular Tuesday lunch 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, the Center produced several unique video packages, including reports back from the Law Lab’s Gov 2.0 conference, scholarly discussions for the HASTAC conference, and Video News Releases and product screencasts for the Digital LLC project. The communications team has focused on a strategy of synthesizing and summarizing conversations happening within the Center, to better communicate the work of projects to their audiences and continue the threads of conversation outside of the walls of the Center.

Berkman Fellow David Weinberger and digital media producer Daniel Jones brought **Radio Berkman** into its second year with 32 brand new episodes. The weekly radio-style podcast features highly produced interviews with Center researchers, visitors, and affiliates on timely and provocative topics. The show has seen an increase in audience from an average of 200 weekly listeners to an average of 600. Many episodes had audiences in the thousands; interviews with Cory Doctorow, Susan Crawford, Michael Slaby, and Carl Malamud were heard more than one
thousand times very shortly after their release, and were buzzed about and shared heavily over
social networks and blogs. Following this experience the communications team plans to be even
more aggressive with Radio Berkman in the coming year, pursuing a larger audience and
collaborations with new media partners.

Our digital media stream is syndicated through the MediaBerkman blog, iTunes, Odeo, PRX,
and further distributed through YouTube, ikbis, DotSub, and Vimeo; it is frequently
resyndicated, embedded by third parties, and widely linked to by outlets such as the online
technology journal Ars Technica. Over 500 Berkman media pieces are available online.

E. Conferences and Events

Through discussions, lectures, conferences, workshops, and other gatherings, the Berkman
Center convenes diverse groups around a wide range of topics examining 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, such 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 eight 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, talking about a hard problem 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 made available as a podcast series. Each week, the luncheon
reaches about 40 people in-person, in addition to many others who follow live online, and still
others who tune in asynchronously. Many important projects and scholarly works have been
vetted – and impacted – early in their trajectory at the Berkman Luncheon Series. This year’s
luncheons featured:

- **Vivek Wadhwa**, a senior research associate with the Labor and Worklife program at
  Harvard Law School and an executive in residence/adjunct professor at the Pratt School
  of Engineering at Duke University, discussed his research on the backgrounds and
  motivations of successful entrepreneurs, as well as the barriers to success, with emphasis
  on the success of Indians in Silicon Valley and the dearth of women and minorities.
- **Lisa Nakamura**, Director of the Asian American Studies Program, Professor in the
  Institute of Communication Research and Media Studies Program, and Professor of Asian
  American Studies at the University of Illinois, Urbana Champaign, presented her work on
  racist “griefing” in online gaming, racial discourse in the U.S., and digital games as a
  public sphere.
• **Luis von Ahn**, Professor in the Computer Science Department at Carnegie Mellon University, discussed his research on collective computation, focusing ways of harnessing human time and energy to solve large-scale computational problems and to teach basic human talents to computers.

• **Michael Slaby**, entrepreneur and former Chief Technology Officer for Obama for America, discussed the roles of technology, values, and tactics in Barack Obama’s 2008 Presidential campaign, focusing on the lessons learned and the implications for future online organizing.

• Pierotti Chair in Italian and Comparative Literature at Stanford and Berkman Center Fellow **Jeffrey Schnapp** presented his idea of the “augmented museum,” discussing digital era re-imaginings of the role and function of museums.

• **Julie Cohen**, Berkman Center fellow and visiting professor at Harvard Law School, presented a chapter from her forthcoming book, which explores the effects of expanding copyright, pervasive surveillance, and the increasingly opaque design of network architectures in the emerging networks information society.

• **Sam Bowles**, a Research Professor at the Santa Fe Institute and a Professor of Economics at the University of Siena, explored the future of intellectual property rights in an economy in which the substance of wealth—information, ideas, and network connections—cannot be measured, weighed, or fenced in.

• **Ellen Goodman**, Professor at Rutgers University School of Law at Camden, and **Jake Shapiro**, CEO of The Public Radio Exchange, discussed the opportunities and challenges facing public media in the twenty-first century.

• The creators of **Mapping Main Street** presented their ambitious project to develop a collaborative, multimedia documentary of the more than 10,000 streets named Main in the U.S.

• **Calestous Juma**, Professor of the Practice of International Development and the Director of the Science, Technology, and Globalization project at Harvard’s Kennedy School of Government, discussed Seacom’s new fiber optic cable in eastern Africa and explored the policy implications facing African countries arising from the introduction of broadband Internet.

• **Alexander Macgillivray**, then–Deputy General Counsel for Products and Intellectual Property at Google (and current General Counsel for Twitter), presented an overview of the Google Books Search settlement.

**Web of Ideas.** Led by Fellow **David Weinberger**, Web of Ideas is a discussion series that examines the effect of the web on how we understand ourselves and our shared worlds. This year’s highlights included a talk from David himself, titled “What Information Was,” in which he discussed the definition of “information” in both a technical and a cultural sense and how it came to be embraced as the paradigmatic way of understanding ourselves and our world. Another highlight included a public discussion with **John Hagel, III**, co-author of the *Power of Pull*, which explores the force the authors call “pull” and its implications for the dynamics of business and society.

**Harvard-MIT-Yale 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. Members discuss research and papers in progress. Some of this year’s discussions included:

- **Jeffrey Warren** of MIT presented the Grassroots Mapping Project and Cartagen, a set of tools for real-time mapping.
- Berkman Fellow **Christian Sandvig** examined the value of looking beyond best practices in ICT design to instances of “strange practices,” where anomalous designs can be just as instructive as commonality.
- Berkman Fellow **Fernando Bermejo**, Yale’s **Christopher Wong**, and MIT’s **Andrés Monroy-Hernández** discussed the state of online measurement, the Open Patent Project, and lessons about remixing and communities of cooperation.
- Berkman Fellow **Donnie Hao Dong**, Yale’s **David Singh Grewal**, and Berkman Research Assistant **Mackenzie Cowell** discussed the justification of copyright protections in China, the intersection of “free culture” and biotechnology, and do-it-yourself biotechnology.
- Rasmus Klies Nielsen, a Ph.D. candidate at Columbia, moderated a forum at Yale to debate Matthew Hindman’s claim that digital democracy is a myth.

**Center for Research on Computation and Society.** This was the inaugural year of a joint Fellowship Program between the Berkman Center and the Center for Research on Computation and Society (CRCS) at the School for Engineering and Applied Sciences. The relationship between the two was strengthened by cross-promoted and -attended events, and a co-sponsored talk, by Yorik Wilks of the Oxford Internet Institute. CRCS mounted a number of luncheon talks on work being done by their fellows, such as Tal Moran on “phish-market protocol,” Tyler Moore on “typosquatting,” and Ian Kash on “monetary policy for script systems.”

**Infrastructure Group.** This year Christian Sandvig and Doc Searls co-founded the **Infrastructure Group**, a project intended to bring together researchers and practitioners across fields in the Cambridge area to consider the Internet as networked infrastructure. The group’s goal is to advance “infrastructural thinking” about the Internet while also systematically comparing the Internet to other infrastructural systems. The group attracted participants from industry, the humanities, social sciences, and professional schools at Harvard, MIT, Tufts, Suffolk University, and Brown. Over the year we hosted 12 open talks that considered the Internet and transport, electricity, lighting, waste, science, education, and economic development. We also developed an shared online (Zotero) bibliography of “Internet Infrastructure Studies,” launched a shared blog (“Trunk Line”), and developed a database of infrastructural comparisons, to be online next year. [http://cyber.law.harvard.edu/infra/].

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:

- **ICT and Civic Engagement in Nigeria:** In partnership with the Georgia Institute of Technology, the Digital Bridge Institute, and the National Democratic Institute for
International Affairs, the Berkman Center hosted a symposium in Abuja, Nigeria on the role and uses of Information Communication Technologies (ICTs) in civic engagement, with particular attention paid to the upcoming Nigerian Presidential elections in 2011.

- **University and Cyberspace: Reshaping Knowledge Institutions for the Networked Age**: This three-day conference, co-convened with the Nexa Center at Politecnino di Torino, explored the evolving role of the university in the context of a rapidly changing information society. [http://cyber.law.harvard.edu/events/2010/06/communia](http://cyber.law.harvard.edu/events/2010/06/communia)

- **Law.gov**: In collaboration with the Harvard Law School Library, the Berkman Center hosted a two-day workshop to discuss Law.gov, an initiative to improve access to primary legal materials at the federal, state, and local levels. Professors John Palfrey and Lawrence Lessig and Fellow Phil Malone, as well as representatives from the Law Library and the Massachusetts legal community, explored the challenges and opportunities facing public access to legal information.

- **The FCC’s Authority Over Broadband Access**: With the Wharton School at the University of Pennsylvania, the Berkman Center hosted a conference in Washington, D.C. to consider the implications of the FCC’s decision to opt for a “third way” in asserting its jurisdiction to implement policy for broadband service to U.S. homes.

- **Taming Multiplicity in the Post-Print Era: Law Librarians, Legal Scholarship, and Access to the Law**: The Berkman Center, with the Harvard Law School Library and the Office for Scholarly Communication, hosted a discussion on open access to legal scholarship with Richard A. Danner, Senior Associate Dean for Information Services and Archibald C. and Frances Fulk Rufty Research Professor Of Law at Duke Law School.

- **Building a More Diverse and Inclusive Legal Profession: A Call to Action**: With the Harvard Law Program on the Legal Profession, the Berkman Center hosted a public forum with Brad Smith, General Counsel at Microsoft, to discuss the challenges surrounding diversity in the legal profession, with recommendations for practical next steps at law firms and companies.

- **Digital Governance – From the State House to the White House**: With the Harvard Institute of Politics, the Berkman Center co-sponsored a panel discussion on digital governance with Aneesh Chopra, United States CTO, Ann Margulies, CIO of the Commonwealth of Massachusetts, and Teri Takai, CIO of the State of California, with Jerry Mechling, Lecturer in Public Policy at the Harvard Kennedy School, serving as moderator.

- **Free Culture Research Workshop**: Building on the enthusiasm generated by the First Interdisciplinary Research Workshop on Free Culture, which took place during the 2008 iSummit in Sapporo, Japan, this workshop presented an opportunity for scholars whose work contributes to the promotion, study, or criticism of an emerging Free Culture to engage with a multidisciplinary group of academic peers and practitioners. The workshop facilitated the development of a shared Free Culture research agenda and fostered a set of practical next steps in academic output and policy recommendations.

- **Wireside Chat with Lawrence Lessig: Fair Use, Politics, and Online Video**: Co-organized with the Open Video Alliance, the Berkman Center hosted a talk by Law Professor Lawrence Lessig on fair use and politics in online video, with organized screenings of the talk happening in multiple locations simultaneously worldwide.
• **Berkman Center West Celebration featuring Jonathan Zittrain on “Minds for Sale”:** Law Professor and Berkman Center Faculty Co-director Jonathan Zittrain delivered a talk on cloud computing and emerging applications that make human brainpower purchasable, fungible, and abundant.

• **Communication and Human Development: The Freedom Connection?:** During the International Development Research Centre’s second Harvard Forum, Nobel Laureates Amartya Sen and Michael Spence joined leading Information and Communication Technology (ICT) experts Yochai Benkler, a Berkman Faculty Co-director, and Clotilde Fonseca, Founding Director of the Costa Rican Program of Education in a public discussion of the role of communication and ICTs in human development, growth and poverty reduction. Berkman Faculty Associate Michael Best moderated the panel.

• **Transforming Scholarly Communication: Lee Dirks**, Director of Education and Scholarly Communications at Microsoft External Research, discussed the application of semantic computing technologies to the challenges confronting scholarly research and the global academic community.

• **Google Books Search Settlement Open Workshop: Alternative Approaches to Open Digital Libraries:** This day-long workshop on the Google Books Search Settlement emphasized the idea of possible alternative universes for digital libraries, and specific proposals for scenarios that may arise whether or not the Google settlement is approved.

### 3. Project Events

A number of Berkman projects used events to connect with other researchers and to share and develop their work. Some examples include:

*ProjectVRM*, led by Fellow Doc Searls, hosted a two-day workshop structured on the unconference model. The workshop included a panel on user control of data, moderated by Doc Sears, featuring Ben Rubin, Founder and CTO of Zeo, Adriana Lukas, creator of the Mine! Project, Tim Hwang, founder of the Web Ecology Project, and Keith Hopper, creator of ListenLog.

The *Citizen Media Law Project* and the *Cyberlaw Clinic* hosted a symposium to celebrate the launch of the Online Media Legal Network, and to explore the challenges facing journalism in its digital transition.

The *Law Lab* held a regular, public speaker series, focusing specifically on the psychology and economics of trust and honesty. Some highlights from this year’s speaker series include:

- **Jeff Hancock**, deception [http://cyber.law.harvard.edu/events/lawlab/2010/04/hancock](http://cyber.law.harvard.edu/events/lawlab/2010/04/hancock)
- **Matt Dunne**, Vermont gubernatorial candidate [http://cyber.law.harvard.edu/events/lawlab/2010/03/dunne](http://cyber.law.harvard.edu/events/lawlab/2010/03/dunne)
- **Lesley Zebrowitz**, physiognomy and judicial decisions [http://cyber.law.harvard.edu/events/lawlab/2010/02/zebrowitz](http://cyber.law.harvard.edu/events/lawlab/2010/02/zebrowitz)
• Richard Sosis, signaling theory and the evolution of religion
  http://cyber.law.harvard.edu/events/lawlab/2010/02/sosis
• Joel R. Reidenberg, transparent citizens and the rule of law
  http://cyber.law.harvard.edu/events/2010/02/reidenberg
• Jeremy Bailenson, transformed social interaction in virtual reality
  http://cyber.law.harvard.edu/events/lawlab/2010/01/bailenson
• Stephen M. Kosslyn, brain bases of deception
  http://cyber.law.harvard.edu/events/lawlab/2010/01/kossyl
• Marshall Van Alstyne, social efficiency of fairness
  http://cyber.law.harvard.edu/events/lawlab/2009/11/alstyne
• Nathan Eagle, big data, global development, and complex social systems

In addition to its speaker series, the Law Lab also hosted a number of workshops and conferences, including, but not limited to:

• Exploring Next Generation Governance Models: Building on the O’Reilly Gov 2.0 Summit in Washington D.C., this private workshop convened activists, academics, policymakers, and technologists to explore new opportunities to apply networked technologies to achieve more transparent, open, and effective governance at all levels of government.
• Co-convened with the Gruter Institute, New Models in Venture Finance for Innovation brought together leaders in finance and venture capital to explore how new social technologies—such as reputation systems, online dispute resolution mechanisms, and

In addition to these events, a wide-variety of internal conversations were hosted with numerous guests from diverse sectors and disciplines, including: Rey Junco, Melissa Hathaway, Aneesh Chopra, Andrew McLaughlin, Susan Crawford, Ellen Miller, Beth Noveck, and many others.

F. Technical Infrastructure Support

“The Geeks” – as the technical staff at Berkman are affectionately called – maintain the core technical infrastructure at the Berkman center. In the past year, application development has also become a geek task, with all Berkman developers joining a centralized development team. The team consists of Dan Collis-Puro, Sebastian Diaz, David Larochelle, Isaac Meister, Anita Patel, and Ed Popko. The team works tirelessly to maintain and deploy desktops and laptops around the center; maintain and deploy servers that support the external face and internal workings of the Berkman Center; develop custom software for Berkman staff, faculty, and fellows; and coordinate with external developers and technical contractors.

In addition to in-house work, the team’s knowledge of development, application integration and web services allows Berkman to innovate at the Harvard-wide level. As consultants, team members work with teams external to Berkman to help fill development gaps, model and architect new applications, and customize existing open source software (OSS) to better fit a project. As a Web service provider, the Berkman Center hosts blogs, wikis, content management systems, and custom applications for the Harvard community. As a development team, the
‘geeks’ publish their code under GPL or other OSS licenses, allowing other Harvard departments (and the broader online community) to benefit from their work.

Of the 40+ servers run by the Berkman Center (an aggregate of 90+ CPU cores and 110+ GB of RAM), two-thirds are dedicated to supporting Web applications. From these servers, clients viewed over 38.2TB of data in FY 2009, a 21% increase from FY 2008. One-third of all servers at Berkman are also virtual servers, with plans to migrate more in the future. Virtualization allows Berkman servers to be deployed and updated more quickly, preserving production system uptime and security while having the added benefit of making Berkman more “green.”
II. LOOKING AHEAD: THE BERKMAN CENTER’S FUTURE

Two years removed from becoming an interfaculty initiative, the Berkman Center has maintained focus on our stated priorities to develop and improve interdisciplinary and technologically empowered methods, deepen meaningful collaborations with other research centers near and far, and to also look inward to our own institutional development. This combination of methods, partners and capacity helps ensure that each interacts productively with the other, fostering useful iterations and integral progress.

While we have begun to become altogether too accustomed to a gloomy and uncertain financial and economic climate, it continues to temper our high hopes and great expectations for what we can realize in the coming years. The Berkman Center remains primarily dependent on soft funds, and while we invest our existing resources responsibly and constantly seek new funds and donors, our ambitions are substantially contingent on the generosity and vision of others. Nevertheless, these realities have an impact on timing rather than on actual trajectory, and we remain confident that our continued commitment to these medium term endeavors will bear fruit. In keeping with the past year, the institutional priorities for (at least) the next academic year include the following three tracks.

A. Development and refinement of interdisciplinary and technologically enabled research methods, tools and platforms

We will continue to develop, refine and diversify our interdisciplinary and technologically-enabled research methods, tools and platforms, enabling us to anticipate, evolve, experiment and teach next-generation norms, governance models, and institutions. In this context, we will test the hypothesis that the real contribution of “cyberlaw” is within the realm of new and combined methodological approaches, borrowing from various disciplines, and designed to give us a deeper understanding of online phenomena across a broad thematic spectrum.

These activities run throughout our work and are evidenced prominently in Media Cloud, Herdict Web, and ONI (and used in concert in the Russia Project). Likewise indicative are our collaborations with CRCS around trustworthy computing, privacy and security, and more. Our youth and media related activities remain at the forefront of integrating rigorous interdisciplinary research, policy analysis, and development of tools for learning and experimentation. Even as we develop our capacity to use these approaches effectively, however, we are cognizant of how much remains for us to learn.

B. Collaboration with other research centers (at Harvard, in the US and worldwide)

We seek to cultivate and sustain innovative and productive collaborations with other research centers in the field of cyberlaw and policy, at Harvard, nationally, and globally. Within this realm, we leverage our rich community of students, fellow, faculty, and alumni, integrating them with other valued colleagues. We seek to build these relationships largely from the bottom-up, and with these efforts endeavor to demonstrate the value of collaborative scholarship.
In this context, we are pursuing common projects as well as joint fellowship programs with centers in the U.S., Europe, and Asia, with the goals to transfer knowledge, connect people, and create a human network of globally active researchers. Examples include our deepening relationship with CRCS (from joint fellowships to project proposals and weekly conversations), ongoing collaboration with the Research Center for Information Law at the University of St. Gallen and the NEXA Center for Internet and Society at the Politecnico di Torino (beginning with iLaw in 2005 and most recently resulting in our conference on University and Cyberspace this past June), and our newest affiliates, Keio University in Japan (with whom we are planning an event in November on The Internet of Things, share a fellow, and are developing joint research efforts).

C. Institutional development: next generations of fellows program, staff functions, organizational communications and converged research agenda

The Berkman Center continues to evolve as an organization and is always striving to improve its efficiency and effectiveness. Never static, the Center has gone from being effectively faculty and students running a bare bones operation, to also boasting a professional staff, co-directors from across Harvard, and a large network of alumni and collaborators, who depend upon responsive and predictable systems and operations.

Guided by a joint commitment to excellence and to community, and spurred by a combination of financial pressure, personnel changes, and growth, we continue to focus on creating the newest version of the Berkman Center, in which character and mission remain constant, but capacity and sustainability improve. The practical implications are diverse. For the fellowship program, this means ongoing changes to activities and mode of participation, although more fundamentally, it means that we are committed to increasing and leveraging diversity. We have also streamlined and re-organized many staff functions, leading us to function more as a networked organization, but also ensuring that the underlying systems are in place to support this approach. As we have grown and communications have become more important, voluminous and complex, we are constantly adapting, determining where we can expend less effort, and how we can better manage the flow.

These efforts, and indeed those of the previous tracks, are co-extensive with our research agenda and outputs, with each informing, influencing and impacting the other. So even as we fine-tune the platform that is the Berkman Center, we do so iteratively with our object of study. Our agenda remains as ambitious as ever, but also more organized and complementary than it has been before.
III. ADDITIONAL INFORMATION: TEAM

The Berkman Center is fortunate to have an exceptionally deep, multi-disciplinary team of faculty, staff, fellows, and students who carry out its ambitious agenda.

A. Faculty

The Berkman Center is led by its active faculty, and governed by its steering committee. The Executive group consists of Prof. William Fisher, who serves as Chair, and Prof. Yochai Benkler, Prof. Charles Nesson, Prof. John Palfrey, and Prof. Jonathan Zittrain, each of whom is a director and leads specific research projects. The other members of the steering committee are Prof. John Deighton (HBS), Prof. Mark Edwards (HDS), Prof. Jack Goldsmith (HLS), Prof. Alex Keyssar (KSG), Prof. Lawrence Lessig (HLS), and Prof. Stuart Shieber (SEAS). Last year, after 6 years as a Berkman Center fellow, Dr. Urs Gasser became Executive Director of the Berkman Center; he most recently was the Associate Professor of Law at the University of St. Gallen (Switzerland), where he led the Research Center for Information Law as Faculty Director.

Steering Committee:
Yochai Benkler
John Deighton
Mark Edwards
William Fisher, Chair
Urs Gasser
Jack Goldsmith
Alex Keyssar
Lawrence Lessig
Charles Nesson
John Palfrey
Stuart Shieber
Jonathan Zittrain

B. Staff

Urs Gasser, the Berkman’s Executive Director, leads the Center’s staff, which is comprised of instructors, event organizers, communications and community-building staff, researchers, project managers, a technical team, and financial and administrative support.

Executive Director: Urs Gasser
Managing Director: Colin Maclay
Research Director: Rob Faris
Administrative Director: Catherine Bracy
Communications Manager: Seth Young
Project Manager, Law Lab, Global Network Initiative, Interoperability: Caroline Nolan
Community Coordinator: Rebecca Tabasky
Program Coordinator: Amar Ashar
Financial Associate/Law Lab Coordinator: Karyn Glemaud
Office Manager: Carey Andersen
Digital Media Producer: Dan Jones
Project Manager, Herdict, Broadband, and H2O: Laura Miyakawa
Project Coordinator, OpenNet Initiative, Circumvention, Surveillance, DDoS: Jillian York
Co-Director, Legal Lab: John Clippinger
Clinical Program Director: Phil Malone
Project Manager, StopBadware: Maxim Weinstein (StopBadware spun off 1/1/2010)
Project Manager, Internet & Democracy: Bruce Etling
Senior Systems Administrator: Sebastian Diaz
Systems Administrator: Dan Collis-Puro
Desktop Support Specialist: Ed Popko
Senior Software Engineer: Jason Callina
Senior Software Engineer: Liana Leahy
Junior Software Engineer: Brandon Palmen (StopBadware spun off 1/1/2010)
Lead Engineer, Media Cloud: David Larochelle
Junior Web Developer: Anita Patel

C. Fellowship Program

Berkman Center research fellows are integral to all of our efforts. In choosing our fellows, we emphasize diversity of discipline and perspective; fellows who are able to work effectively as part of an intellectual community; and practitioners as well as theoreticians – unusual people who are not ordinary academics. We seek a community of fellows that are able to complement the Center’s team as a whole.

In preparation for the 2009–2010 academic year, we spent considerable time streamlining and reorganizing our fellowship program and selection process.

Accounting for the constellation of variables regarding participation, the following categorical breakdown for our fellowships:

Faculty Fellows. Faculty members from around the world who are dedicating substantial mindshare to Berkman related activities and participating in the fellowship program.

Academic Fellows. Junior scholars preparing for academic job market and/or more advanced scholars working full-time on a significant piece of scholarship as part of Berkman’s interfaculty strategy.

Student Fellows. Selected students working full (and occasionally part) time on Berkman projects and participating in the fellowship program.

Research Fellows. Subset of fellows, including junior and senior academics and entrepreneurs/innovators/activists, who are usually focused on individual research and participating in the fellowship program.
**Project Fellows.** Subset of fellows who are focused on and usually funded by a particular Berkman project and participating in the fellowship program.

**Clinical Fellows.** Fellows teaching for the Berkman Cyberlaw Clinic and participating in the fellowship program.

Applications for our fellowship program measurably increased this year, with over 150 applicants submitting full sets of materials for review through our yearly open call for fellows and independent project fellow openings.

The appointed fellows for the coming academic year are:

**Faculty Fellows**
Jim Bessen
Judith Donath
Oliver Goodenough
Eszter Hargittai
Jeffrey Huang
Brian Kernighan
Catharina Maracke
Jeffrey Schnapp
Clay Shirky
Peter Suber
Toshie Takahashi

**Academic Fellows**
Joseph Reagle

**Student Fellows**
Donnie Dong
Yashomati Ghosh
Hugo Van Vuuren

**Research Fellows**
Bradley Abruzzi
Mike Ananny
Glenn Otis Brown
Sasha Costanza-Chock
Jason Kaufman
Maura Marx
Dave Rand
Tom Stites
Doreen Tu

**Project Fellows**
David Abrams
David Ardia
Sandra Cortesi
Kim Isbell
Hal Roberts
Aaron Shaw
Kevin Wallen

Clinical Fellows
Chris Bavitz
Dena Sacco

This fellows class represents scholars and practitioners from a range of disciplines, including law, sociology, psychology, communications, computer science, and philosophy, among others. In our ongoing effort to internationalize our community, this class of fellows represents 9 countries: Canada, China, Germany, India, Jamaica, Japan, Switzerland, Taiwan, and the United States.

In addition to the fellowship breakdowns, we also have two additional affiliations: the Fellowship Advisory Board and the Faculty Associate.

Fellowship Advisory Board (FAB). This board was established last year for those exceptional former fellows who have sustained their bright and sharp contributions to the Center over many years across new projects, technologies, and people. The inaugural members of the FAB are continuing their role in the coming year. They are:
Wendy Seltzer
Jake Shapiro
David Weinberger
Ethan Zuckerman

Faculty Associate. This affiliation is for 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 over a given academic year and provides one avenue through which we can build relationships across institutions. The Faculty Associates for the 2010-2011 academic year are:
Fernando Bermejo (Associate Professor of Communication, Universidad Rey Juan Carlos, Madrid, Spain)
Michael Best (Nunn Security Mid-Career Fellow and Assistant Professor jointly appointed to the Sam Nunn School of International Affairs and the College of Computing, Georgia Institute of Technology)
Dan Gillmor (Director of the Knight Center for Digital Media Entrepreneurship, Walter Cronkite School of Journalism and Mass Communication, Arizona State University)
Matthew Hindman (Assistant Professor, Political Science Department, Arizona State University)
Lewis Hyde (Richard L. Thomas Professor of Creative Writing, Kenyon College)
Beth Kolko (Associate Professor, Department of Technical Communication, University of Washington)
Student Involvement. One of the great strengths of the Berkman Center is the active involvement of an exquisitely talented group of students. Over the course of a calendar year, hundreds of students are actively engaged in our research programs. For details, see the student involvement section under Teaching, above.