

Governance in the Age of the Internet and Free Trade Agreements

Synopsis

In the age of accelerated international trade and the promotion of free flowing cross-border data transactions, countries and regions are working towards forming a commonly agreed modus operandi and protocols. These protocols seek to facilitate the growth of e-trade, ensure a secure data flow (economic transactions) and protection of its data in the network. In the recent, there has been strong attention by consumers and businesses with the growing scope and content of these agreements addressing Intellectual Property (IP).

Emerging trend studies show that there is a growing practices to incorporate mutually exclusive arrangements without involving other stakeholders which happens in closed door negotiations i.e. government to government. For instance, Anti-Counterfeiting Trade Agreement (ACTA) and Trans-Pacific Partnership Agreement (TPP).

The bigger concern raised by other stakeholders has been the secrecy of these arrangements and the insufficient protection of consumers and citizens rights in its consideration. So far, the lack of legitimacy and proportionality of legal policy measures has created unintended consequences and collateral damages in far reaching manners whether socially, economically or technologically. Citing practices of filtering technology, deep packet inspection, and Internet cut-off, are introduced by internet service providers to meet legal requirements. Activities in question may vary from country to country, some focus on violations of intellectual property, some on the control of political voices.

Notably, list of concerns have been raised explicitly by UN Special Rapporteur to adhere to the promotion and protection of the right to freedom of opinion and expression were recommended.

This workshop is aim to create discussion on the related topics among stakeholders both in Thailand and in the region of the direct and indirect implications of various developments.

Keywords: internet governance, free trade agreements, intellectual property, international laws, human rights, copyrights, intermediary liability, free speech

Target: regulators, policy makers, internet service providers, consumer rights activists, human rights defenders, and academics

Type: Workshop

Language: Thai/English (simultaneous translation)

List of Speakers/Panelists

- Mr. Sunil Abraham, Executive Director, Centre for Internet and Society, India
- Dr. Konstantinos Komaitis, Policy Advisor, Internet Society
- Dr. Nakorn Serirak, Policy Advisor, Thai Netizen Network
- Ms. Sawatree Suksri, Lecturer, Faculty of Law, Thammasat University
- Dr. Lokman Tsui, Policy Advisor, Google Asia Pacific

Moderator: Dr. Mike Hayes, Chair, International MA Program in Human Rights, Mahidol University

Expected Outcome

- Understanding the dynamics of free trade agreements (i.e. APEC, TPP, and ACTA) and its implications on Internet regulations, national sovereignty, and civil rights from various perspectives. (Big picture)
- Basic understanding of how various policy and technology related measures or solutions (i.e. digital rights management technology and deep-packet inspection) are used to address Intellectual Property (IP) and how it directly impacts freedom of expression and individual privacy.
- Looking Ahead: The developments and upcoming legislations/regulation challenges in both Thailand and the region i.e. new draft of Computer-related Crime Act, new draft of Copyright Act, and the Personal Data Protection Bill.

About Speakers

Sunil Abraham



Sunil is the Executive Director of Centre for Internet and Society in India. He was elected an Ashoka fellow in 1999 to 'explore the democratic potential of the Internet'. He was granted a Sarai FLOSS fellowship in 2003. Between June 2004 and June 2007, Sunil also managed the International Open Source Network a project of

United Nations Development Programme's Asia-Pacific Development Information Programme serving 42 countries in the Asia-Pacific region. He played a lead role in designing, directing and executing many research projects and events across the globe in the areas of ICT for development, access to knowledge, accessibility, privacy, and internet governance.

Twitter: @sunil_abraham

Konstantinos Komaitis



Konstantinos is a Policy Advisor at the Internet Society based in Geneva, focusing primarily on the field of digital content and intellectual property. Before joining the Internet Society in July 2012, he was a Senior Lecturer at the University of Strathclyde in Glasgow, UK. Konstantinos holds a PhD in Law and his thesis focused on issues of intellectual property and the Internet, with particular focus on the intersection of trademarks and domain names. Between 2010-2012, Konstantinos served as the Chair of the Non-Commercial Users Constituency at ICANN and he was a member of ICANN's Special Trademark Issues (STI) team, which drafted the recommendations for the rights protection mechanisms for new gTLDs. He is the author of the book "The Current State of Domain Name Regulation" and he also serves as a domain name panelist for the Czech Arbitration Court.

Twitter: @kkomaitis

Nakorn Serirak



For over a decade, Nakorn is very active in the areas of freedom of information and personal data protection. Until recently, he was a director for Administrative Department, ThaiPBS public broadcasting service. Prior to that, he works for the Prime Minister's Office as Senior Expert of the Information Commissioner's Office of Thailand. Nakorn got his MA and BA in Political Science from Thammasat University and Master in Policy Science from Saitama University in Japan. His doctoral dissertation on Personal Data Protection, conducted at the Research Centre for Data Protection of Johann Wolfgang Goethe University in Frankfurt am Main, was supported by Deutscher Akademischer Austausch Dienst (DAAD) and Thai Research Fund.

Twitter: @nakorns

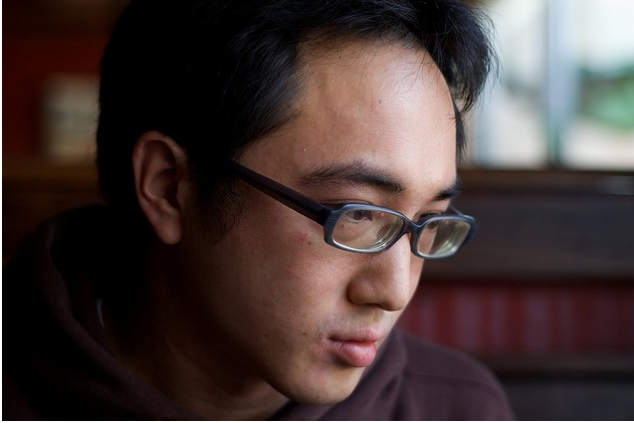
Sawatree Suksri



Sawatree Suksri is a lecturer at Thammasat Law School, Thailand and a PhD Candidate at Ludwig Maximilian University of Munich's Faculty of Law. She specializes in criminal law and media law. Noteworthy, her LLM thesis title "The duties and criminal liability of Internet-provider: special study on pornography and libel on the Internet". During 2011-2013, she headed a computer crime research

team which later published a report titled “Impact of the Computer-related Crime Act 2007 and State Policies on the Right to Freedom of Expression” (March 2013).
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Lokman Tsui



Lokman Tsui is a Policy Adviser at Google Asia Pacific. Before Google, he was an Assistant Professor of Media and Communication at the City University of Hong Kong. He received his PhD degree (2010) from the Annenberg School for Communication, University of Pennsylvania. In 2008-9, he was also a Fellow at the Berkman Center for Internet & Society, Harvard University. His research interests are situated at the intersection of new media, global communication and journalism. He has co-edited a book “The Hyperlinked Society: Questioning Connections in the Digital Age” (2008) together with Joseph Turow.
Twitter: @lokman

Mike Hayes



Dr. Mike Hayes currently is the Director of the Masters in Human Rights program at the Institute for Human Rights and Peace Studies at Mahidol University. He also teaches in a number of university programs and professional courses throughout South East Asia, mainly in the areas of human rights and development. He is also involved in research in non-citizen rights, new media, and capacity development.

About Panel Organizer

Thai Netizen Network



Promoting internet freedom and defending civil rights, Thai Netizen Network started as a reaction to suppressive internet policy of the post-2006 coup government. The Network founding members are bloggers, lawyers, journalists, computer scientists, software developers, and media activists, some of whom worked together before in projects like Thai Wikipedia and Creative Commons Thailand. In the past few years, the group working a lot with human rights lawyers, giving consultation on electronic evidence, digital security, and Computer-related Crime Act. TNN's major areas of work now are an amendment of Computer-related Crime Act, a proposal for personal data protection online, and a capacity building program for local civil society organizations to participate in regional and global internet governance mechanism.

Twitter: @thainetizen

Website: <https://thainetizen.org>

About INET Bangkok 2013

In collaboration with the Thailand Internet community, the National Science & Technology Development Agency (NSTDA) and the Ministry of Information & Communication Technology (MICT), the Internet Society is hosting the INET Bangkok, with a conference theme of *"Internet: The Power to Create."* Our programme will focus attention on how the Internet can become a positive and productive force in society through innovative and new applications.

INET Bangkok 2013 will be held between 7-8 June 2013 at Queen Sirikit National Convention Center (MRT station Queen Sirikit National Convention Center).

More information can be found on <http://www.internetsociety.org/inet-bangkok/> (English) and <http://inetbangkok.in.th/> (Thai).

Netizen Meetup: Post-INET Bangkok Event

A post-INET event on Sunday 9 June. Netizen Meetup is an informal meeting of tech community and policy people. This time we got two guests from outside Bangkok: an internet and opensource lawyer from Kuala Lumpur to talk more on Trans-Pacific Partnership and internet governance; and a software developer from Taipei to talk on OpenStreetMap and Open Data movement there. Everybody is welcomed and it's free to join, no invitation is required. We will meet from 10:00 til 16:00 at a co-working space named *"Glowfish"*, 6th floor, Asoke Towers (MRT station Petchaburi, Exit 2). More info at <https://thainetizen.org>