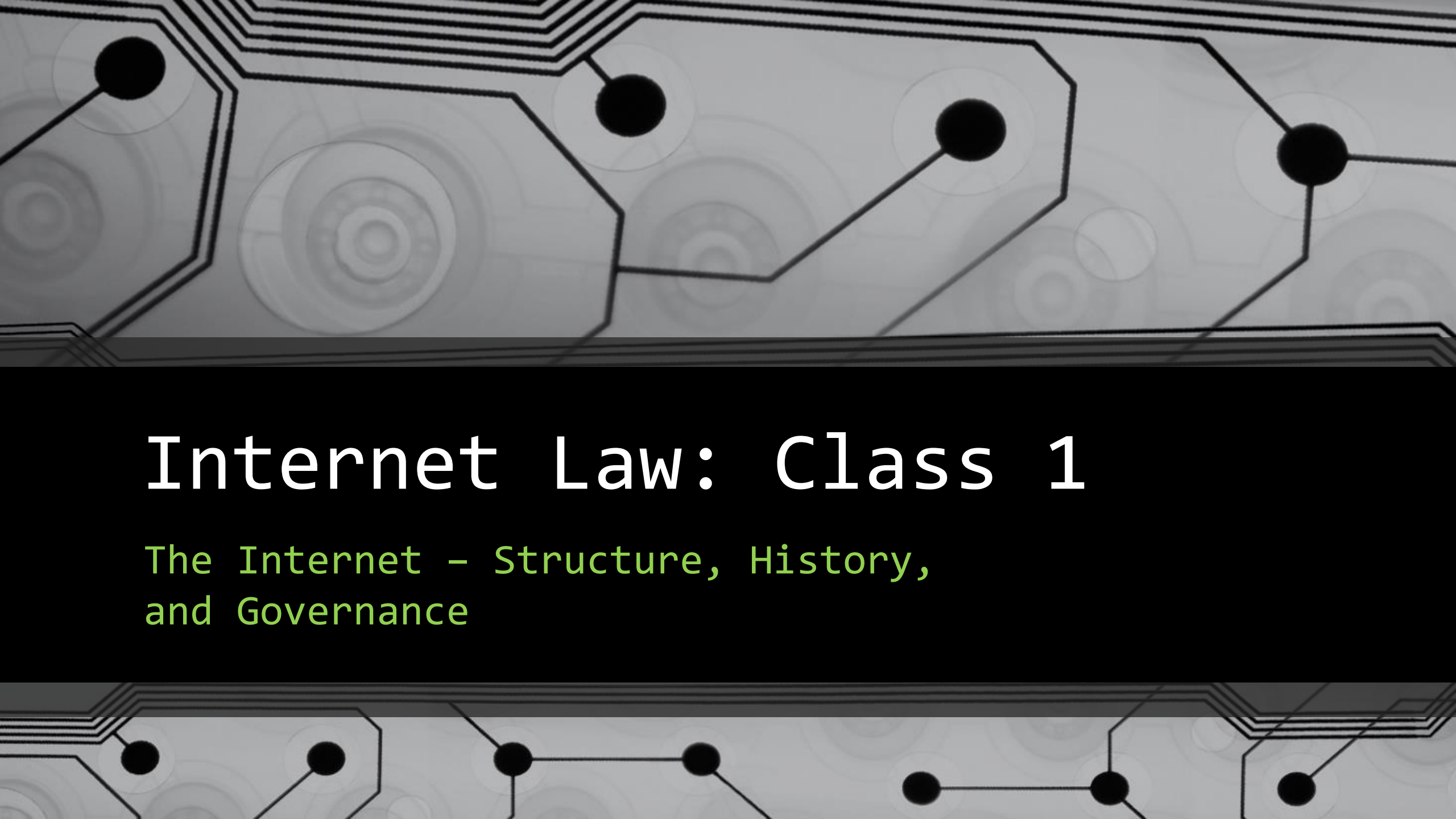




Internet Law: Class 1

The Internet – Structure, History,
and Governance

Introduction

Course Webpage

<https://www.internetlawinmipcl.com/>



"Internet Law"

2019 GW Law Munich IP Summer Program

This is one of the courses offered in the [GW Law Munich IP Summer Program](#) in 2019. In this course we analyze a variety of internet law topics through the prism of a single theme: the conflict between the territoriality of political-legal structures and the ubiquity of the internet. The architecture of the internet, at least in its initial form, defied the territorial limits within which national legal systems operate; however, national legal systems do not yield easily to the ubiquity of the medium. The goal of the course is to investigate whether and how the architecture of the internet has affected the territorial functioning of national legal systems and whether and how the territoriality of national legal systems has shaped the internet since its inception as a mass medium of communication and commerce. The topics discussed in the course are, for example, the scope of countries' jurisdiction and power on the internet and over the internet, the reinstatement of borders through geolocation and geoblocking on the internet, and alternatives to national legal systems as forms of governance of the internet and on the internet. These are the issues that define the internet law of the current decade.

[Marketa Trimble](#) is the Samuel S. Lionel Professor of Intellectual Property Law at the William S. Boyd School of Law, University of Nevada, Las Vegas. In her research she focuses on intellectual property and issues at the intersection of intellectual property and private international law/conflict of laws; this focus leads her to the investigation of various internet law problems. She has authored numerous works on these problems, including the first comprehensive study ever published (2012) on the legal implications of the surging use of geolocation. She is also



For Marketa Trimble's publications see [here](#).

Current Issues

[Marketa Trimble](#), [Copyright Registration, Publication on the Internet, and the Revolving "Back Door to Berne"](#)

[Directive](#) (EU) 2019/... of the European Parliament and of the Council laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes, and amending Council Directive 93/83/EEC (as adopted by the European Parliament on March 28, 2019)

[Proposal](#) for a Directive of the European Parliament and of the Council on Copyright in the Digital Single Market (as adopted by the European Parliament on March 26, 2019)

[Antitrust](#): Commission accepts commitments by Disney, NBCUniversal, Sony Pictures, Warner Bros. and Sky on cross-border pay-TV services, European Commission (March 7, 2019)

[Marketa Trimble](#), [Copyright and Geoblocking: The Consequences of Eliminating Geoblocking](#) (forthcoming in the Boston University Journal of Science and Technology Law)

[LeVries et al.](#), [Your Apps Know Where You Were Last Night, and They're Not Keeping It Secret](#), The New York Times (December 10, 2018)

Class 1:

Internet – Structure, History, and the Internet Governance

Class 2:

Localization, Geolocation, Geoblocking, and the Circumvention of Geoblocking

Class 3:

Regulatory Jurisdiction on the Internet

Class 4:

Adjudicatory Jurisdiction on the Internet

Class 5:

Internet Intermediaries and Server Location

Class 6:

Internet Domain Names

Class 7:

The Current Reality of the Internet (Final Review)

Internet Law

What is Internet Law?

What is Internet Law?

- A particular area of law or an industry perspective?
- Judge Easterbrook (7th Cir.): “law of the horse”

What is Internet Law?

- Norms of Internet governance
 - Example: domain name system
- Norms governing conduct on the Internet
 - Internet-specific
 - Liability of Internet intermediaries (v. liability of any intermediaries)
 - Generic
 - Commercial law (v. e-commerce-specific rules)
- National, regional, international, v. extra-national

What is Internet Law?

Four modalities of Internet Law:

Law	Architecture
Market Forces	Social norms

Lawrence Lessig, Code and Other Laws of Cyberspace, 1999

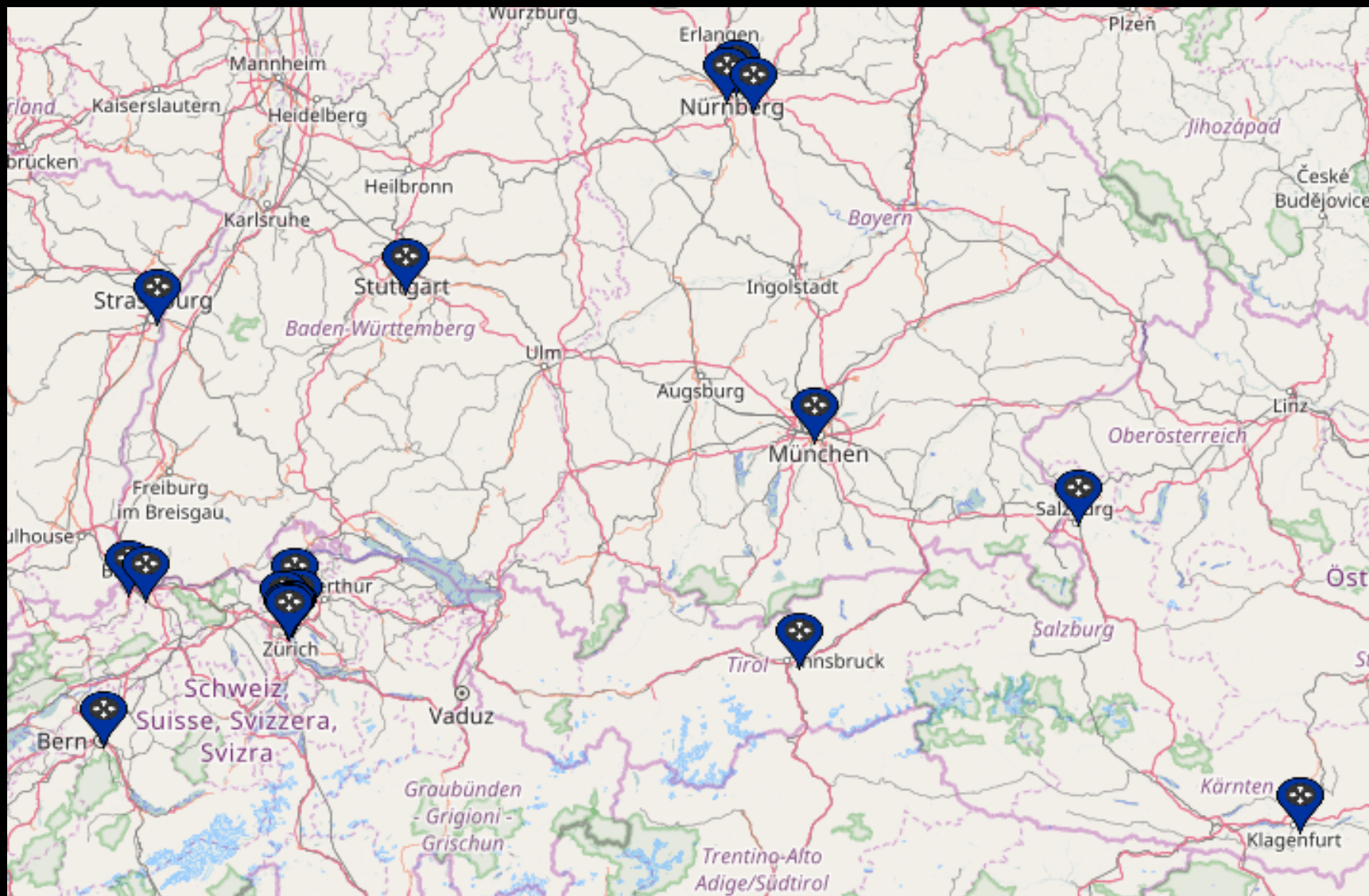
Internet Architecture

What is the architecture of the Internet?

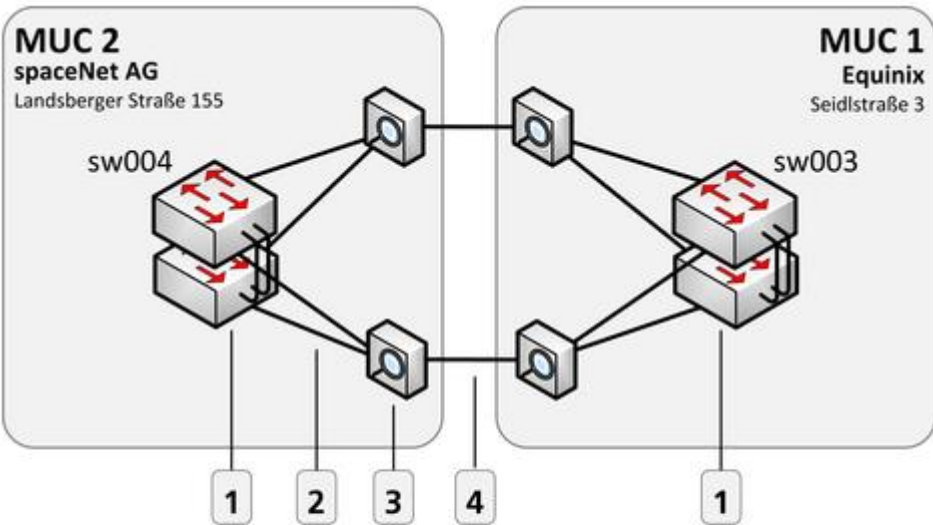
- A distributed network (Baran)
- Devices
- Routers
- Gateways
- Hubs or Internet exchange points (IXPs)



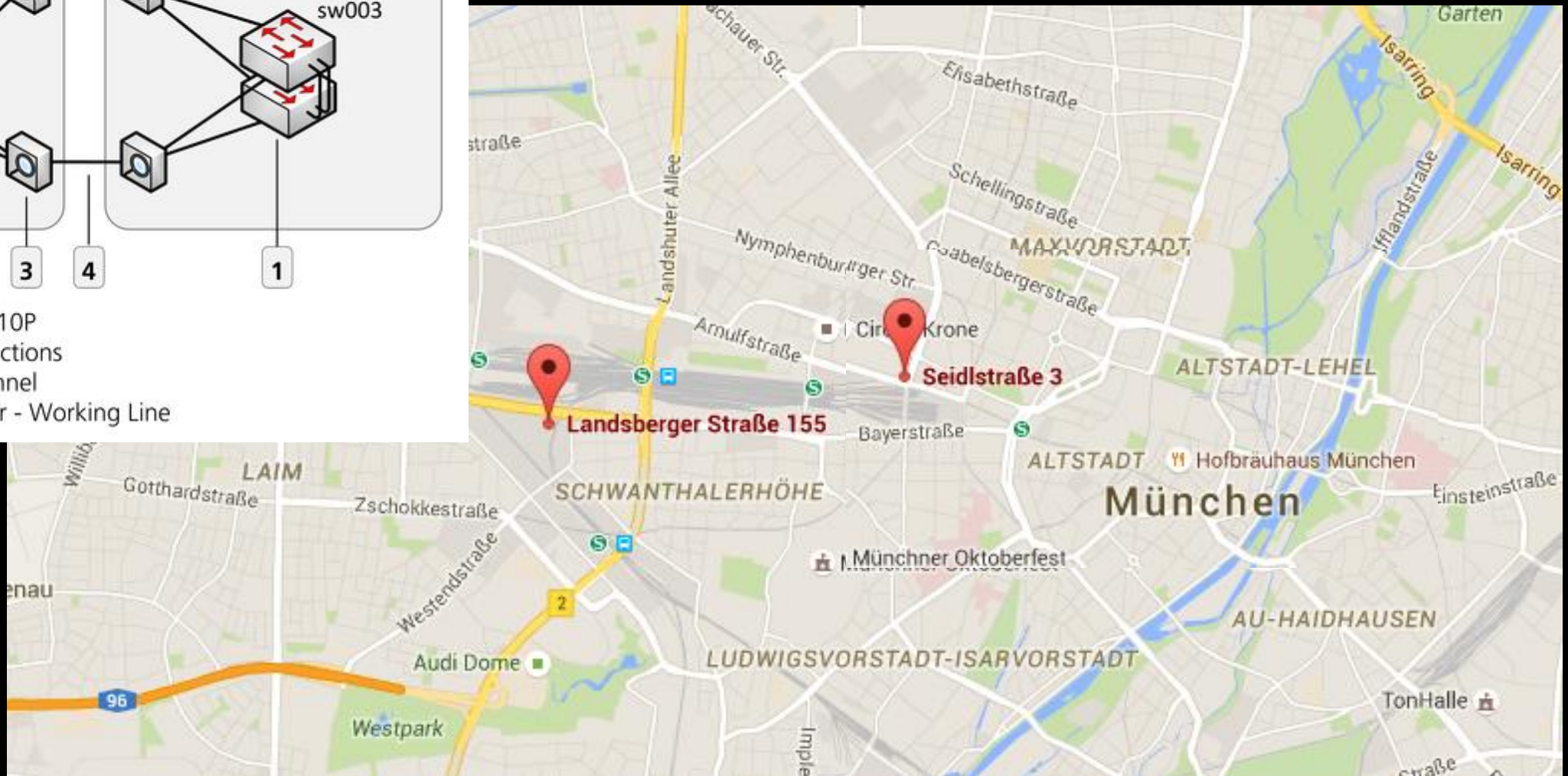
<http://www.ixp toolkit.org/ixps>, May 27, 2019



<http://www.ixp toolkit.org/ixps>, May 15, 2017



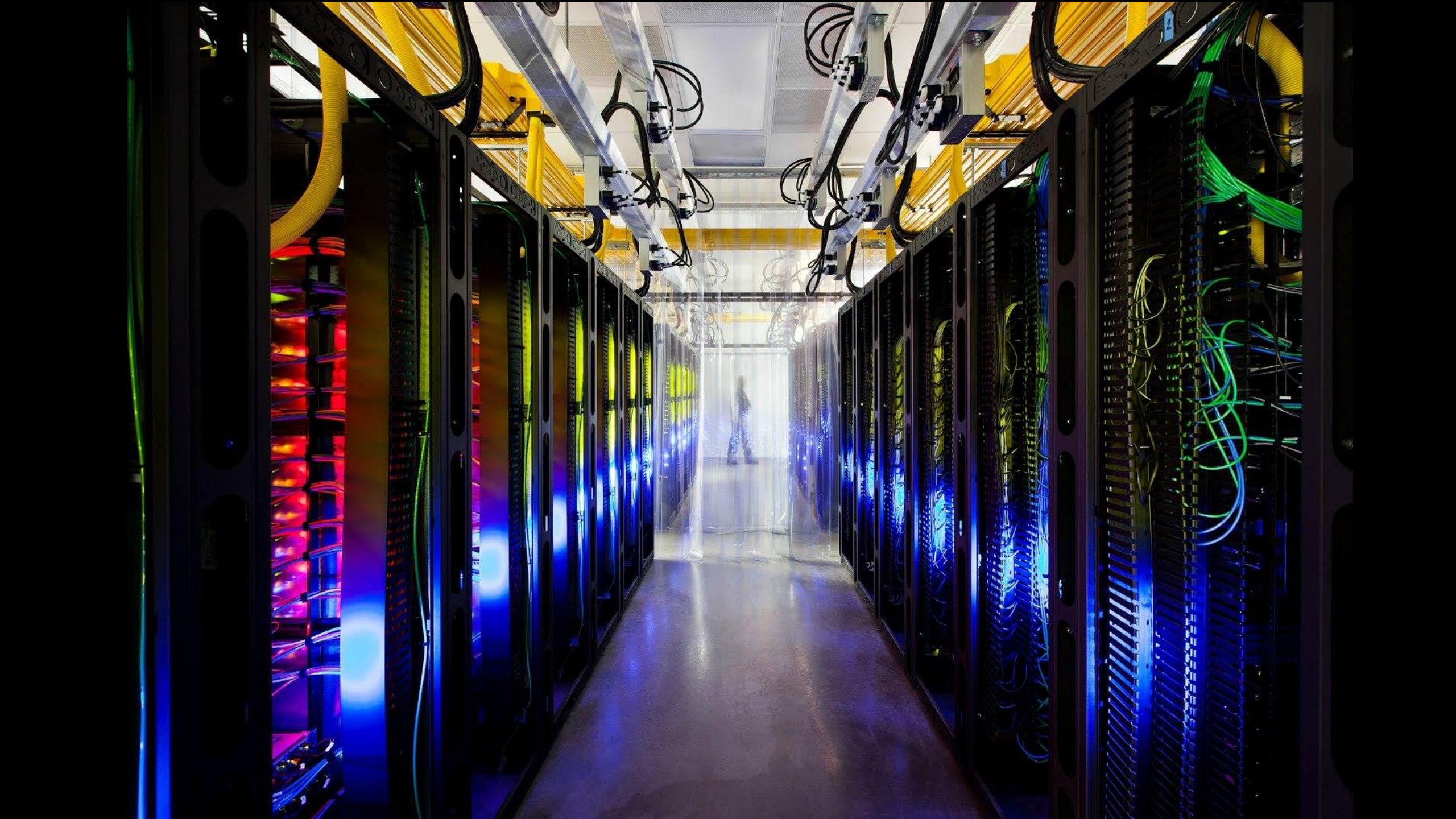
- 1 2x stacked DELL s4810P
- 2 Multiple 10G-Connections
- 3 CWDM MUX 8 Channel
- 4 redundant Dark Fiber - Working Line



<https://www.de-cix.net/products-services/de-cix-munich/>, May 22, 2016

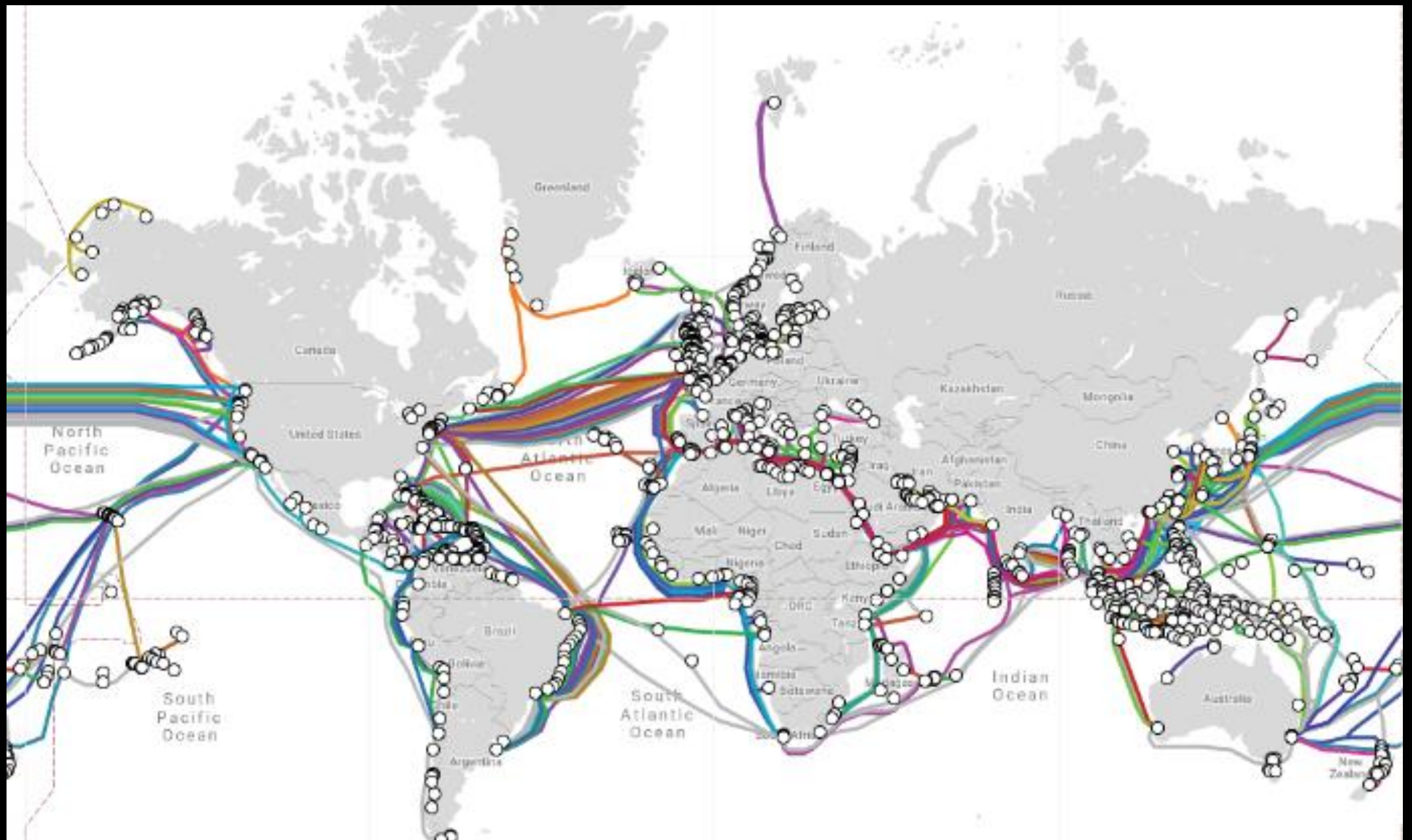
What is the architecture of the Internet?

- A distributed network (Baran)
- Devices
- Routers
- Gateways
- Hubs or Internet exchange points (IXPs)
- Datacenters

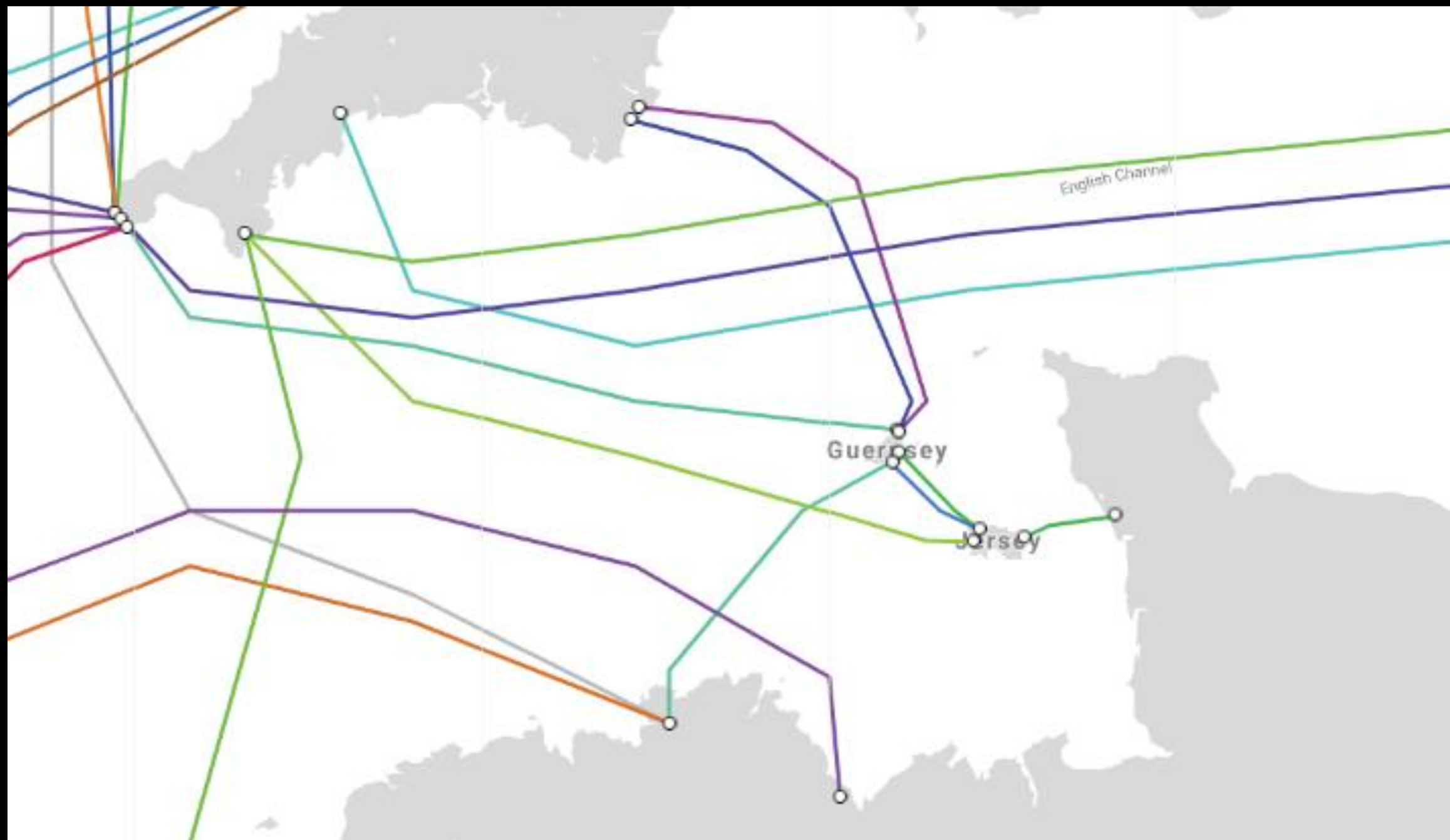


What is the architecture of the Internet?

- A distributed network (Baran)
- Devices
- Routers
- Gateways
- Hubs or Internet exchange points (IXPs)
- Datacenters
- Cables



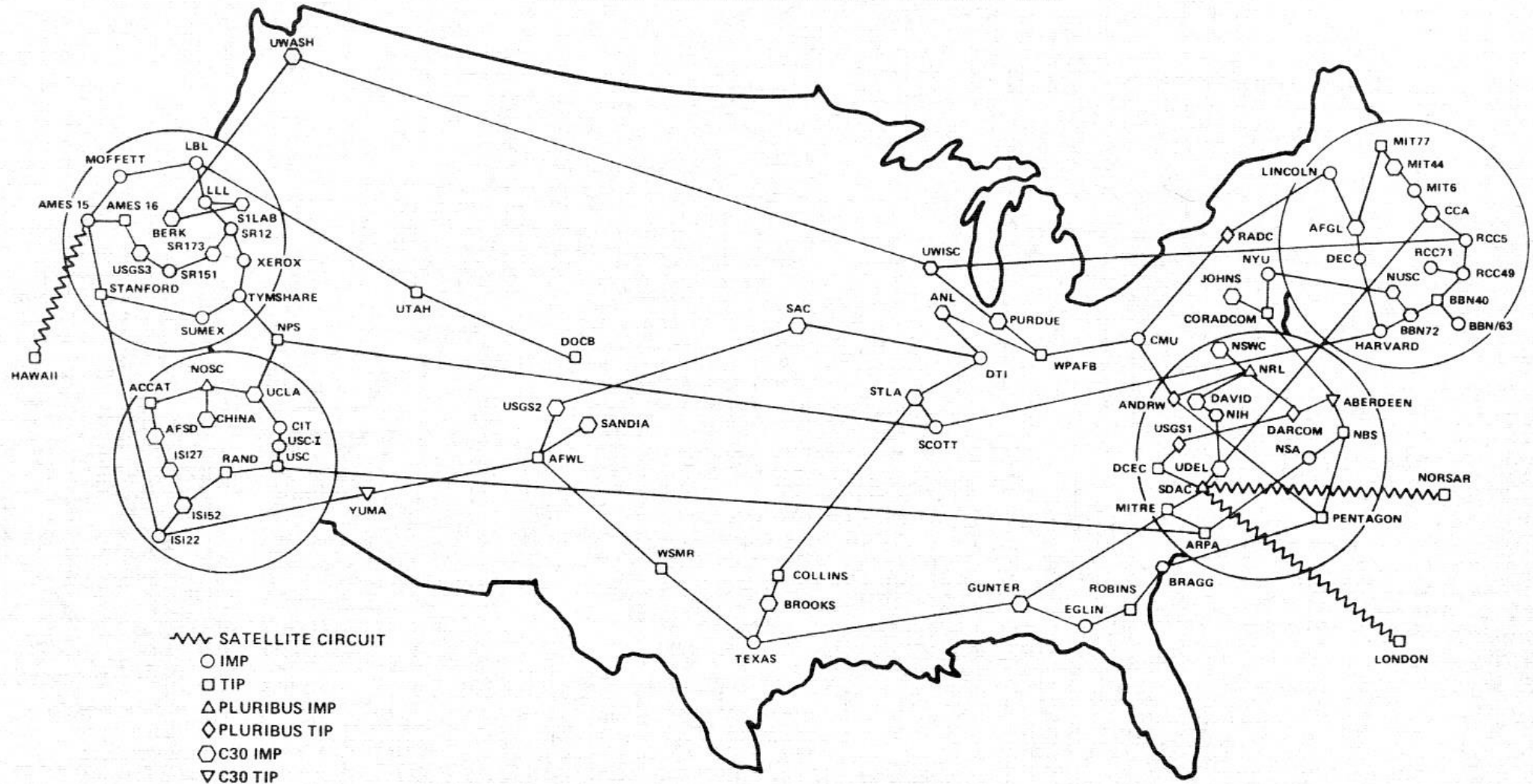
<http://www.submarinecablemap.com/>, May 27, 2019



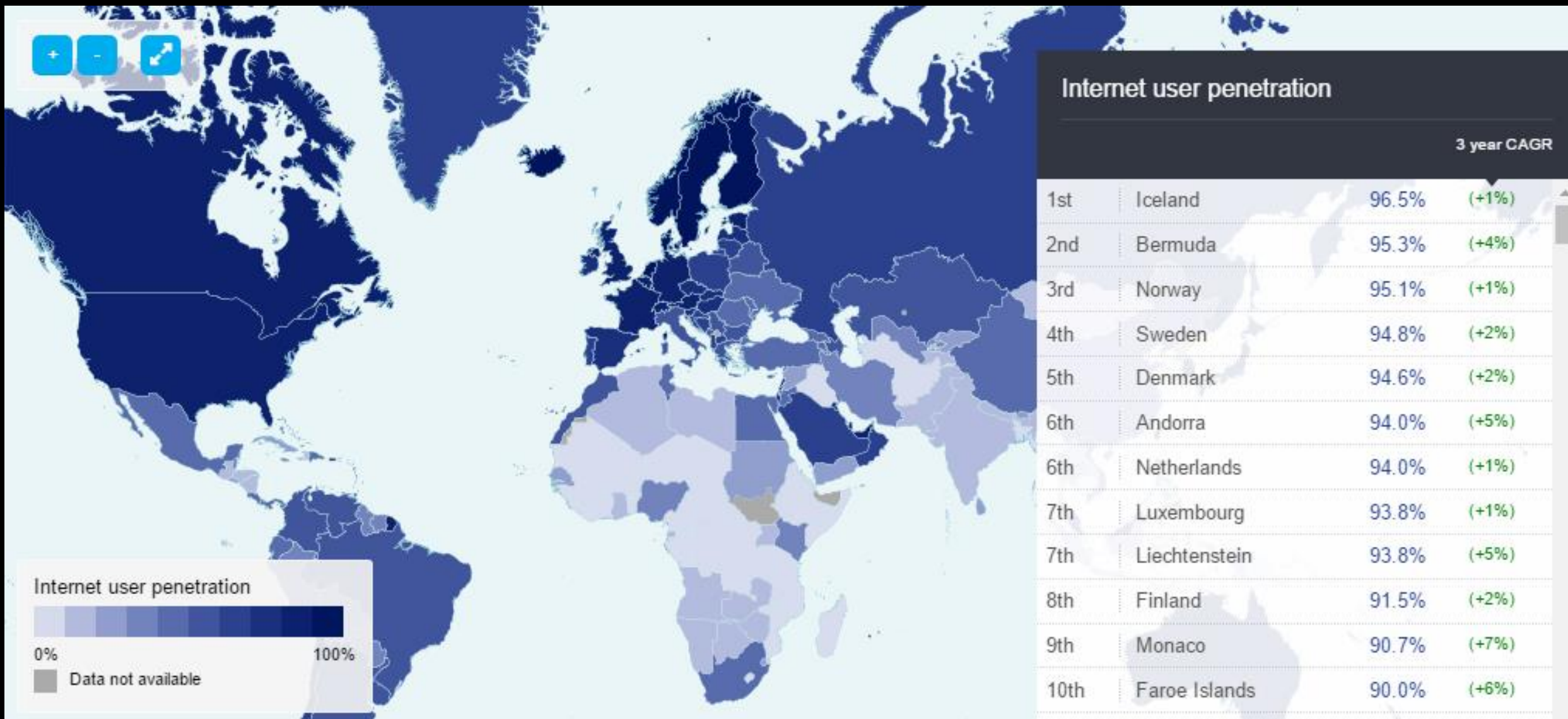


The ARPANET in December 1969

ARPANET GEOGRAPHIC MAP, FEBRUARY 1982



(NOTE: THIS MAP DOES NOT SHOW ARPA'S EXPERIMENTAL SATELLITE CONNECTIONS)
NAMES SHOWN ARE IMP NAMES, NOT (NECESSARILY) HOST NAMES



<https://www.internetsociety.org/map/global-internet-report/>, May 15, 2017

What is the architecture of the Internet?

- A “cloud”
 - Datacenter hardware and software
 - Software-as-a-service and utility computing
- IP addresses
 - IPv4 192.0.2.53
 - IPv6 2001:0db8:582:ae33::29
 - Personally identifiable?

Computer Fingerprinting

<https://panopticklick.eff.org/>

May 15, 2017

What is the architecture of the Internet?

- A “cloud”
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 - IPv4 192.0.2.53
 - IPv6 2001:0db8:582:ae33::29
 - Personally identifiable?
 - Personal data protected as such?
- Domain names
 - Generic, country-level

Internet Governance

Who governs the Internet?

Models of governance:

- (1) Self-governance (libertarian)
- (2) Global Transnational (transnational legal institution)
- (3) Code and Internet Architecture (voluntary organizations)
- (4) National Governments and Law
- (5) Market-Based or Economic-Based Regulation

The background of the slide features a light gray circuit board pattern with black lines and circular components. A solid black horizontal band runs across the middle of the image, serving as a backdrop for the text.

Internet Law: Class 1

Marketa Trimble, May 27, 2019