

INTERNET & JURISDICTION

A GLOBAL MULTISTAKEHOLDER
POLICY NETWORK

2015/16 REPORT





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«The internet is borderless, but laws are not—that creates a need for more transnational cooperation. Bottom line, the stakes are high. The question isn't should we do something about procedural interoperability, but can we afford not to.»

Douglas Frantz
Deputy Secretary-General
OECD

«I am concerned about the future. What kind of internet do we want? The one that boasts competition and productivity, that is creative and allows freedom of expression and innovation? We come together because we want to be a part of building that.»

Nnenna Nwakanma
Africa Regional Coordinator
World Wide Web Foundation

«Discussing jurisdiction on the internet is a key piece to finding the solutions needed for a digital environment which demands change if we want to enjoy its benefits.»

Maria Ines Baqué
Secretary of Public Management and Innovation
Ministry of Modernization, Argentina

«We're trying to find practical solutions to really big challenges dealing with territoriality and transnational cooperation. People have the tendency to try to solve them based on where they're seated, and therein lies one of the challenges. Efforts need to move beyond any one particular interest, perspective, or institution and recognize the collective opportunity here.»

Erin Dorgan
Director, International Telecommunications Policy and Coordination
Department of Innovation, Science and Economic Development, Canada

«Now is the time to move from discussions and cataloging to implementation and action by leveraging the multistakeholder model.»

Paul Mitchell
Senior Director, Tech Policy
Microsoft



LETTER FROM THE DIRECTORS

BUILDING MOMENTUM FOR TRANSNATIONAL COOPERATION

Most online interactions involve multiple jurisdictions in relation to the locations of users, servers, internet platforms, or technical operators, and international legal cooperation based on territorial sovereignty struggles to handle the digital realities of the 21st century. Uncoordinated short-term solutions have unintended consequences, including unwanted fragmentation and acute conflicts of laws. If this is not addressed by the different stakeholders in a collaborative manner, the growing tensions will have detrimental consequences for the future of the global digital economy, human rights, cybersecurity, and development.

Preventing a legal arms race in cyberspace requires mechanisms that are as transnational as the internet itself to establish legal interoperability between public and private actors and guarantee due process across borders. As no actor can solve jurisdictional challenges on the internet alone, multistakeholder cooperation is needed more than ever to move from constructive dialogue to collective solutions.

From the onset, Internet & Jurisdiction has been at the forefront of raising awareness about these challenges and the costs of inaction, facilitating a unique ongoing dialogue process to enable such multistakeholder cooperation. Five years of connecting key actors, building trust, fostering common visions of policy priorities, and providing evidence for policy innovation have led to a major inflection point.

After intense and substantive preparatory work, Internet & Jurisdiction brought together more than 200 senior representatives from governments, internet companies, technical operators, civil society, academia, and international organizations at the first Global Internet and Jurisdiction Conference in 2016. Participants from over 40 countries gathered for the first time on a global level to specifically address the future of jurisdiction on the internet. Strongly affirming the urgency to address this issue, they discussed their respective approaches and identified concrete areas for cooperation, setting a roadmap towards the development of necessary policy standards and operational solutions.

We are encouraged by progress achieved in 2015/16 and the positive dynamics that emerged in the three programs that now structure our work: Data & Jurisdiction, Content & Jurisdiction, and Domains & Jurisdiction. Moving forward, the Internet & Jurisdiction Secretariat is determined to continue developing its innovative methodology and serving as neutral facilitator to fulfill its mission to connect stakeholders, inform decision-making, and advance policy development.

Active engagement by all stakeholders will be key to build momentum towards cooperation frameworks that are beneficial to all.

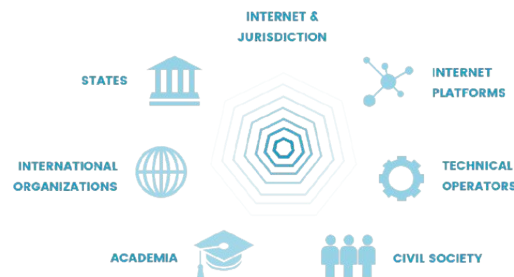
Bertrand de La Chapelle
Executive Director

Paul Fehlinger
Deputy Director

INTERNET & JURISDICTION

CONNECTING STAKEHOLDERS, INFORMING DECISION-MAKING, ADVANCING POLICY DEVELOPMENT

Internet & Jurisdiction is the global multistakeholder policy network addressing the tension between national jurisdictions and the cross-border internet. The network bridges policy silos and geographic regions, fostering mutual understanding among stakeholders and enabling transnational cooperation. Recognized for its role as a neutral convener, Internet & Jurisdiction engages more than 200 key entities around the world from the different stakeholder groups:



Beyond acting as a forum for dialogue, Internet & Jurisdiction helps actors recognize the mutuality of jurisdictional challenges and collectively generate innovative approaches to policy-making. Through catalyzing the development of shared cooperation frameworks and policy standards that are as transnational as the internet itself, it promotes legal interoperability and the establishment of due process across borders. I&J's mission is threefold:

CONNECT

stakeholders and facilitate their ongoing collaboration to generate common understanding and coordination between different initiatives, policy sectors, and regions.

INFORM

decision-making and stimulate evidence-based policy innovation through relevant research and the documentation, synthesis, and analysis of trends.

ADVANCE

the global debate concerning the definition and application of jurisdiction online to catalyze the development of shared frameworks and operational solutions.

The Internet & Jurisdiction dialogue process is organized around three major programs (Data & Jurisdiction, Content & Jurisdiction, Domains & Jurisdiction) and an Observatory of leading academics supports regular monitoring of trends. Internet & Jurisdiction has been instrumental in stressing the urgency and salience of jurisdictional challenges as they relate, inter alia, to legal cooperation, the digital economy, human rights, and cybersecurity. From the I&J policy network being showcased at the OECD Ministerial Meeting on the Digital Economy as an exemplary multistakeholder process to a two-page feature in *The Economist* citing the Global Internet and Jurisdiction Conference, Internet & Jurisdiction has had a clear impact on global discussions in recent years.

Firmly placing the issue of jurisdiction on the internet governance agenda has been a major achievement. There is now a clear sense of urgency among stakeholders in addressing how territorial jurisdiction applies on the internet, and the outcomes of the Global Internet and Jurisdiction Conference served to

channel this impetus toward actionable cooperation areas. Our emphasis will remain on underscoring these issues and laying the foundation for processes and mechanisms that achieve durable, scalable results.

“

We believe that Internet & Jurisdiction's work is absolutely essential. Far too often, we get stuck between this fear of splinternet and the fear of cyber anarchy, and I&J manages to fill this gap.

”

Nicklas Lundblad

Vice President, Public Policy and Government Relations EMEA
Google



More than 200 participants from around the world came together to address the future of jurisdiction on the internet during the 2016 Global Internet and Jurisdiction Conference in Paris.

PROGRAMS

After four years of exchanges in the Internet & Jurisdiction dialogue process, three concrete issue areas were collectively identified as priority fields for action: cross-border requests for access to user data, content takedowns, and domain suspensions. Transnational due process mechanisms are necessary in each case. In early 2016, Internet & Jurisdiction launched its first series of thematic programs to better hone, structure, and support the corresponding activities of the I&J policy network. At present, our programs are structured around the following questions:

DATA & JURISDICTION - How can transnational data flows and the protection of human rights be reconciled with lawful access requirements for investigations?

Criminal investigations increasingly require access to information about users and digital evidence stored by private companies in jurisdictions outside of the requesting country. Existing systems for cross-border user data requests are under stress, and the problem is compounded by the difficulties of determining location and jurisdictional nexus in investigations. What are the necessary safeguards and procedures to establish viable and scalable frameworks?



CONTENT & JURISDICTION - How can we manage globally-available content in light of the diversity of local laws and norms applicable on the internet?

Content legal in one country can be illegal in another. Protecting freedom of expression and other human rights when dealing with hate speech, harassment, security threats, incitation to violence, and discrimination on the internet is a major challenge when several jurisdictions are involved. How can current practices be improved in terms of transparency and due process across borders?



“

These difficult issues challenge the very foundation of our Westphalian global order; how they are addressed will define our digital future. We need to work step by step toward solutions—a rush to answers might take us in wrong directions with great negative consequences.

”

Carl Bildt

Former Swedish Prime Minister

DOMAINS & JURISDICTION - How can the neutrality of the internet's technical layer be preserved when national laws are applied to the Domain Name System?

Cross-border domain suspension requests are increasingly sent to technical operators based on the content or activities of underlying websites. Such measures have global impact by nature and therefore require strong procedural guarantees to ensure proportionality. Common vernacular must also be agreed upon between the technical and policymaking communities to permit fruitful discussions. What are the criteria for abuses that justify domain suspension, and how can the transparency of such requests be increased?



ADVANCING DEBATES, DEVELOPING SOLUTIONS

At the 2016 Global Internet and Jurisdiction Conference, stakeholders divided into three parallel workstreams to concentrate on specific challenges related to each of I&J's three programs—Data & Jurisdiction, Content & Jurisdiction, and Domains & Jurisdiction. Discussions in the workstreams, held under Chatham House Rule, were facilitated by the prior circulation of a framing Working Document produced by the I&J Secretariat on the basis of in-depth preparatory work and meetings. For each workstream, the document outlined:

- The common problem facing stakeholders
- Related initiatives currently underway
- Operational challenges to be mitigated or overcome
- Areas for cooperation

The questions presented for each of the programs served as keystones throughout the workstreams, ensuring that discussions were focused and solutions-oriented.

EVENTS

“

The I&J network can serve as connective tissue amongst different convenings to continue and connect this work across different fora, providing a venue for the people involved to get together and begin to proceed.

”

Rebecca MacKinnon
Director, Ranking Digital Rights
New America Foundation

Internet & Jurisdiction proactively bridges stakeholder groups, regions, and policy sectors, as well as silos within governments or organizations. The number of actors involved with the policy network sharply increased in 2015/16, with more than 200 entities taking part in our unique multistakeholder dialogue process. Long-standing associations and trusting relationships with stakeholders were bolstered, and concentrated efforts to inform and engage relevant actors allowed Internet & Jurisdiction to:

- Broaden the diversity of the policy network in terms of expertise and geographic participation, engaging stakeholders across disciplines and holding regional engagement events;
- Strengthen ties with high-level decision makers in the different relevant ministries from more than 15 countries, major companies, operators and civil society and working closely with key international organizations, including the OECD, UNESCO, EU, OSCE, Interpol, ICANN, and the Council of Europe.

Meetings of the I&J policy network bring stakeholders together on equal footing, encouraging direct interactions to build trust and foster cooperation across borders and sectors. In its role as a neutral convener, the I&J Secretariat seeks to ensure balanced representation and diversified expertise, involving actors from all stakeholder groups and a wide range of cultural and geographic perspectives. Resulting from intensive consultations with network participants, structure and focus are hallmarks of I&J events,

ensuring that dialogues are constructive and geared toward operational solutions.

Key engagements of the I&J policy network in 2015/16 included a gathering of Special Rapporteurs on freedom of expression, outreach events, a milestone meeting of the I&J policy network in 2015, and the inaugural Global Internet and Jurisdiction Conference in 2016, widely acclaimed as a considerable success.

Internet & Jurisdiction's expertise on the topic of jurisdiction in cyberspace is a sought-after asset to policy discussions. From weighing in on digital markets to analysing extraterritorial effects on free expression, the I&J Secretariat has succeeded in raising awareness and contributing to a common understanding of how jurisdictional challenges manifest and impact all stakeholders.

Beyond the events it convened and organized, Internet & Jurisdiction has continued its active involvement in internet governance discussions over the past two years, steadily increasing the visibility and recognition of the policy network through contributions to relevant policy events around the world. I&J's Directors chaired or moderated sessions at several events, including the Indian CyFy Conference, the EWI Cyberspace Cooperation Summit and EuroDig, and spoke at prominent events in a dozen countries, including the UN Internet Governance Forum, RightsCon, Freedom Online Coalition, WTO Public Forum, WEF events, and ICANN.

ICANN52

February 8-12, 2015 | Singapore

Seminar with INTERPOL Global Complex for Innovation

February 13, 2015 | Singapore

Workshop on Territory and Jurisdiction

February 16, 2015 | New Delhi, India

UNESCO NETConference

March 3, 2015 | Paris, France

Hate Speech Workshop

March 4, 2015 | Budapest, Hungary

Justice for Free Expression in 2014 Conference

March 10, 2015 | New York City, USA

Meeting with German Ministries

March 19, 2015 | Berlin, Germany

RightsCon

March 24-25, 2015 | Manila, Philippines

Presentation to NetMundial Coordination Council

March 31, 2015 | Stanford, USA

Global Conference on Cyberspace

April 16, 2015 | The Hague, The Netherlands

Workshop for the European Commission

April 24, 2015 | Brussels, Belgium

Freedom Online Coalition

May 4-5, 2015 | Ulaanbaatar, Mongolia

EuroDIG

June 4-5, 2015 | Sofia, Bulgaria

ICANN53

June 21-25, 2015 | Buenos Aires, Argentina

Internet y Jurisdicción Conference

June 26, 2015 | Buenos Aires, Argentina

Feature at NetMundial Coordination Council Meeting

June 30, 2015 | Sao Paulo, Brazil

Workshop on Online Dispute Resolution

July 2, 2015 | Geneva, Switzerland

Meeting with Dutch Ministries

July 7, 2015 | The Hague, The Netherlands

3rd Meeting of the I&J Observatory

September 1, 2015 | Stanford, USA

EWI Global Cyberspace Cooperation Summit VI

September 9-10, 2015 | New York City, USA

Meeting with Spanish Ministries

September 21, 2015 | Madrid, Spain

Workshop with Special Rapporteurs

September 24-25, 2015 | Florence, Italy

WEF Governance of the Internet Meeting

September 28, 2015 | Geneva, Switzerland

Interpol-Europol Cybercrime Conference

September 30, 2015 | The Hague, The Netherlands

International Bar Association Conference

October 4, 2015 | Vienna, Austria

Meeting of the I&J Policy Network

October 8-9, 2015 | Berlin, Germany

Council of Europe Freedom of Expression Conference

October 13-14, 2015 | Strasbourg, France

CYFY Conference

October 15-17, 2015 | New Delhi, India

Meeting of Council of Europe Committee on Legal Cooperation

October 31, 2015 | Strasbourg, France

UN Internet Governance Forum

November 10-13, 2015 | Joao Pessoa, Brazil

Asian Society on International Law Conference

November 26, 2015 | Bangkok, Thailand

OSCE Meeting on Role of Intermediaries

December 9, 2015 | Vienna, Austria

OECD-CIGI Conference

November 25, 2015 | Paris, France

State of Net Conference

January 25, 2016 | Washington DC, USA

CPDP Conference

January 27, 2016 | Brussels, Belgium

Presentation to EU Council Working Group on e-Justice

March 1, 2016 | Brussels, Belgium

Global Commission on Internet Governance Meeting

March 2, 2016 | Washington DC, USA

Dutch Presidency of EU Council Cyberspace Conference

March 7-8, 2016 | Amsterdam, The Netherlands

RightsCon

March 30, 2016 | San Francisco, USA

Presentation to International Chamber of Commerce

April 21, 2016 | Paris, France

World Bank-GWU Conference on Digital Trade

May 5, 2016 | Washington DC, USA

Justice for Free Expression in 2015 Conference

May 5, 2016 | New York City, USA

Legal Frontiers in Digital Media Conference

May 19, 2016 | Mountain View, USA

OECD IdeaFactory

May 31, 2016 | Paris, France

ICANN56 Policy Forum

June 27-30, 2016 | Helsinki, Finland

EuroDIG

June 9-10, 2016 | Brussels, Belgium

Latin American Telecommunications Congress

June 21, 2016 | Cancun, Mexico

OECD Ministerial Meeting on the Digital Economy

June 21-23, 2016 | Cancun, Mexico

US DOJ-CSIS Cybercrime Symposium

July 6, 2016 | Washington DC, USA

Data & Jurisdiction Meeting

July 6-7, 2016 | Paris, France

Geopolitics of Cyber in Asia Workshop

July 7, 2016 | Paris, France

Indian Stakeholder Engagement Meeting

July 20, 2016 | New Delhi, India

Council of Europe-OSCE Internet Freedom Conference

September 9, 2016 | Strasbourg, France

Content & Jurisdiction Meeting

September 22-23, 2016 | Paris, France

WTO Public Forum

September 29, 2016 | Geneva, Switzerland

Law, Borders, and Speech Conference

October 24, 2016 | Stanford, USA

Global Internet and Jurisdiction Conference

November 14-16, 2016 | Paris, France

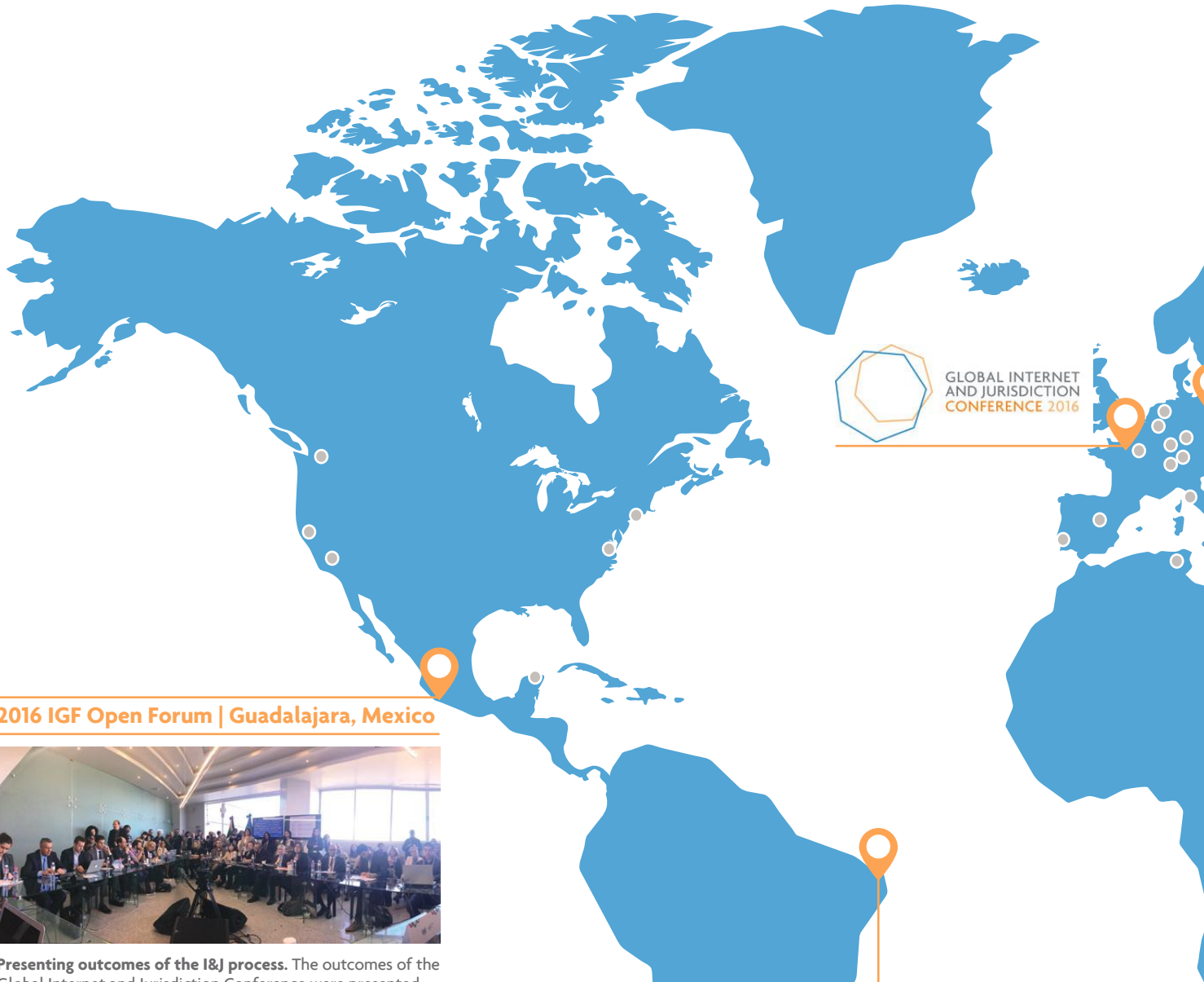
Slovak Presidency of EU Council Cyber Issues Conference

December 14, 2016 | Brussels, Belgium

UN Internet Governance Forum 11

December 5-9, 2016 | Guadalajara, Mexico

FEATURED EVENTS



2016 IGF Open Forum | Guadalajara, Mexico



Presenting outcomes of the I&J process. The outcomes of the Global Internet and Jurisdiction Conference were presented to the broader internet governance community at Internet & Jurisdiction's Open Forum at the 2016 UN Internet Governance Forum. Participants and members of the conference's high-level advisory group shared their experiences and takeaways from the event, which was lauded by all as a success.

2015 IGF Workshop | João Pessoa, Brazil



Deepening understanding of jurisdictional tensions
I&J organized the workshop “Transnational Due Process: A Case Study in Multistakeholder Cooperation” at the 2015 UN Internet Governance Forum to emphasize the value of multistakeholder cooperation in addressing specific examples of jurisdictional tension online, such as obstacles to systems of mutual legal assistance, developing mechanisms for transnational cooperation.

40 CONTRIBUTED | 12 ORGANIZED | 7 CONVENED | 20 COUNTRIES

2015 Meeting of the I&J Policy Network | Berlin, Germany



Elaborating Transnational Policy Standards. More than 50 participants came together to discuss the elaboration of policy standards for cross-border requests for access to user data,

content takedowns, and domain seizures. Participants included key actors from states, companies, technical operators, civil society, academia, and international organizations.

Special Rapporteurs on Freedom of Expression | Florence, Italy



Relating Due Process and Freedom of Expression. I&J convened a two-day workshop with current and former Special Rapporteurs from the UN, IACHR, AICHR, and OSCE, as well as UNESCO to analyze

progress made toward the development of transnational due process frameworks and elaborate on how to better secure freedom of expression and other human rights online when developing mechanisms for transnational cooperation.

Stakeholders Meeting | Delhi, India



Engaging Stakeholders in India. Together with the Observer Research Foundation (ORF), I&J convened an event in Delhi for decision-makers from the government, businesses, and civil society. Existing ties with participants in the I&J policy network were strengthened, and new actors were informed about the work of I&J and the issue of jurisdiction on the internet more broadly.

GLOBAL INTERNET AND JURISDICTION CONFERENCE

The first Global Internet and Jurisdiction Conference was held in Paris in November 2016, bringing together more than 200 senior participants from over 40 countries and all stakeholder groups. Over the course of three days, participants framed their issues of common concern, exchanged on existing efforts to address them, and discussed related operational challenges in order to define paths for cooperation moving forward. The conference eschewed formal panels to encourage dynamic exchanges, build trust among participants, and foster mutual understanding

of policy priorities. In addition to “Stakeholder Plenary” sessions involving all participants, targeted and in-depth discussions on each of the three I&J programs took place in parallel workstreams on the second day of the conference.

The structure and preparation of the Global Internet and Jurisdiction Conference illustrated Internet & Jurisdiction’s innovative approach to advancing the global debate surrounding jurisdiction on the internet, developed from years.

COMMON FRAMING



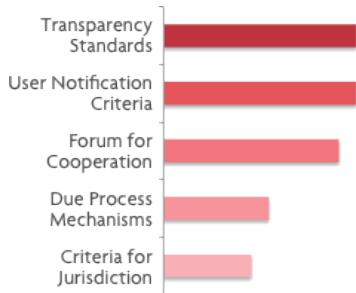
In-depth preparatory work conducted ahead of the conference included workstream-specific meetings and intensive consultations with stakeholders, ensuring that the most relevant actors, topics, and initiatives were included. On the basis of these exchanges, a detailed Working Document was prepared by the Secretariat to summarize dynamics, present current initiatives, and highlight the most pressing and recurrent questions for each workstream. This framing document was distributed to all conference participants in advance to bring focus and structure to discussions.

During the conference, stakeholders acknowledged that no single actor can solve jurisdictional challenges alone

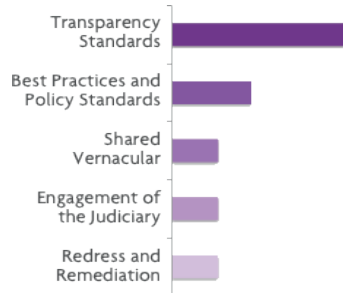
and that uncoordinated efforts or inaction could come at a high cost for all, publicly reasserting the ongoing need for more effective multistakeholder cooperation. While dialogue is essential to ensure better policy coherence and coordinate existing initiatives, the development of shared policy standards and operational solutions will require action beyond words. To this end, a roadmap for enhanced multistakeholder cooperation was collaboratively elaborated, identifying concrete areas for cooperation and laying the grounds for joint action. Internet & Jurisdiction will be an integral part of these advancements, continuing to serve as a neutral convener, a source of expertise, and a forum for cooperation.

AREAS OF COOPERATION

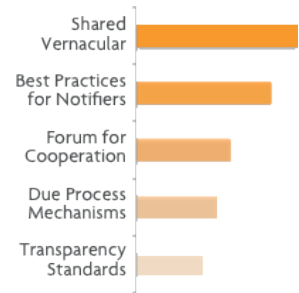
DATA & JURISDICTION



CONTENT & JURISDICTION



DOMAINS & JURISDICTION



“

« If nothing is done, many who met [at the Global Internet and Jurisdiction Conference] in Paris worried, the open internet could be a thing of the past within a decade or two. What is needed, they said, is more international co-operation—but not of the old kind.»

”

The Economist
November 21, 2016



The 2016 Global Internet and Jurisdiction Conference was held at the Ministerial Conference Center in Paris, provided by the French Ministry of Foreign Affairs.

GIJC ADVISORY GROUP

A high-level advisory group assisted the Internet & Jurisdiction Secretariat in shaping the agenda for the Global Internet and Jurisdiction Conference, identifying relevant participants and structuring the preparatory process.

Anne Carblanc

Head, Digital Economy Policy Division
OECD

Benedicto Fonseca Filho

Director, Scientific and Technological
Affairs
Brazilian Ministry of Foreign Affairs

Chinmayi Arun

Executive Director, Centre for
Communication Governance
National Law University Delhi

Carlos Affonso Pereira de Souza

Director
Institute for Technology and Society

David Kaye

Special Rapporteur for Freedom of
Expression
United Nations

Eileen Donahoe

Director of Global Affairs
Human Rights Watch

Fiona Alexander

Associate Administrator
US Department of Commerce

George Sadowsky

Board Member
ICANN

Gulshan Rai

National Cybersecurity Coordinator
Indian Prime Minister's Office

John Frank

Vice President, EU Government Affairs
Microsoft

Madan Oberoi

Director of Cyber Innovation and
Outreach Directorate
Interpol

Patrick Penninckx

Head of Department, Information
Society
Council of Europe

Megan Richards

Principal Adviser, DG CONNECT
European Commission

Nii Quaynor

Chairman
Ghana National Information
Technology Agency

Matt Perault

Head of Global Policy Development
Facebook

Sally Shipman Wentworth

Vice President, Global Policy
Development
Internet Society

Sunil Abraham

Executive Director
Centre for Internet and Society

Vint Cerf

Chief Internet Evangelist
Google

INSTITUTIONAL SUPPORTERS



RETROSPECT

“

Retrospect is a valuable tool as it documents all developments around the world and offers concrete ways to have conversations about them. I encourage everyone not only to use Retrospect and read it regularly, but also to contribute to it.

”

Chinmayi Arun

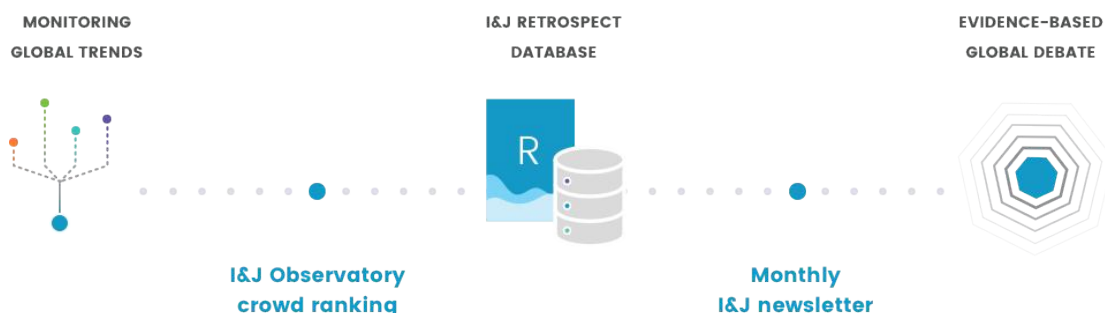
Executive Director, Centre for Communication Governance
National Law University, Delhi

Retrospect is the flagship, open-access publication of the Internet & Jurisdiction policy network, documenting policy developments, judicial decisions, international agreements, and other cases that reflect jurisdictional tensions on the cross-border internet. Retrospect has become a highly respected tool for enabling evidence-based policy debates, reaching an audience of key decision-makers and influencers from all stakeholder groups and continents.

Each month, concise summaries of most influential cases from around the world are crowd-ranked with the help of the leading academic experts of the I&J Observatory,

and the top 20 cases are sent directly to more than 1,500 subscribers then added to the I&J Retrospect Database.

Building on the diligent process of monitoring, documenting, and synthesizing policy developments that the I&J Secretariat has carried out since 2012, the I&J Retrospect Database offers policymakers and other stakeholders a unique tool to monitor emerging trends, stimulate discussions, and ensure that debates are grounded in empirical evidence. By the end of 2016, the I&J Retrospect Database contained 1,170 cases from 117 different countries.



TOP CASES

March 2015

Indian supreme court declares offensive online speech law unconstitutional

June 2015

French Data Protection Authority demands that Google de-index searches globally

October 2015

Court of Justice of the EU strikes down EU-US safe harbor agreement

July 2016

Brazil: WhatsApp targeted again in judicial blocking order

July 2016

Microsoft wins landmark appeal over seizure of emails stored in Irish jurisdiction

November 2016

Russia blocks LinkedIn for non-compliance with data localization rules

I&J OBSERVATORY

Internet & Jurisdiction benefits from an international network of academics currently comprising 30 members from 26 leading institutions and research centers in 16 countries around the world. Each month, members of the I&J Observatory assist the I&J Secretariat in identifying and ranking the most important cases of jurisdictional tension on the internet to add to the I&J Retrospect Database.

Carlos Affonso Souza
Institute for Technology & Society, Brazil

Chinmayi Arun
National Law University Delhi, India

Catalina Botero
Universidad de los Andes, Colombia

Ian Brown
Oxford University, UK

Lee Bygrave
University of Oslo, Norway

Agnès Callamard
Columbia University, USA

Jacques de Werra
University of Geneva, Switzerland

Agustina del Campo
University of Palermo, Argentina

Laura DeNardis
American University, USA

William Dutton
Michigan State University, USA

Lilian Edwards
University of Strathclyde, UK

Giancarlo Frosio
University of Leuven, Belgium

Urs Gasser
Harvard University, USA

Michael Geist
University of Ottawa, Canada

Martin Husovec
Tilburg University, The Netherlands

Daphne Keller
Stanford University, USA

Matthias Kettemann
University of Frankfurt, Germany

Wolfgang Kleinwächter
University of Aarhus, Denmark

Joanna Kulesza
University of Lodz, Poland

Tobias Mahler
University of Oslo, Norway

Miquel Peguera
Open University of Catalonia, Spain

Teresa Scassa
University of Ottawa, Canada

Thomas Schultz
King's College, UK

Wolfgang Schulz
Humboldt University, Germany

Dan Svantesson
Bond University, Australia

Tatiana Tropina
Max Planck Institute, Germany

Peggy Valcke
University of Leuven, Belgium

Ian Walden
Queen Mary University, UK

Rolf Weber
University of Zurich, Switzerland

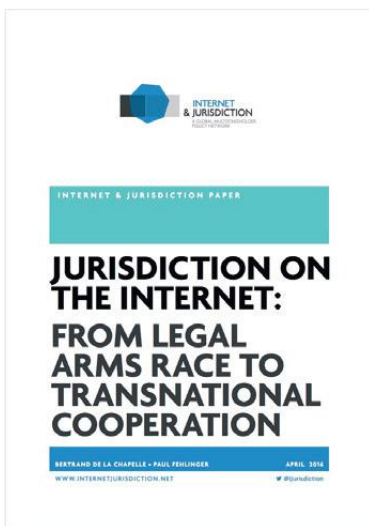
Nicolo Zingales
Sussex University, UK



The last meeting of the I&J Observatory was held at the Stanford Center for Internet and Society in the USA. Previous meetings have been held at the Humboldt Institute in Germany and the Centre Pompidou in France.

PUBLICATIONS

Publications by the Internet & Jurisdiction Secretariat offer comprehensive and timely overviews to frame and shape the global debate surrounding online jurisdiction. Beyond contextualizing jurisdictional tensions generated by the cross-border internet, publications channel the dialogue processes and related activities of the I&J network toward policy suggestions and recommendations for future action.



The I&J publication, “Jurisdiction on the Internet: From Legal Arms Race to Transnational Cooperation,” had a resounding impact on the way stakeholders consider and discuss the issue of jurisdiction on the cross-border internet. The publication was released in April 2016, outlining the risks to the global community posed by the exertion of digital sovereignty and extreme application of the principle of territoriality. Citing the unintended consequences posed for the future of the global digital economy, human rights, the technical internet infrastructure, and cybersecurity, the paper called for innovative mechanisms that are as transnational as the internet itself and the necessary policy networks and ongoing dialogue process to produce them.

“

The spread of the right to be forgotten is part of a wider trend towards the fragmentation of the internet. Courts and governments have embarked on what some call a “legal arms race” to impose a maze of national or regional rules, often conflicting, in the digital realm. Left unchecked, the trend towards a “splinternet” will cause economic damage, hamper digital innovation, [and] restrict free speech.

The Economist
November 5, 2016

”

SHORTER PUBLICATIONS WERE ALSO PRODUCED BY THE I&J SECRETARIAT FOR THE FOLLOWING OUTLETS:

COUNCIL *on*
FOREIGN
RELATIONS



Slate



IN THE MEDIA

“

There's a huge paradox at the heart of the Internet, and experts warn that countries' efforts to grapple with it could break the global online trade network that we take for granted today. ... So what's the solution? Fehlinger and his colleagues are recommending the creation of new policy groups that can «establish due process across borders.» This would be a kind of «soft law» that at least sets standards for cooperation between countries and companies, that can one day be enshrined in more formal mechanisms such as treaties, terms of service, and national laws.

”

Fortune Magazine
April 8, 2016

As the need for multistakeholder cooperation to address issues of jurisdiction on the internet becomes increasingly evident, journalists around the world turn to Internet & Jurisdiction for its insight and expertise. In 2015 and 2016, numerous articles were published citing the I&J Secretariat and reporting on the work of the policy network, such as its Global Internet and Jurisdiction Conference or the new I&J Retrospect Database. Coverage came from international outlets including:



FORTUNE



L'OB

NZZ

POLITICO

THE WIRE

ВЕДОМОСТИ



Articles citing Internet & Jurisdiction were published in six languages: English, French, German, Italian, Russian, and Chinese.

FUNDING

Internet & Jurisdiction is a not-for-profit. To ensure the neutrality of its Secretariat, it is financed through a diversified multistakeholder funding pool. The work of Internet & Jurisdiction in 2015 and 2016 was made possible thanks to contributions from the following entities:



Additional contributions for the Global Internet and Jurisdiction Conference were provided by EURid, Holland & Knight, the German Federal Foreign Office, Fenwick & West, Twitter, and the Swiss Federal Office of Communications.

BUDGET OVERVIEW

| | 2015 | 2016 (est.) |
|------------------------------|----------|-------------|
| Contribution Received | €406,614 | €420,000 |
| Personnel | €219,687 | €269,000 |
| Events and Travel | €111,179 | €80,500 |
| Other Expenses | €73,166 | €69,500 |

SECRETARIAT



Bertrand de La Chapelle
Executive Director



Paul Fehlinger
Deputy Director



Léa Richard
Project Officer



Collin Kurre
Policy and Communications Officer

Raphaël Beauregard Lacroix

Legal Intern, Spring 2016
Canada

Ana Garcia

Legal Intern, Fall 2016
Brazil

Andra Dimitriu

Legal Intern, Fall 2016
Romania

Ellen Stay

Communications Intern, Fall 2016
Australia

2015/16 IN NUMBERS



Convened, organized,
and contributed to
59 events in
20 countries



14 media appearances
in **6** languages



4
full-time staff
in the
Secretariat



Engagement with more than
200 entities
in the policy network

210 participants
from
44 countries
at the Global Internet and
Jurisdiction Conference





480 new cases added to the I&J Retrospect Database



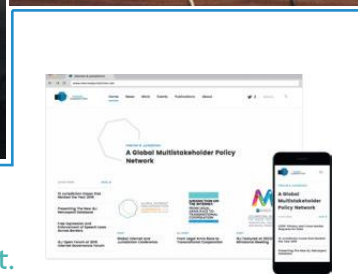
5 leading academics joined the I&J Observatory



5 publications by the I&J Secretariat



3 programs launched

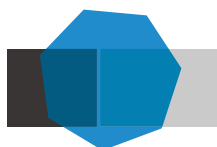


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