

Summary Report of the Rapporteur Group 3:

Sub Themes:

1. ***Impact of International Agreement and Policies***
2. ***The Future Impact of IANA Transition***
3. ***Universality***

Workshops:

1. **Cyber Security and the Internet of Things: Is Privacy Dead?**
2. **Domain Name Industry as a New Revenue Stream for Service Providers in Asia Pacific**
3. **Out of Smoke and Mirrors: How will a multi-participation environment be sustained after transition?**
4. **IPv6 in the Asia Pacific Region**
5. **Internationalized Domain Names and Implications for the Next Billion**
6. **The Future of Internet Rulemaking Through Trade Agreements**

Summaries:

1. **Cyber Security and the Internet of Things: Is Privacy Dead?**

The workshop explored the evolving area of Internet of thing and its impact on the privacy. The panelists shared their view of the challenges that exists in terms of privacy and the threats in terms of least awareness and debate in this direction.

With a thought provoking debate on the issue of privacy linked to the evolution of IoT across the globe and called for the need to collaboration among different stakeholders so as to realize a safe and secure IoT ecosystem in the future. Issues such as the need to equip technical community/engineers with the legal aspects of the IoT so the technology designed is already safe and friendly to the end users particularly in the context of security and privacy.

They agree that for the IoT ecosystem to be more effective, there is still more we can do to improve the deployment of these technologies in developing countries. They also share some statistics on the global IoT landscape i.e. according to Gartner there will be

6.4 billion connected things in use worldwide in 2016 while, in mid-2015, Cisco estimated that there were already 15.7 billion devices connected to the Internet.

The workshop also highlighted IoT as disruptive technology and debated the disruption it is bringing it different industries including healthcare, agriculture and automotive, among others. The panelists agreed that IoT has brought exciting possibilities and innovation but significant challenges persist in terms of end users' privacy and data security.

Another important point discussed was the need for capacity building and awareness of the end consumer about the privacy aspects of emerging technologies that are making use of IoT. Capacity building and awareness in terms of privacy and data security is something that should go side by side with the introduction of the so many innovative applications making use of IoT. This is because most of the times end users are completely unaware of the fact that a particular IoT application is impacting his/her privacy.

The panelists on a question from the moderator about the internet ecosystem by 2030 shared their comments and said the future of Internet is full of innovative IoT applications but the privacy concerns and the challenges will continue to exist and there is a dire need for collaboration among industry stakeholders to be able to realize a safe and secure IoT ecosystem that adheres to the global norms of privacy, safety and security.

2. Domain Name Industry as a New Revenue Stream for Service Providers in Asia Pacific

The workshop started with a quick overview of the Internet ecosystem in the APAC region by the moderator there by highlighting the need that trade, businesses and brand owners in the APAC region should be aware of the fact that other parts of the world (mainly North America and Europe) have already been moving ahead in the domain name industry.

Major points discussed during the workshop include but are not limited to the following:

- Compared to the US and Europe, the region needs to do more in order for the domain name industry to be explored as a new revenue stream for service providers, entrepreneurs, and investors.
- It was discussed that the private sector in the region needs to explore the prospects of domain name industry in the region.

- In the top 10 countries in terms of “most domain name disputes filling” last year, there is none from the APAC region which is a good sign.
- Also, according to ICANN’s global consumer research (June 2016), average awareness and visitation is on the rise. There is a strong regional difference for the new gTLDs – awareness of ngTLDs in APAC is as much as 20 points higher than in North America and Europe.
- The ngTLD (new generic top level domain names) and the IDN (internationalized domain name) were covered from different angles. The panelist highlighted the fact that ngTLD is giving more and more options to the end users when it comes to domain names.
- Panelist from ICANN highlighted that there is a constantly growing interest in the programs such as ngTLDs and IDN which is resulting in diversity in the domain name industry.
- Panelist from dotAsia organization elaborated on the potential in the domain name industry thereby giving examples based on the success stories of .Asia registry.

3. Out of Smoke and Mirrors: How will a multi-participation environment be sustained after transition?

The workshop gave a very comprehensive insight into the IANA Transition process and the updates. The transition process and the bottom-up multi stakeholder process were discussed from different angles including the involvement of the community and its sustainability.

The panelists explained how the transition was announced by the US govt thereby asking for certain principles to be followed while the transition proposal is prepared. These principles were mainly related to the security, stability and resiliency of the DNS and openness of the Internet, including some other points.

The effort by the global multistakeholder community in preparing the proposal was highlighted by sharing the stats such as the finances spent, the number of hours spent, the number of call made and emails exchanges etc etc.

Panelists shared their view of the transition process and agreed that it is important for the sustainability of the post transition multi-participation environment.

4. IPv6 in the Asia Pacific Region

This workshop gave a comprehensive overview of state of IPv6 with the Asia Pacific region with panelists covering Japan, India, South Korea, and Australia among other parts of the region.

Accordingly, there were some very interesting policy initiatives taken by Indian government about IPv6 deployment thereby working with the Internet Service Providers and telecom operators. The challenges being faced in IPv6 deployment were discussed. DG of APNIC who was one of the panelists shared the initiatives and collaboration with different players in the region for the uplift of the IPv6 deployment in the APAC region.

The panelists also talked about the exhaustion of IPv4 address space there by highlighting the fact the solutions such as NATing is a temporary solution and that it has certain drawback too. The ultimate solution lies in IPv6 for it has a large address space so as to enable billions of devices to have unique IP addresses.

5. Internationalized Domain Names and Implications for the Next Billion

Grouped in the subtheme of 'Universality' this workshop gave a comprehensive backgrounder through the panelists to those who are new to the Internationalized Domain Names program. It was an equally good update for those who already knew about the program. The experts shared the details about the latest development and progress in the IDN program and its importance in localizing the end user experience in terms of giving them the opportunity to register a domain name in their Latin one. In the context of Next Billion internet users, IDNs were highlighted to be of significant value for it is promoting linguistic diversity on the Internet.

Additionally, the panelists talked about various aspects of the creation of Label Generation Rulesets for the internet community in the Southeast Asia. They also discussed the challenges faced in the IDN program and how they are overcome in the formation of a Generation Panel.

6. The Future of Internet Rulemaking Through Trade Agreements

Note – **The below summary for this workshop was very kindly provided by our group member Tan Sze Ming and is being shared unedited.**

The Future of Internet Rulemaking through Trade Agreements

Trade negotiations are increasingly setting norms on Internet policy issues. This workshop seeks to explore and discuss some of the most relevant questions regarding this topic.

Topic of discussion:

1. Are these negotiations reflective of the interests of Internet users as citizens on countries of the Asia-Pacific Region? How do trade agreements impact public policy objectives?
2. How does the rival Regional Comprehensive Economic Partnership (RCEP) compare with the TPP, both in terms of its substantive content and the process by which it is being negotiated?
3. In this aspect, what should trade agreements seek to do in setting global rules and norms to protect an open global Internet and the rights of users, and also promote development? What issues are inappropriate for trade negotiations as they exist now, and where else could these issues be addressed? What steps could be taken to make trade negotiations more open and transparent?
4. Some argue there are ways to leverage provisions in trade agreements in support of an open internet and against censorship, filtering, and fragmentation. Is this possible? Can governments implement or promote new models for trade to reflect the interest of Internet users, after signing agreements like TPP?
5. How can the archaic IP-protection regimes in trade agreements be updated to better reflect the user's changing relationship with technology? For example, digital rights management mechanisms can interfere with a user's choice of software, rendering devices less useful. Concerns about online censorship are rife in the face of ever-extending copyright provisions, and free speech is threatened by moves to publish public databases of domain name ownership. What steps can be taken to extend these rights in the same way that trade agreements are promoted?
6. Lastly, how does the TPP actually affect online rights and freedoms?

Content:

1. Tran Duc Hoang

- Internet is an open network
- Information is the currency of the internet and always have been the critical component
- Free flow of information is human rights
- Restrictions of information flow
 - blocking of access to the entire internet, website, online services etc
 - example in Vietnam, Blogspot and BBC are blocked in the country
 - May 1st, protest against a firm, Facebook was blocked
- From the business perspective, as internet grows and the global econ becomes connected, companies want the free flow of information, or at least the free flow of information data. The best way to approach is through the next gen of trade agreements which is not only about importing and exporting goods but also about forming and shaping the policy making in nations
- Free flow of information in TPP
 - Article 14:11
 - Article 14.1
 - Article 10.1
 - Article 14:3
 - ISDS mechanism
- Exceptions
 - Yes, but historical records suggest that sole reliance on such type of exception will not work well
- Conclusion: something is better than nothing

2. Anahita Mathai

- Do these agreements reflect to what people want?
- Commentators rely on leak documents
- Only small number of interest groups are involved
- Have implications that goes beyond trade, data protection, climate change and global health
- The first agreement that address digital rights issues explicitly
- Evident to digital 2 dozen document from the US trade representative's office
- Big concern in countries where domestic privacy legislation is weak
- Bias - TPP compliant via tribunal
- RCEP and TPP are prohibited

3. Shawn Tan

- Technology is enable of rights not right itself
- You can only enjoy the intent through software and with software
- In Malaysia, copyright terms has been extended. In contrast to normal property rights, citizens do not have implicit rights. Unless such access is explicitly granted by copyright holder.
- Related rights include the infamous rights management
- Not only software that suffers copyright rights
- 20 years imprisonment for breaking rights management
- Breaking the pad lock to a house carries a healthier penalty than stealing things from the house
- Upgraded from tier 2 to tier 2 in order to allow it to sign the TPPA
- Software freedoms can only be enforced if there is strong legislation in place
- Turn rights management on its head as un rights management
- I would like to suggest to charge someone for placing unauthorized digital locks
- Conclusion: we should find a way to turn this legislation around to reinforce freedom instead of restrictions

4. Kelly Kim

- Korea is full FDA country
- Korea's interest is not well reflected
- Not much room to fight for
- FDA has strong IP protection
- The govt need to enforce the current FDAs and in the way we are playing U.S role because we already have FDA with U.S
- Korea regime is similar to U.S
- We have to impose our draft agreement
- We have to enforce/compel these terms to other countries in our negotiations, in our steps
- One act was transformed, reshaped after this in the year of 2011
- There were favorable positive aspects of being introduced to the EU or US copyright information protection regime under the e-com directed was introduced the Korean Law
- No provision to counter notice and restitution of taking down the contents
- The trade negotiations was led by commercial department
- They should listen more with NGOs and other stakeholders
- It is top down decision making process so that the negotiators well intentioned
- Our power is determined by the govt, the top down decision making process should be changed

5. Jon Lawrence

- Australia is historically early promoter of free trade through organisations like APEC
- Free trade it is a "good thing"
- TPPA is anti-trade
- No benefits to agriculture sectors
- No scrutiny and no parliamentary oversight
- Open, vibrant and stable democracy in Australia
- 80 plus individual pieces of new anti-terror legislation passed since 2001 in Australia
- UK style fair dealing and it is very limited exceptions that cover in news and tabloids
- Site blocking law rushed through parliament last year
- Sign the free trade agreement with US in 2005
- Managed to mess up the implementation of the safe harbour regime
- FDA try to make illegal and implement legislation
- Safe harbour regime to start the process in implementing the Marrakesh Treaty
- Consequences of ingrained positive approach to free trade, TPPA received very little exposure in Australia and very little parliament scrutiny.
- One ref from major Australia news about TPP
- Clear issues on transparency
- Clear opposition within Australia on TPP
- No net benefits to Australia

6. Dr Hong Xue

- China is one of the party in the negotiation process
- The regional comprehensive economic partnership agreement - the next big thing after TPP
- Rely to leaked documents
- E-commerce law - opposite the cyber security, try to make internet as open and free, very liberal
 - Will be revised for the second time
- Trademark law was revised 2 years ago
- Patent law was revised 3 years ago and will be revised again
- Impact in governance
 - This trade law being build up and no ways to stop it
 - Legal professionals suggest to address in positive perspective and don't analyze these laws
- To fill gap, go back to consumer protections on privacy and personal data
 - no comprehensive worldwide international law

- Chapter 14 on E-Com in TPPA are useful for cross-border consumer protection
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