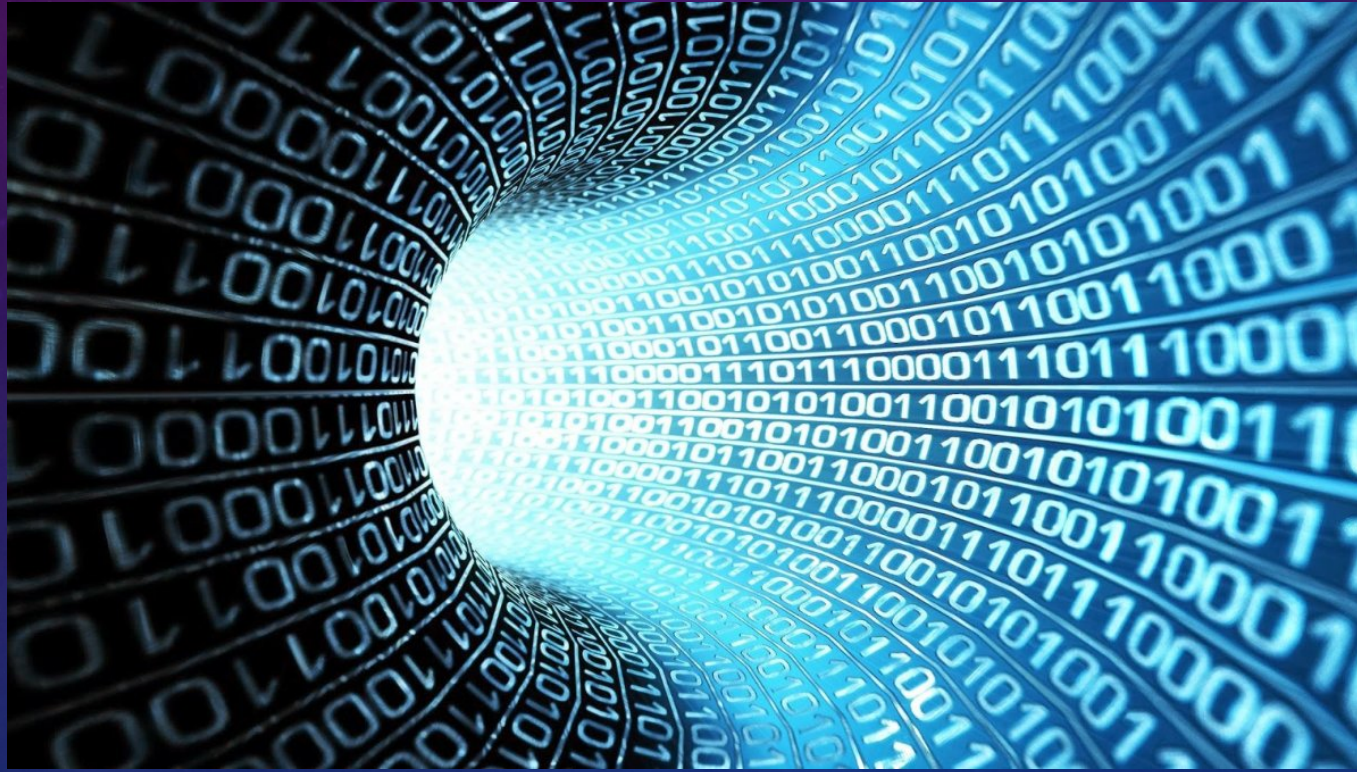




HOW TPP WILL FREE THE FLOW OF INFORMATION

HOANG TRAN – EZLAW

INFORMATION IS THE CURRENCY OF THE INTERNET



FREE FLOW OF INFORMATION

Free flow of information is a human right idea involving freedom of expression and challenging the act of national censorship, filtering and the fragmentation of the Internet.

RESTRICTION OF INFORMATION FLOW

1. Blocking of access to the entire Internet;
2. Blocking of access to particular websites or online services;
3. Blocking of access to results from the search of specific keywords;
4. Regulatory, Licensing requirements to control online service providers and the information's contents that they deliver;
5. Legal Orders to take specific contents or online services;
6. Physical surveillance, monitoring or controlling persons and entities who provide the contents; and
7. Etc

EXAMPLE IN VIETNAM

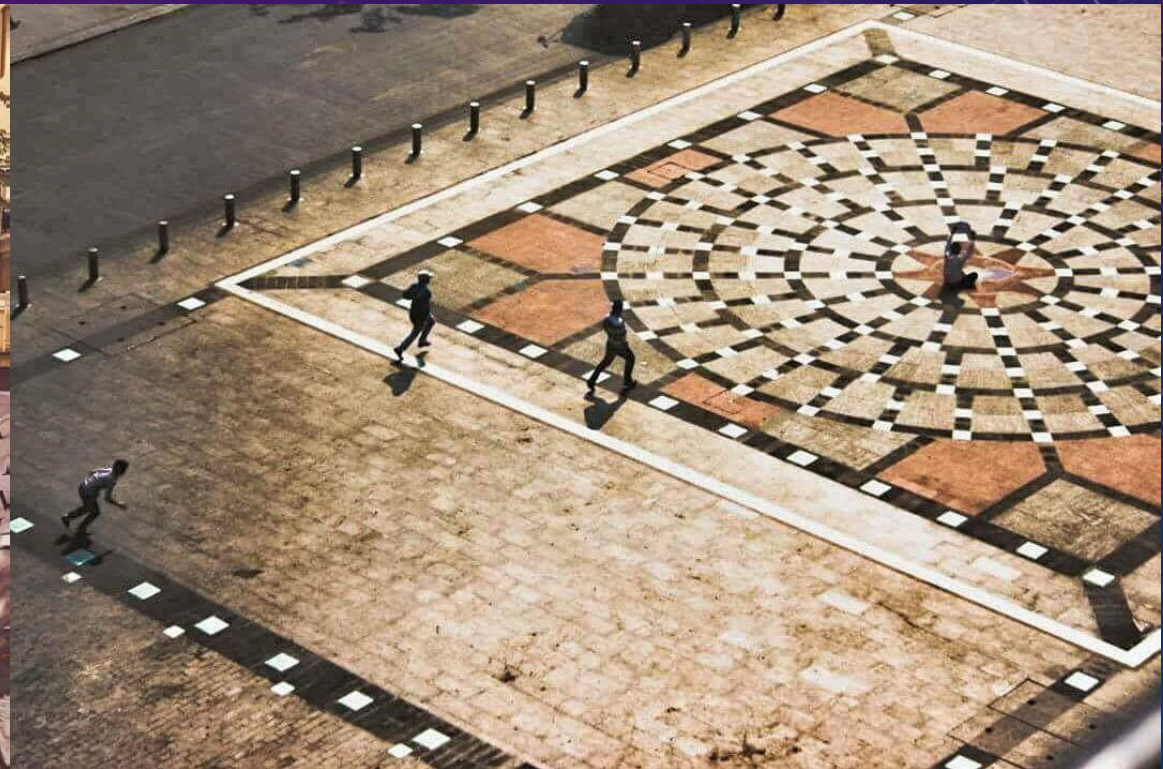


EXAMPLE IN VIETNAM

BBC

TIẾNG VIỆT

EXAMPLE IN VIETNAM



FROM THE BUSINESS PERSPECTIVE

As the internet grows and the global economy becomes more interconnected, companies want the free flow of information, or at least the free flow of commercial data, should be a concrete rule applying for all governments. And, the best way to approach such a goal is through the next-generation of trade agreements which is not only about importing and exporting goods but also about forming and shaping the policy making in nations.

TPP IS THE FIRST TRADE AGREEMENT TO CARRY BINDING FREE FLOW OF INFORMATION RULES



FREE FLOW OF INFORMATION IN TPP

Article 14.11: “Each Party shall allow the cross-border transfer of information by electronic means, including personal information, when this activity is for the conduct of the business of a covered person.”

FREE FLOW OF INFORMATION IN TPP

Article 14.1: “Covered person means [...] a service supplier of a Party as defined in Article 10.1.”

Article 10.1: “Service supplier of a Party means a person of a Party seeks to supply or supplies a services.”

Article 10.1: Cross border trade in services means the supply of a service:

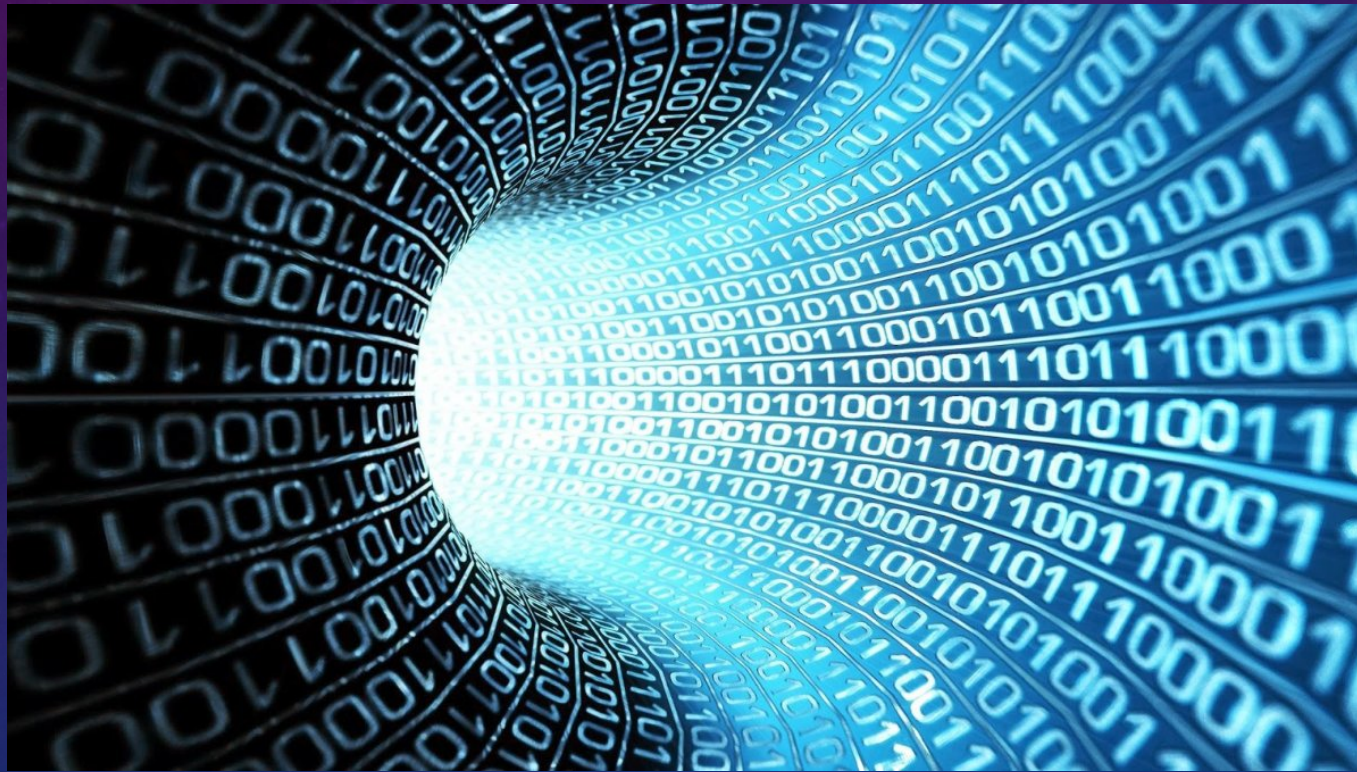
- (a) from the territory of a Party into the territory of another Party;
- (b) in the territory of a Party to a person of another Party; or
- (c) by a national of a Party in the territory of another Party, but does not include the supply of a service in the territory of a Party by a covered investment;

FREE FLOW OF INFORMATION IN TPP

The rule would cover:

- Internet providers who deliver cross-border service users for free;
- The conduct of the business does not have to involve the exchange of money.

FREE FLOW OF INFORMATION IN TPP



RELATED AND USEFUL RULES

- Article 14.13: “No Party shall require a covered person to use or locate computing facilities in that Party’s territory as a condition for conducting business in that territory.”
- ISDS mechanism.

EXCEPTIONS

Yes, but historical records suggest that sole reliance on such type of exception will not work well.

MY CONCLUSION

Something is better than Nothing.



THANK YOU VERY MUCH

You can contact me or EZLAW by htran@ezlawfirm.org