

**Internet Mark 2 Project**  
**Creating Tomorrow's Internet**  
[www.internetmark2.org](http://www.internetmark2.org)

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Mr Markus Kummer  
Secretariat  
Internet Governance Forum  
Palais de Nations  
Geneva

Dear Markus

**Re: Public policy issues to be discussed at the first meeting of  
the IGF**

I am pleased to forward the attached response to the request for  
comments on behalf on the Internet Mark 2 Project.

The Internet Mark 2 Project rose out of concerns that Internet protocols  
and governance have not evolved sufficiently to deal with the range of  
problems which have appeared as the Internet gets older and bigger.  
Further details can be found at our website ([www.internetmark2.org](http://www.internetmark2.org)).

Let me presume that the request to nominate the top three issues is  
related to a need to understand priorities, rather than limit the IGF to  
three issues. In that context, let me say spam, multilingualism, and  
network neutrality. And I must stretch to five, because capacity building  
and root zone authorisation cannot be left out. But, we suggest, an IGF  
restricted to those issues alone would be ineffective and a wasted  
opportunity.

These issues, with the exception of network neutrality, were on the  
table in 2004 and 2005, and considered during the WSIS process. We  
think IGF has to find a way to consider emerging issues as well.

Emerging issues are not well covered by the existing status quo bodies,  
and in some cases not understood. But these are issues where IGF  
could in many cases make a real difference. Some of the more  
prominent of these are:

**Network neutrality**

**We do not want to see the Internet become some highly regulated  
network facility broken up into different regulatory regimes  
according to the types of traffic being transmitted.**

From its birth, the internet embodied the principle of network  
neutrality: The pipes were equally open for all kinds of lawful  
transmission. The internet owes its phenomenal growth to the network  
neutrality principle, which allowed all comers big and small (most small

when they first launched) to have the same access to users as anyone else.

Some telecommunications companies have complained that usage giants like Google and eBay are getting a "free ride" on the telecom infrastructure, and want "a piece of the action" as far as premium content is concerned. But Google and eBay pay well for network access and so do all of their users.

U.S. law, for example, requires "communication services" like telephone companies to operate on the principle of network neutrality, but does not require "information services" to do so. Currently, broadband internet services fall into the second category.

Similar dilemmas exist in other regulatory regimes – a satisfactory and best practice approach to this issue is necessary if the usefulness of the Internet is to be maintained.

### **The VOIP challenge to telephony**

Another example of this is the battle between VOIP (voice over IP) and traditional telephony systems, which is beginning to dominate discussions in national regulatory regimes of some countries with high broadband penetration. There is hardly an issue where the importance of understanding the potential of the Internet is more important. Traditional telco business models are sometimes threatened by Internet growth, and telco lobbying power will undoubtedly lead to some draconian attempts to stop Internet growth by regulatory restrictions based on content type.

Model legislation therefore becomes important in allowing the emergence of a regime in which voice connections are no different to any other Internet connections.

### **Googleisation**

Moving from a simple base as a very good Internet search engine, Google, using massive market capitalisation that has some people talking of a second 'dotcom" era, proceeded to

- make available Google Maps, raising ire among some countries at the easy availability of satellite imagery of military facilities
- became evidence in a criminal court case in USA, where Google searches on the words "neck" and "snap" became part of criminal evidence, raising substantial privacy issues
- released Google desktop, with "cookies" allowing customization of news alerts, gathering a large store of personal data about users, and further raising privacy concerns
- released Google Print, a plan to make available on line literary works, raising copyright concerns
- began rolling out city wide free wireless networks in towns such as Mountain View, California, posing challenges for those who would regulate telephony and broadcast facilities and support the economic viability of legacy broadcast and telephony

models.

- faced challenges from regulatory regimes in China and USA as regards content censorship and releasing private records to state authorities.

**Google is an excellent case study of emerging issues in the Internet sphere. A session on Google would go a long way towards understanding emerging issues.**

#### **Protocol issues**

And, not leastly, there are severe issues with base Internet protocols which are not generally understood – but they have led to a body of informed opinion that the Internet is ossifying and significant change at a technical level is necessary. I do not expect that IGF delegates will be interested to know about this in great detail, but I do they will be interested in significant commercial efforts such as Planet-Lab (supported by Intel and others) and significant government efforts such as the US GENI, aimed at addressing this problem and leading to the emergence of a new Internet. I would hope there would be time on the agenda for this subject to be addressed.

#### **A means to examine emerging issues**

**But our main concern is not identifying all the issues, but identifying a mechanism whereby the leading edge and emerging issues get on the table or at least get some space at IGF.** Perhaps an emerging issues session with a few experts in this area? Perhaps a panel of experts from leading edge developments? But without this, IGF will lag behind real world developments rather than being a forward looking organisation.

IGF could make a real difference on some of these issues, perhaps more so than on spam and multilingualism which have strong technical components. Many of the issues we have outlined above need good sensible regulatory responses, and there obviously governments matter.

We could go on and on with other issues which should be discussed. These include setting up of carrier-neutral internet exchange points, broadcast flag legislative approaches, address allocation, root servers stability, cctld delegation, cybercrime, data privacy over the internet, public key infrastructure, protocol body standardisation (ietf, w3c, oasis, iso, itu-t, etc), and IANA administration.

The challenge, we think, is covering a wide range of issues in a coherent program which will draw the attention and interest of key stakeholders in government, industry, and civil society.

If we can be of further use in drawing up such a program, please do not hesitate to contact us.

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