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“Cyberlaw”

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Introduced by

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Synopsis

In 2005, the regulatory framework in the U.S. for Internet access changed from a traditional telecom model to a so-called "Title I" or information service framework. At this stage, Title 1 is an unknown

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quantity and the details are yet to be written. We propose a simple regulatory mechanism that could be adopted and relate our proposal to the Net Neutrality debate.

Both regulators and traditional incumbents see the Internet as a distribution chain, delivering new digitized forms of the services with which they are familiar. Little attention is being paid to the role of online human communications in an abundant system characterized by positive feedback and potentially unlimited scale.

In the past, the goal of communications law has been to maximize the incentives of network builders to provide particular forms of infrastructures that were necessarily intertwined with particular forms of communications. From the point of view of incumbent telephony, cable, and broadcast providers, this approach made eminent sense. But in light of the advent of the Internet, communications law has to now be about facilitating diverse communications. In order to foster increasing returns, both economic and cultural, our top national priority must be to facilitate the generation of new ideas --- and new ideas are more likely to come from the Internet than from anywhere else, because they will come from human communications that are not centrally chosen.

Biographies

Simon Wilkie is the executive director of the Center for Communication Law and Policy. His research focuses on game theory, its application to regulation and policy design, and the economics of the communications industries. His most recent research is on the wholesale telecommunications market and the concept diversity in media markets. Prior to joining USC, he served as chief economist for the Federal Communications Commission. Professor Wilkie was also a senior research associate at Caltech and a faculty member of Columbia University.

Susan Crawford is Associate Professor of Law at Cardozo Law School, teaching cyberlaw and telecommunications law. Susan is a member of the Board of ICANN, a member of the Board of Directors of Innovation Network (www.innonet.org), and a member of the advisory boards of Public Knowledge, SquareTrade, Renovation in Music Education, Voxiva.