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Reflections on the Internet and the US Government

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Recent USG / Internet Developments

US Government cessation of the IANA Functions Contract

- Ended long-standing contract between NTIA and ICANN for ICANN to operate the IANA name, number, protocol parameter registries
 - DNS root zone
 - IPv4, IPv6, ASN 32, ASN64 unallocated pools
 - Protocol Parameter Registries

<https://www.ntia.doc.gov/page/iana-functions-purchase-order>
- Replaced by each affected community contracting with ICANN/ICANN's "Public Technical Identifiers" (PTI) affiliate for same services
 - Name community has ICANN contract on its behalf with PTI
 - Numbers community has RIRs contract on its behalf with ICANN
 - Protocol parameter community has IETF contract on its behalf with ICANN
- Not a change to policy for any of the IANA registries, nor a change in the IANA registry operations – change is that the IANA registries are now operated by ICANN/PTI by direction of the affected communities rather than USG/NTIA

Recent USG / Internet Developments

FCC Open Internet Reclassification Order

- Reclassifies broadband Internet access service as a telecommunications service under Title II of the Communications Act (and Section 706 of the Telecommunications Act of 1996.) -
 - <https://www.fcc.gov/document/fcc-releases-open-Internet-order>
(Forbears hundreds of provisions of Title II/Section 706, including rate regulation, universal services fund contribution, etc.)
- Establishes "Bright Line Rules" (save for reasonable network mgmt)
 - No Blocking
 - No Throttling
 - No Paid Prioritization
- ISPs cannot "unreasonably interfere with or unreasonably disadvantage" the ability of consumers to select, access, and use the lawful content, applications, services, or devices of their choosing; or of edge providers to make lawful content, applications, services, or devices available to consumers.
- Specifically precludes reclassification from affecting manner in which IP addresses are administered by the Internet Number Registry System -
<http://teamarin.net/2015/04/07/what-the-fcc-net-neutrality-order-means-for-ip-addressing/>

Recent USG / Internet Developments

Digital Millennium Copyright Act (DMCA) Online Designated Agent Registration

- The United States Copyright Office published provisions that change the registration requirements for Designated Agents under the Digital Millennium Copyright Act.
- Now service providers who wish to use the safe harbor provisions of the DMCA must put register their Designated Agents via new online system (in addition to having on their website) <https://www.copyright.gov/dmca-directory/>

Section 230 of the Communications Decency Act (CDA)

- Multiple cases underway regarding CDA Section 230 exemption for intermediate providers (“No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider”)

Terms of Use Violations versus Computer Crime Statutes

- Contention over whether violating a website's terms of user is equivalent to using computer without authorization or permission (and thus implies criminal liability)

USG / Internet Developments - Outlook

- IANA Functions Transition
- FCC Open Internet Reclassification Order
 - Zero rating cases deferred
 - Remanding classification of broadband back outside Title II likely
 - Potential for FTC (rather than FCC) venue for consumer issues
 - Possible Communications Act/Telecommunications revisit in Congress
- Increased discussion about network & user attribution
 - Driven both by cybercrime and content concerns
 - e.g. GAC Public Safety Working Group efforts -
<https://gacweb.icann.org/display/gacweb/GAC+Public+Safety+Working+Group>

Q&A