

THE WORK

Will the UN Take Over the Internet?

Posted by Zach Lowe

McDermott Will & Emery partner Stephen Ryan almost certainly knows more about the Internet than you do. He's the longtime outside counsel for the American Registry of Internet Numbers--essentially the governing body for Internet policy for the U.S., Canada, and more than a dozen Caribbean islands. This week Ryan is in India for the Internet Governance Forum, an annual meeting about the future of the Web. The main topic of conversation this year: Should the United Nations or some other international organization govern the Internet, or should basic policy decisions about who gets IP addresses and the role of government be left to individual nations and regional organizations?

Hi, Stephen. Thanks for your time. What exactly is this conference in India about?

Here's the major issue boiled down: What is the role of government in regards to the Internet in the future, and what is the role of the international community? We've established that the government has a very important role in combating phishing, spamming, and child pornography, and making sure e-commerce is secure. But the question is: where does the government's role end? And where should the international community come in?

How exactly is the Internet governed?

Well, in North America, during the Clinton administration, the federal government spun the Internet off to non-governmental organizations like my client, the American Registry of Internet Numbers--[ARIN governs the distribution of IP addresses assigned to individual computers]--and to the Internet Corporation for Assigned Names and Numbers--[ICANN governs the distribution of domain names]. We really believe in a democratic, bottoms-up approach to the Internet. Someone here can get an IP number without going through the government at all. That's not true in China.

In China, the government is much more involved, right?

China has the the great firewall of China, where they are going to swallow some e-mail messages and the government will control the distribution of IP numbers. And that's fine with me--I just don't want that model exported to the U.S. or North America.

Forgive The Am Law Daily's stupidity, but if we send an e-mail to a friend in China, is the government reading that e-mail?

You should assume they are. They have 70,000 people whose job it is to read e-mails all day. What we can't accept is if your e-mail gets stopped at the Chinese border. For instance, say you're in Hong Kong and you send an e-mail to someone in England. That packet of information may have to go through China. That's fine, but we can't have the government blocking that packet of information from going through to England.

So what's wrong with having someone like the United Nations come into the picture and take over governance of all these issues?

Well, in a UN-type system, China has a seat on the UN Security Council and has one-fifth or one-quarter of the world's population. So the question is: If the UN takes over, will we have a system that looks more like the system in China or the free, democratic approach we use in North America? I think our freedom is greater now than it would be under a UN system.

What other issues are going to come up in India?

We'll discuss a lot of things. Should the global community adopt more aggressive policies to link up the developing world? We'll talk a lot about child pornography and what role governments and the private sector play in defeating it. We'll talk about adding more top-level domain names.

What's a top-level domain name?

It's a .com or a .net (ed. note: or .edu, .org, etc.). The issue is whether we need more of them. Should we have a .sex domain name for pornography? ICANN was moving toward that two years ago, but it didn't happen.

What kinds of legal issues does adding more top-level domain names bring up?

A lot of intellectual property issues. Take Oracle and IBM. Your name means a lot to you. If we add more top-level domain names, you or I or someone in Malaysia might lock up Oracle and IBM in that new domain name before Oracle and IBM do. A lot of major trademark holders believe they will get taxed if new top-level domain names open up.

This is very, very complicated. How did you get into this? Are you a tech whiz?

No, not at all. I was an organized crime prosecutor and then I moved up to be general counsel for the U.S. Senate Committee on Governmental Affairs. They had jurisdiction over all the information technology equipment for the government at that point. I took it as my job to learn about it. It has become my life's work. I'm essentially a technology lawyer now. People laugh, because I still struggle with my own personal technology.