

Using Law Responsibly: What Happens When Law Meets Technology?

michael geist

canada research chair in internet and e-commerce law university of
ottawa

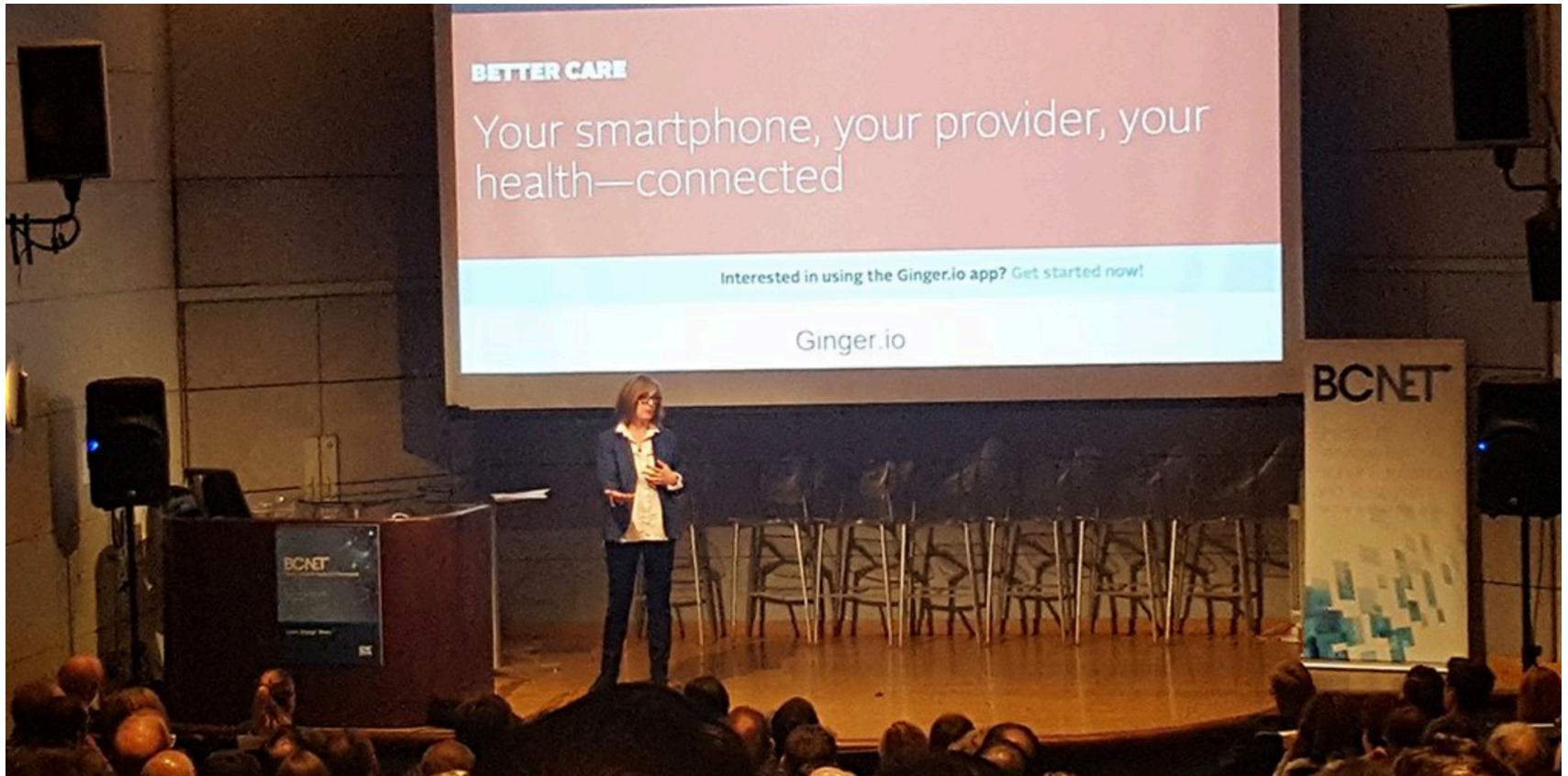
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Responsibility



TECHNOLOGY

Why Google Has a Responsibility to Fight Fake News

Google gives a platform to sites that deal in outright lies and innuendo—and that's a problem

BY JUSTIN LING

Published 9:53, Jan. 5, 2018

Google Ruled Responsible for Privacy in Search

By: [Richard Beaumont](#) | Tuesday, May 13, 2014 | Tagged: [Google](#), [Right To Be Forgotten](#), [Data Protection Regulation](#) | [Leave Comment](#)



In a decision that may have wide reaching consequences the European Court of Justice has ruled that search engines should be held [responsible for the protection of personal data](#) in search results, even if the data concerned is legally available elsewhere.

Hold ISPs Responsible For Piracy After Brexit, Music Biz Says

BY **ANDY** ON **MAY 12, 2017**

C: **63**

The powerful UK Music coalition, which includes the BPI and PRS, has published its 2017 manifesto. It takes a keen interest in IP issues, particularly post-Brexit. UK Music says that the UK's departure from the EU will provide a good opportunity to clarify issues with hyperlinking and also to hold ISPs accountable for piracy.

UK Music is an umbrella organization representing music interests in the UK, from artists and composers, through to studios, recording labels and collecting societies.

The group counts many influential bodies as members, including the BPI, **PRS for Music**, and licensing outfit PPL. No surprise then that it has a keen anti-piracy agenda, much in tune with its member groups.



Counterfeits on Ebay: who is responsible?

Frederick Mostert JULY 17, 2008



Where do the recent epic legal battles on both sides of the Atlantic between Tiffany and Louis Vuitton respectively and Ebay leave web customers who are saddled with counterfeit products daily? That there is a plethora of fakes online is glaringly obvious. Who then is responsible for removing the counterfeit products listed on Ebay? In the last two weeks, a French and a US federal court came to two diametrically opposed rulings on this same point. The French court placed full responsibility on Ebay [to remove Louis Vuitton counterfeit product from its site](#) while the US Court recognised the steps Ebay had already taken to decrease counterfeits and placed the onus on the trade mark owner to police further its products on Ebay. It is fascinating to see how these decisions symbolise a nationalistic walling of the internet in completely different ways. Both judgments significantly affect the nub of the business models of online

Ottawa 'abdicated' responsibility to protect French in Netflix deal, says Quebec minister

Culture Minister Luc Fortin says \$500M deal should clearly define amount destined for francophone productions

CBC News · Posted: Sep 28, 2017 6:51 PM ET | Last Updated: September 28, 2017



Who's responsible for Amazon sellers' sales taxes?

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Amazon ([AMZN](#)) and some [of the 800,000 or so independent sellers](#) that generate roughly half of the e-commerce giant \$136 billion in annual revenue have vastly different views regarding the collection of sales taxes.

The company has long argued that the sellers are responsible for collecting sales tax in the 46 states that levy it. But some sellers reject that argument and accuse the Seattle-based company of shirking its legal obligations to remit the levies. The issue has come to a head in recent months as states began stepping up their efforts to collect sales tax from web-based retailers.

A group of tax officials called the Multi-State Tax Commission (MTC) recently offered an amnesty for Amazon sellers that would, for the most part, wipe away back taxes and penalties from sellers that came clean. The deadline for the program, which has already been extended once because many sellers weren't aware of it, is Wednesday.

Facebook's social responsibility should include privacy protection


By **Scott Shackelford**
Associated Press

APRIL 12, 2018, 11:30 AM | BOSTON, MASSACHUSETTS

(The Conversation is an independent and nonprofit source of news, analysis and commentary from academic experts.)

Scott Shackelford, Indiana University

(THE CONVERSATION) In his congressional testimony, Facebook founder and CEO [Mark Zuckerberg](#) seemed to understand the importance of protecting both the security and privacy of Facebook's 2.2 billion users. People in the United States have come to realize the power of technology companies in their daily lives – and in politics. As a result, what



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WHO WILL TAKE RESPONSIBILITY FOR FACEBOOK?



Internet giants should support local news, culture, Melanie Joly says

Heritage minister says tech giants have “clear responsibility” in decline of traditional journalism, have obligation to invest.



Trudeau to Facebook: Fix your fake news problem or face stricter regulations

The prime minister warned that Ottawa would intervene with stricter federal regulations if the social media giant doesn't address integrity issues.



Why?

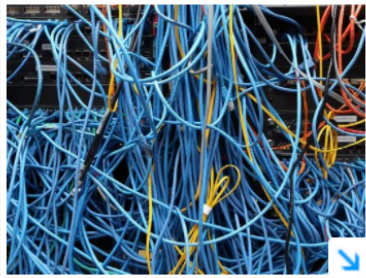




The Internet is officially too big

Benjamin F Mitchell, USA TODAY

Published 3:26 p.m. ET July 3, 2015 | Updated 4:04 p.m. ET July 3, 2015



(Photo: Michael Bocchieri, Getty Images)



The Internet has (sort of) run out of space.

The regional organization tasked with assigning IP addresses in North America, the American Registry for Internet Numbers (ARIN), is now wait-listing all applicants because it has almost exhausted its supply of IP addresses under the current protocol.

IP addresses are the numerical labels that identify any device connected to the Internet. These addresses enable smartphones, tablets, PCs and servers to find and communicate with one another. Each IP address is a unique label that provides a destination for information as it travels through the Internet.

Under the current protocol, Internet protocol version 4 (IPv4), addresses are designated by four series of numbers ranging from 0 to 255, like 69.171.224.0. But this protocol has been in use since the early days of the Internet, and almost all of the 4.3 billion possible labels of IPv4 are already in use — meaning the Internet has essentially run out of real estate.

Responsibility

Abdication of Responsibility

The risk of ceding online content monitoring to internet giants

MICHAEL GEIST

SPECIAL TO THE GLOBE AND MAIL

PUBLISHED APRIL 17, 2018

As elected officials place internet giants such as Google and Facebook under an increasingly intense microscope, the pressure mounts on those companies to play more proactive roles in policing content on their networks. In recent weeks, the demands have come from seemingly every direction: privacy commissioners seeking rules on the removal of search results, politicians calling for increased efforts to address fake news on internet platforms and internet users wondering why the companies are slow to take down allegedly defamatory or harmful postings.

TRENDING

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it's
Complicated

“Not that again”

“Huh. That’s interesting”

“Not that again”

Access


Low-income Canadians struggle to afford Internet, bridge digital divide

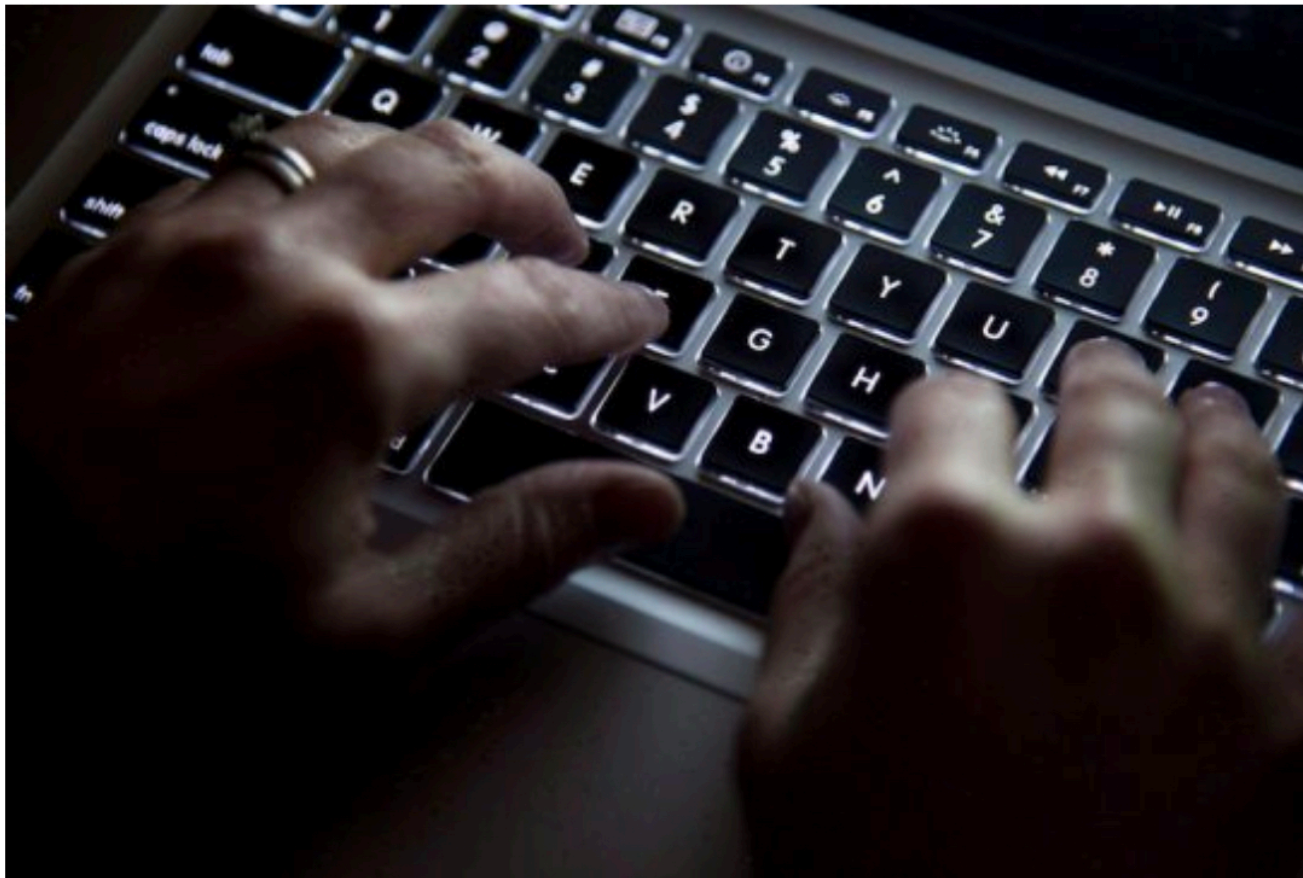
ACORN Canada members rally outside CRTC in Vancouver and call for subsidized \$10 Internet for low-income families.



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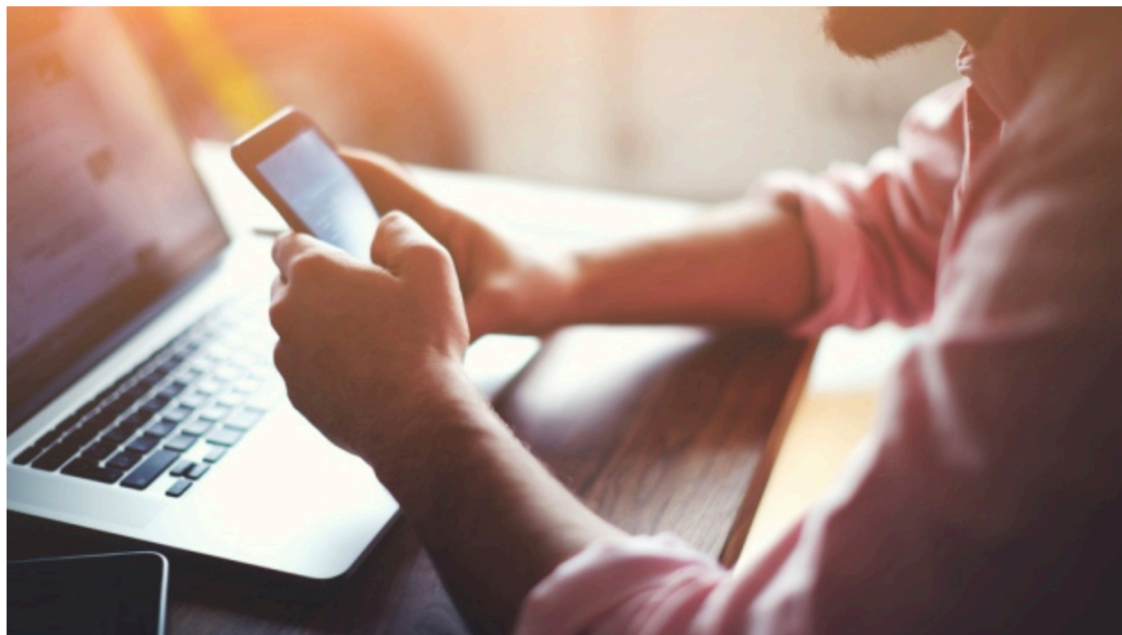
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Digital divide: Is high-speed internet access a luxury or a right?

CRTC to mull internet subsidies for poorest Canadians at hearings into future of telecommunications

By Sheena Goodyear, [CBC News](#) | Posted: Feb 08, 2016 5:00 AM ET | Last Updated: Feb 09, 2016 8:51 AM ET



Some scoff at the notion that broadband internet access is a human right. But others say they would rather go hungry than live without it. (GaudiLab/Shutterstock)

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Innovation Minister Navdeep Bains takes aim at wireless affordability



Consumer Internet prices could drop after CRTC slashes wholesale rates, analysts say



EMILY JACKSON | October 7, 2016 2:10 PM ET
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CRTC caps wireless roaming rates that Big 3 can charge small rivals

Cap on wholesale roaming costs should filter down into lower prices

CBC News Posted: May 05, 2015 8:30 AM ET | Last Updated: May 05, 2015 8:34 PM ET



Wireless roaming rates capped 3:13

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- **Red alert: Most Canadian housing markets overvalued, CMHC says** October 26, 3:01 PM ET

Must Watch

Bell appeals CRTC ruling forcing company to sell fibre internet access to small ISPs

Competition from small ISPs would lower internet prices, Bell opponents say

By Emily Chung, [CBC News](#) | Posted: Dec 07, 2015 5:00 AM ET | Last Updated: Dec 07, 2015 5:00 AM ET



The CRTC ruled in July that large telecom companies such as Bell must sell wholesale access to their fibre networks to independent internet providers. (Rasulov/Shutterstock)

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Ottawa upholds CRTC's decision to allow small Internet providers access to high-speed networks



EMILY JACKSON | May 11, 2016 3:44 PM ET
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CRTC closes door on Wi-Fi-first MVNOs, launches new low-cost data-only plans consultation

The Commission wants Rogers, Bell and Telus to provide proposals by April 23rd



By Sameer Chhabra MAR 22, 2018 | 4:23 PM EDT |  0 COMMENTS

Access Must Be Everyone's Issue

Lawful Access/Surveillance



NSA collecting phone records of millions of Verizon customers daily

Exclusive: Top secret court order requiring Verizon to hand over all call data shows scale of domestic surveillance under Obama

- [Read the Verizon court order in full here](#)
- [Obama administration justifies surveillance](#)



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BETA

Glenn Greenwald

The Guardian, Thursday 6 June 2013



[Jump to comments \(2511\)](#)



Under the terms of the order, the numbers of both parties on a call are handed over, as is location data and the time and duration of all calls. Photograph: Matt Rourke/AP

EXCLUSIVE | CSEC used airport Wi-Fi to track Canadian travellers: Edward Snowden documents

Electronic snooping was part of a trial run for U.S. NSA and other foreign services

By Greg Weston, Glenn Greenwald, Ryan Gallagher, [CBC News](#) | Posted: Jan 30, 2014 8:59 PM ET | Last Updated: Jan 31, 2014 6:38 PM ET



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In the spotlight



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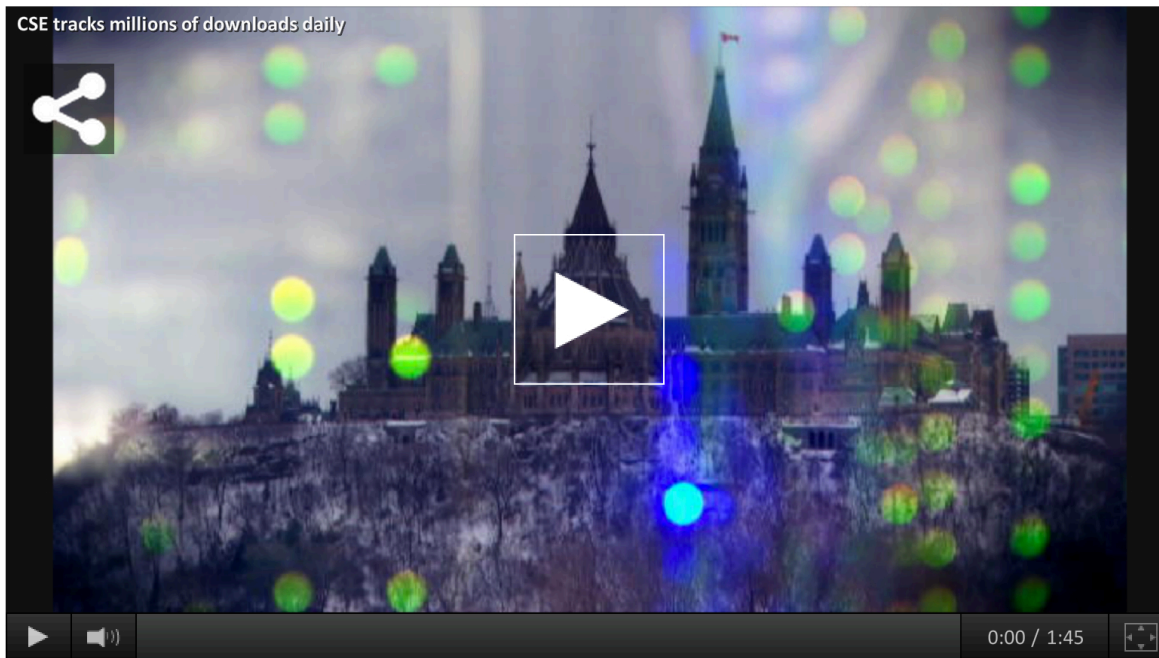
Does Canada
laws to deal
ISIS recruits

Top News Headlines

EXCLUSIVE | CSE tracks millions of downloads daily: Snowden documents

Global sites for sharing movies, photos, music targeted in mass anti-terror surveillance

By Amber Hildebrandt, Michael Pereira and Dave Seglins, [CBC News](#) | Posted: Jan 27, 2015 3:12 PM ET | Last Updated: Jan 28, 2015 12:01 PM ET



CSE tracks millions of downloads daily 1:45

REGIONS

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Our Security, Our Rights

National Security Green Paper, 2016

Background Document



Internet users' privacy upheld by Canada's top court

Internet providers can't provide customer names and addresses to police without a warrant

CBC News Posted: Jun 13, 2014 5:00 AM ET | Last Updated: Jun 13, 2014 7:07 PM ET



The Supreme Court says it's reasonable for internet users to expect their online activities to be anonymous and for their subscriber information to be private. (Associated Press)

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Nine Things You Need to Know about Bill C-59

Posted on January 22, 2018 by Micheal Vonn, Policy Director

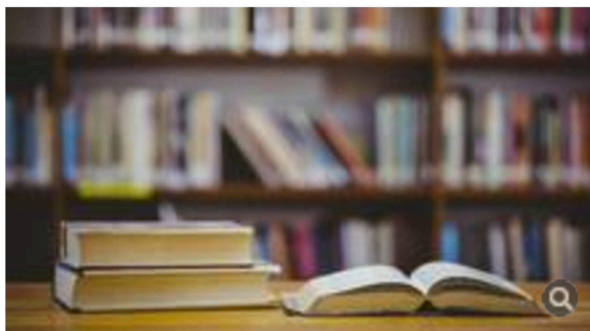
Weighing in at a daunting 139 pages, Bill C-59 – the government’s sweeping new proposals for reforms to national security law – include some welcome changes, but also many serious new problems and threats to rights.

Here’s a quick primer of the biggest threats and disappoints contained in C-59.

1. BILL C-59’S NEW ACCOUNTABILITY ARCHITECTURE IS OFF-SET BY PLUMMETING LEGAL THRESHOLDS FOR MASS SURVEILLANCE.

Just as we feared, the government’s “response” to the CSIS spying scandals of last fall is to make it legal and infinitely easier for national security intelligence to collect and use bulk data. Although C-59 would create welcome forms of accountability through a new National Security and Intelligence Review Agency and an independent Intelligence Commissioner, these bodies will be overseeing and reviewing security intelligence agencies that will be legally empowered to conduct bulk data surveillance on the basis of significantly reduced thresholds. So, instead of reining in mass surveillance, the accountability framework will actually be providing an official seal of approval for mass surveillance.

Copyright Reform



Kate Taylor: Kids will suffer if Canada's copyright legislation doesn't change

KATE TAYLOR

The Globe and Mail

Published Friday, Apr. 22, 2016 2:25PM EDT

Last updated Friday, Apr. 22, 2016 2:28PM EDT

13 Comments



Print | [License article](#)

If you are sitting in a Grade 10 classroom in Ontario studying civics this year, you may well be using *Civics and Citizenship*, published by Oxford University Press. It's a standard text for the compulsory course, examining how the Canadian political system works and asking students to consider such questions as whether our justice system is just or whether, if you didn't live in Canada, you would want to. It was written and edited by Canadians and also offers online access to an interactive workbook and a directory of 250 primary and secondary sources.

Copyright reform needed to help Canadians in the international market

NEWS PROVIDED BY
The Pearson Centre for Progressive Policy
Nov 07, 2017, 12:45 ET

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Canadian, global voices weigh in as feds negotiate NAFTA and ahead of soon-to-begin Copyright Act review

OTTAWA, Nov. 7, 2017 /CNW/ - As the federal government undergoes trade negotiations and as Parliament begins to embark on a statutory Copyright Act review, helping Canadian businesses succeed in the international market should be top of mind, panelists said at an event hosted by the Pearson Centre today.

Term

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Digital Locks

Notice-and-Notice

Educational Exceptions

Damages

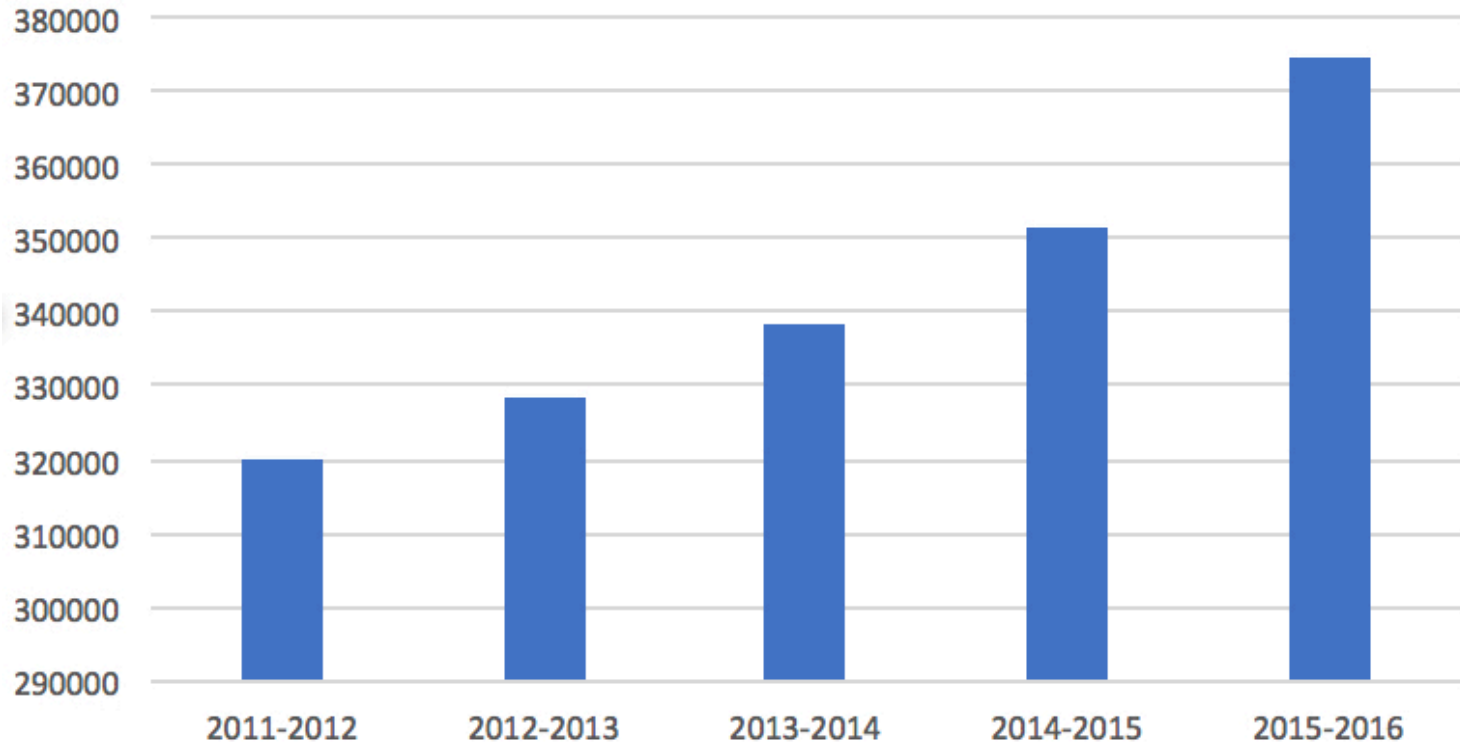
Use of Canadian Books in Ontario Public and Catholic Intermediate and Secondary English Departments: Results of a Survey of Teachers of Grades 7 through 12



Ontario
Book Publishers
Organization

Representing Ontario's
independent publishers

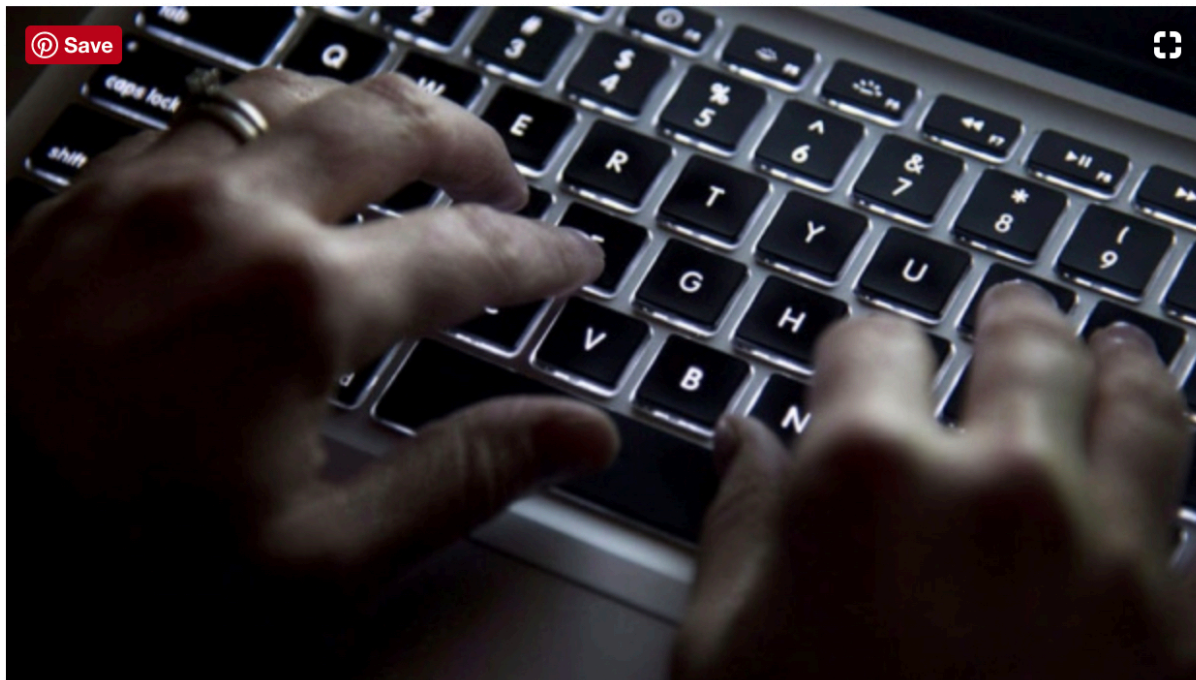
Library Acquisitions (Statistics Canada, 2017)



University of Manitoba students receive 'extortion' letters over illegal downloads

School is fighting back, advising students they have the option to not respond

CBC News Posted: Sep 12, 2016 5:00 AM CT | Last Updated: Sep 12, 2016 1:07 PM CT



Thousands of students at the University of Manitoba have received copyright infringement letters. The school says students always have the option not to respond to the letters.

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News

Quebec Writers Group Calls for an End to Copyright Exceptions: “Only Where Access is Otherwise Impossible”

April 25, 2018 — [Edit](#)

Net Neutrality

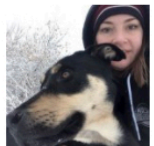
How the CRTC Is Keeping Canada's Telecom Giants in Check

02/05/2015 05:16 EST | **Updated** 04/07/2015 05:59 EDT

Yesterday, U.S. FCC Chairman Tom Wheeler announced his agency's commitment to the strongest possible rules to prevent telecommunications companies from forcing certain websites and services into a slow lane online.

At issue here are so-called "net neutrality" rules -- rules which dictate whether our online networks are a level playing field (or "neutral"), and how companies that sell Internet access are allowed to treat content.

Chairman Wheeler, a former telecom lobbyist, put forward his vision in an op-ed [published by Wired](#) Wednesday morning. The screaming headline is that Wheeler publicly committed to using Title II reclassification to ensure net neutrality south of the border.



Net neutrality is up for debate at CRTC hearings

Treating all internet data equally is important for consumers and startups, advocates argue



Ramona Pringle · CBC News · Posted: Oct 31, 2016 5:00 AM ET | Last Updated: October 31, 2016



As US prepares to gut net neutrality rules, Canada strengthens them

Canada cracks down on zero-rating while FCC allows paid data cap exemptions.

JON BRODKIN - 4/21/2017, 12:19 PM



What the U.S. net-neutrality repeal means for Americans and Canadians



Net neutrality advocates rally in front of the Federal Communications Commission (FCC) ahead of the vote repealing so-called net neutrality rules in Washington on Dec. 13, 2017.

TRENDING

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Feedback

LATEST VIDEOS

“Huh. That’s interesting”

Data Localization

USA Patriot Act comes under fire in B.C. report

CBC News · Posted: Oct 29, 2004 6:58 PM ET | Last Updated: October 30, 2004

The USA Patriot Act violates British Columbia's privacy laws because it can order American companies to hand over information on British Columbians in secret, B.C. Privacy Commissioner David Loukidelis said Friday.

In a report on the privacy implications of the Patriot Act, Loukidelis notes that once information is sent across borders, it's difficult, if not impossible, to control.

The 151-page report states that under the Patriot Act, the U.S. government can demand access to a wide range of personal and confidential information about Canadians from U.S. financial institutions, phone companies and internet providers.

"It is never possible to guarantee perfect protection of information. Regardless, our report concludes that measures can and should be put in place that meaningfully guard against access by the USA Patriot Act," said Loukidelis.

Our data, our laws



LISA M. AUSTIN, HEATHER BLACK, MICHAEL GEIST, AVNER LEVIN AND IAN KERR, NATIONAL POST | December 12, 2013 12:01 AM ET

[More from National Post](#)



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Canadians are increasingly using U.S.-based computer servers for work and pleasure. But none of that private data is protected by our laws.

DIEGO TUSON/AFP/Getty Images

EU court rules US privacy protection inadequate



Max Schrems stands in front of the office of the Irish Data Protection Commissioner, where he filed complaints against Facebook. Credit: europe-v-facebook.org

Government of Canada Releases Cloud Adoption Strategy

July 29, 2016 – Ottawa – Treasury Board of Canada Secretariat

The Government of Canada recognizes that a strong IT workforce and modern IT infrastructure are the backbone of better service delivery to Canadians.

Treasury Board President Scott Brison has taken another step to modernize the Government of Canada's use of IT by releasing the Cloud Adoption Strategy for public comment. This strategy prioritizes the security and privacy of Canadians while providing departments with new modern and flexible alternatives to make more efficient use of information technology.

Using cloud computing services provides the Government with even more options in terms of data storage and running applications. The strategy is designed to allow the Government to select the right cloud solution for its evolving needs.

This is the result of consultations with industry and provincial governments over the past two years, and a review of global trends in cloud computing. Feedback on the strategy will be collected until September 30, 2016, and will be used to finalize the Government's approach.

NAFTA talks: U.S. proposal for cross-border data storage at odds with B.C., N.S. law

U.S. challenging provincial privacy rules that require personal information to be stored on domestic servers

Janyce McGregor · CBC News · Posted: Jul 25, 2017 4:16 PM ET | Last Updated: July 26, 2017



INTERNATIONAL POLICY CONSIDERATIONS

DATA RULES IN MODERN TRADE AGREEMENTS: TOWARD RECONCILING AN OPEN INTERNET WITH PRIVACY AND SECURITY SAFEGUARDS



PUBLISHED: APRIL 4, 2018

AUTHOR: MICHAEL GEIST

Right to be Forgotten

Request removal of content indexed on Google Search based on data protection law in Europe

In May 2014, a ruling by the Court of Justice of the European Union (C-131/12, 13 May 2014) found that certain people can ask search engines to remove specific results for queries that include their name, where the interests in those results appearing are outweighed by the person's privacy rights.

When you make such a request, we will balance the privacy rights of the individual with the public's interest to know and the right to distribute information. When evaluating your request, we will look at whether the results include outdated information about you, as well as whether there's a public interest in the information - for example, we may decline to remove certain information about financial scams, professional malpractice, criminal convictions, or public conduct of government officials.

You will need a digital copy of a form of identification to complete this form. If you are submitting this request on behalf of someone else, you will need to supply identification for them.

** Required field*

YOUR INFORMATION

Country whose law applies to your request *

Choose your country/region ▾

Full legal name *

Your own name, even if you are making the request on behalf of someone else who you are authorized to represent. If you are representing someone else, you must have the legal authority to act on their behalf.

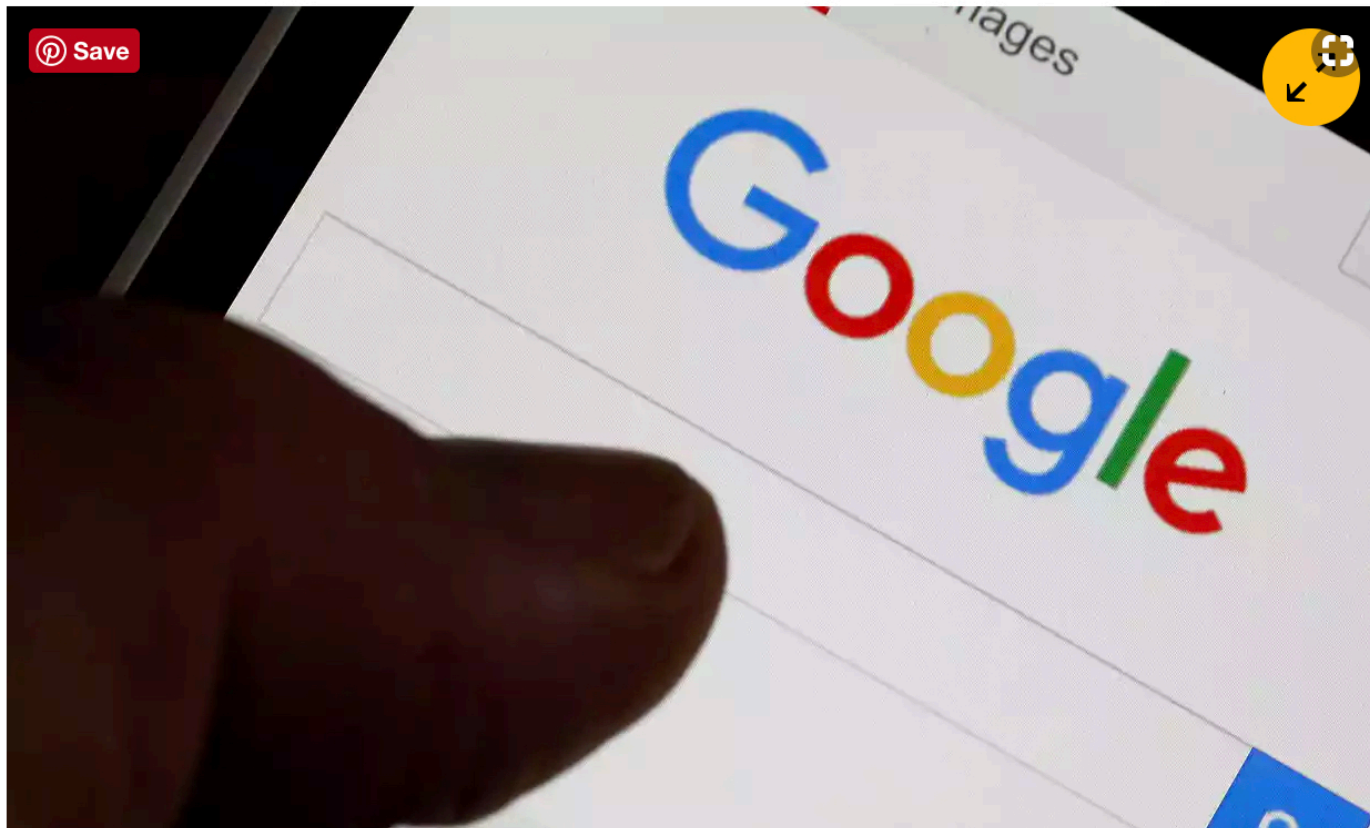
First name:

Last name:

Contact email address *

ECJ to rule on whether 'right to be forgotten' can stretch beyond EU

Final step in three-year legal battle between Google and France will determine whether nations get to choose whether data is removed



i If Google wins the right to be forgotten becomes meaningless, says France. Photograph: Regis Duvignau/Reuters

Did a Canadian court just establish a new right to be forgotten online?

MICHAEL GEIST

SPECIAL TO THE GLOBE AND MAIL

FEBRUARY 6, 2017

The European Union shook up the privacy world in 2014 with the creation of "the right to be forgotten," creating a system that allows people to seek the removal of search results from Google that are "inadequate, irrelevant or no longer relevant." The system does not result in the removal of the actual content, but rather makes it more difficult to find in light of the near-universal reliance on search engines to locate information online.

Since the European decision, Google has received nearly 700,000 requests for the removal of links from its search database resulting in the evaluation of 1.8 million URLs. Moreover, privacy authorities in Europe – led by France's national regulator – have adopted an aggressive approach on the right to be forgotten, ruling that the link removal should be applied on a global basis.

Canada's privacy commissioner proposes right to change inaccurate search engine results

Proposed policy is similar to European Union's, but would rely on existing law



Matthew Braga · CBC News · Posted: Jan 26, 2018 12:30 PM ET | Last Updated: January 26



Global Takedown Orders

You are in: [World](#): **Europe**

Tuesday, 23 May, 2000, 17:01 GMT 18:01 UK

France bans internet Nazi auctions



Yahoo France should stop access to Nazi sites

A French judge has ruled that the US Internet Service Provider Yahoo! Inc must make it impossible for French users to access sites auctioning race hate memorabilia.

In a landmark ruling, Judge Jean-Jaques Gomez gave Yahoo! Until 24 July to comply with his order.

Existing French law prohibits the selling or display of anything that incites racism.

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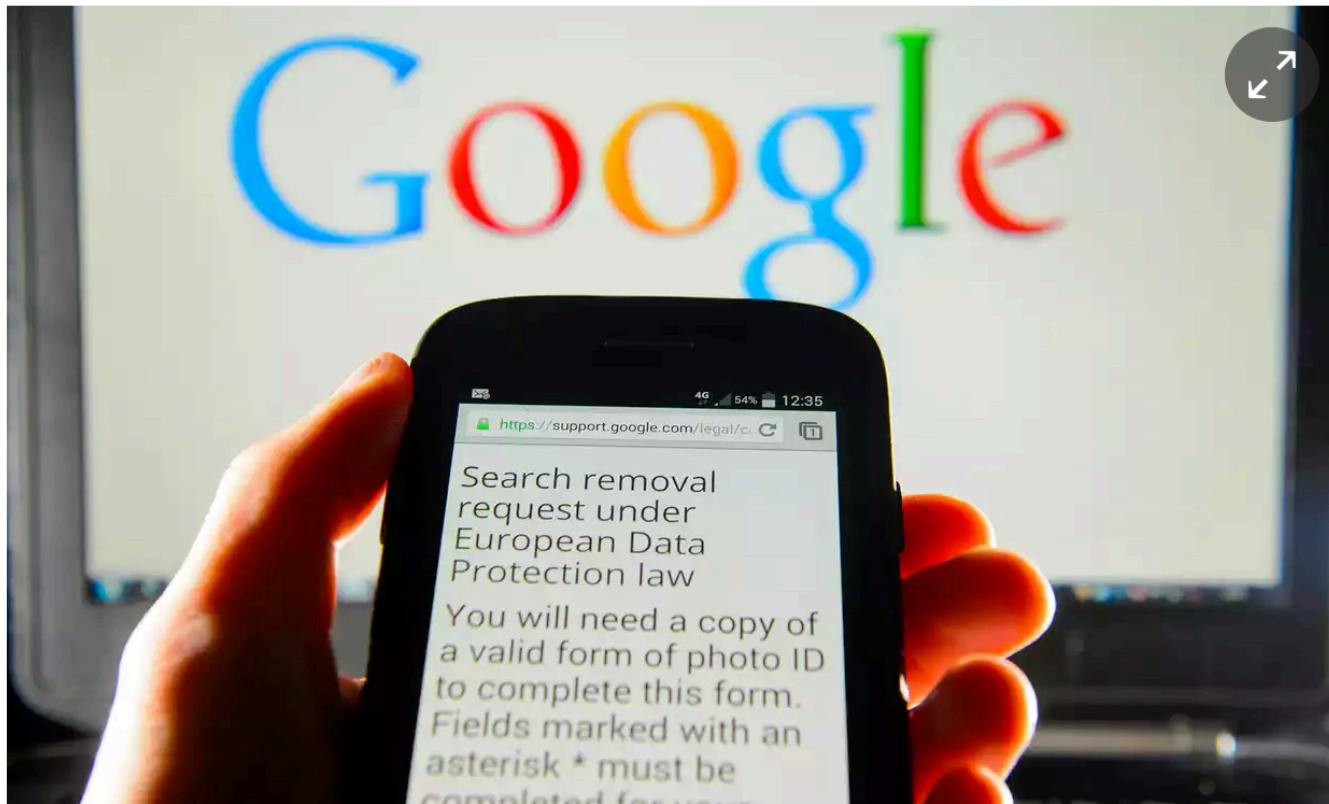
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French anti-racists sue Yahoo
- 02 May 00 | UK
Cyber libel ruling threatens UK ISPs
- 13 Apr 00 | UK
Gagging the net in 3 easy steps
- 05 Apr 00 | Talking Point
Should there be free speech on the internet?

Internet links:

- Yahoo France
- Yahoo America

Google to extend 'right to be forgotten' to all its domains accessed in EU

Search results removals will now be applied to domains beyond Europe, including google.com, if the browser is located within the European Union



📷 Searches made from Europe using Google.com and other non-EU domains, will now be edited under the 'right to be forgotten' ruling. Photograph: Dominic Lipinski/PA



Supreme Court grants Google appeal in case of blocked search results

SUNNY DHILLON

VANCOUVER — The Globe and Mail

Published Thursday, Feb. 18, 2016 11:12AM EST

Last updated Thursday, Feb. 18, 2016 9:35PM EST



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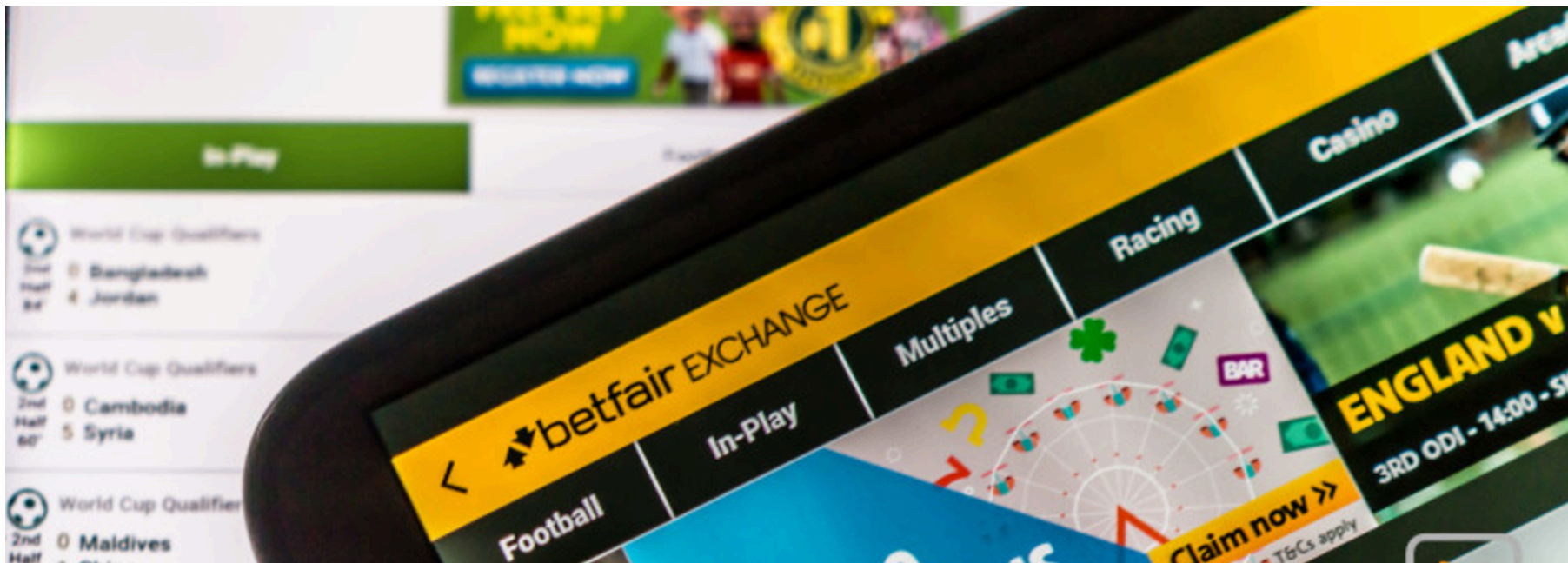
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AA

The Supreme Court of Canada will hear an appeal of a case in which Google was ordered to block certain search-engine results worldwide – and experts say the case, which originated in British Columbia, will determine whether courts in this country can control what appears on screens in others.

The case, which is believed to be the only one of its kind in Canada, began five years ago as a trademark-infringement dispute between two companies. A B.C. Supreme Court judge granted an injunction in 2014 that ordered Google to stop listing the firm accused of the trademark violations. The B.C. Court of Appeal upheld that ruling last year.

Website Blocking



Betfair & PaddyPower by Jim Makos (CC BY-ND 2.0) <https://flic.kr/p/yo2pQB>

News

Government-Mandated Website Blocking Comes to Canada as Quebec's Bill 74 Takes Effect

May 26, 2016 — [Edit](#)

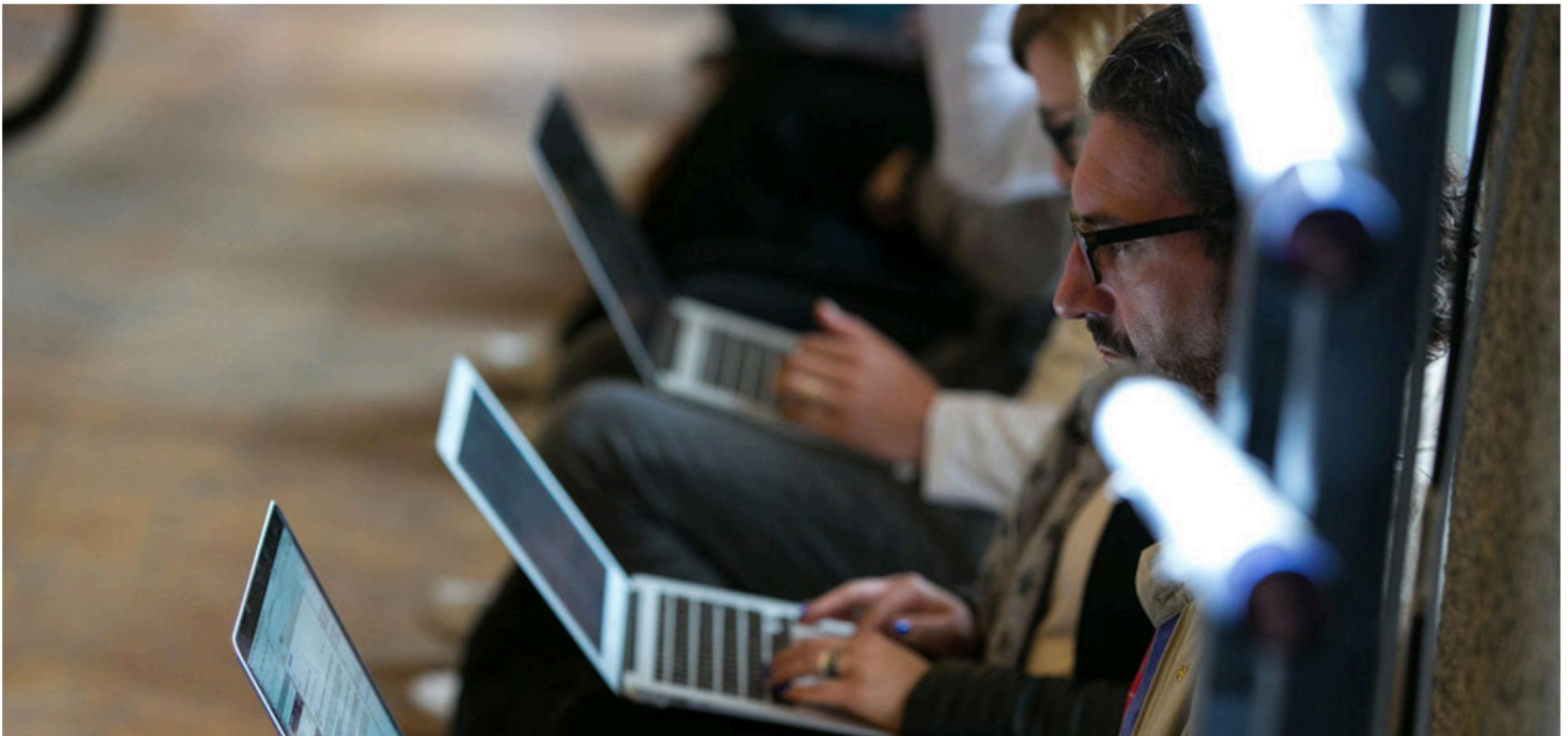
Quebec's controversial website-blocking law Bill 74 faces court challenge from telecom group



SEAN CRAIG | July 27, 2016 | Last Updated: Jul 27 4:25 PM ET
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OpenMedia will be intervening in a landmark case at the Supreme Court of Canada – defending the free expression of Internet users across the globe.

This is a big moment for the OpenMedia community. For the first time, your OpenMedia team will be formally intervening in a court proceeding to protect the free expression rights of global Internet users – and at the Supreme Court no less!

Two months ago, we were grappling with the question of whether we had the time and resources to take on this project. After many meetings (and a little bit of soul searching) we all came to the same conclusion: there are some things we just *have to do*. And taking this unprecedented opportunity to stand up for free expression online – not only on behalf of Canadians, but on behalf of Internet users everywhere who will feel the impacts of this case – met all our criteria for a must-do in the books of Internet freedom advocates.

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