



2001 ACTIVITIES AND 2002 PLANS

From the Executive Director:

As the Internet today faces many challenges, CDT is working to preserve the open, decentralized, and user-controlled essence of the digital age. I am proud to share with you this summary of CDT's activities in 2001 and our priorities for 2002.

Sincerely,

Jerry Berman
January 2002

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FREE EXPRESSION

THE CHILDREN'S ONLINE PROTECTION ACT

The free speech and user empowerment vision of the Internet endorsed by the Supreme Court in the landmark CDA decision in 1997 was threatened in 2001 in the case challenging Congress' second attempt to impose an offline regulatory model on the Internet, the Child Online Protection Act (COPA).

COPA makes it a crime for anyone to use the Web to make any communication for commercial purposes that is "harmful to minors" unless the publisher has restricted access by minors by requiring a credit card number.

Recognizing that COPA suffered from some of the same flaws as CDA, and concerned that the Supreme Court might conclude that COPA merited a different result or might otherwise cast doubt on the CDA ruling,

CDT took an active role in challenging COPA:

- In September 2001, CDT organized the filing of a friend of the court brief in the Supreme Court, arguing that the existence of widely available user empowerment technologies and tools demonstrates that the content-based restrictions in COPA are not the least restrictive means of protecting children from harmful materials on the Internet. The Chamber of Commerce, the Information Technology Association of America and the Computer & Communications Industry Association signed the brief.
- CDT also participated in drafting a second friend of the court brief, which argued that COPA's requirement that web sites comply with a vague "harmful to minors" standard creates a chilling effect on online speech.

2002 COPA OUTLOOK:

It appears likely that the Supreme Court will decide the case on the narrow question of whether it is possible to apply a national community standard for what is "harmful to minors" to material on the Internet and will remand the case to the Circuit Court for further action. This will require a further round of briefing and perhaps evidentiary proceedings. To prepare, CDT plans to enlist the members of the User Empowerment Working Group to plan strategy to deal with possible outcomes.

2002 USER EMPOWERMENT PRIORITY:

For use in the COPA case and elsewhere, prepare a major paper restating the case for user control, showing how the diversity of user empowerment tools remains the best means of protecting children online.

YAHOO! FRENCH CASE

The case of *Yahoo! Inc. v. LICRA*, where a French court ruled that US-based Yahoo is

liable under French law for allowing French citizens to access auction sites including Nazi memorabilia, raises fundamental issues of jurisdiction in cyberspace and could set a major precedent. CDT participated in the filing of a friend of the court brief signed by major business organizations and Internet industry associations, supporting Yahoo's U.S. court legal challenge to the French ruling.

In a significant victory for free expression on the Internet, the federal district court held that the French ruling was not enforceable in the United States because to do so would violate the First Amendment.

2002 PRIORITY - APPEAL TO NINTH CIRCUIT:

In December 2001, the French plaintiffs appealed the Yahoo! decision to the Ninth Circuit Court of Appeals, so CDT and its allies will have to be involved in an appellate proceeding.

CDT is also tracking similar rulings by other foreign courts, offering itself and its working groups as a resource to the Internet community on the First Amendment and jurisdiction questions these cases raise.

THE CHILDREN'S INTERNET PROTECTION ACT

The Children's Internet Protection Act (CIPA) requires public schools and libraries to install filtering systems on Internet computers to block objectionable Web sites. In 2001, CDT joined People For the American Way to submit comments to the Federal Communications Commission, urging it not to implement the Act because it unconstitutionally restricts free expression online and violates the privacy rights of minors.

USER EMPOWERMENT WORKING GROUP - 2002 PLANS

In 2002, CDT will continue to organize and convene on a monthly basis the User Empowerment Working Group. This group, comprised of industry, public interest groups and First Amendment lawyers, serves as a source of information, discussion and strategy development. At each meeting, participants report on:

- the progress of court cases and legal challenges,
- developments at the state and local level,
- implications of new technologies, and
- the effect of implementation of new laws.

The User Empowerment Working Group also functions as a first step toward organizing coalition responses to First Amendment issues arising in the courts and legislative bodies.

SPAM LEGISLATION

CDT's First Amendment work in 2001 also involved monitoring legislation in Congress to curtail unsolicited commercial email, or spam. While CDT recognizes that ISPs and users incur costs because of spam, it is also important that legislation to address the problem is consistent with the First Amendment and does not impose undue liability or monitoring responsibilities on service providers. Conferring with industry representatives, CDT analyzed provisions of spam legislation in 2001 and joined in the opposition to mandatory content labeling provisions.

2002 ANTI-SPAM ACTIVITIES:

CDT will continue to work toward legislation that can effectively address spam without infringing free speech.

For further information, contact: Paula Bruening, Jerry Berman or Alan Davidson

NETWORK SECURITY AND GOVERNMENT SURVEILLANCE

September 11 derailed efforts to update and strengthen privacy standards in the electronic surveillance laws. Forgetting longstanding privacy concerns about issues such as government access to wireless location information, Congress in the USA PATRIOT Act expanded government surveillance authorities, including those affecting the Internet, in broad and ill-defined ways.

CDT worked hard to bring balance to post-September 11 legislation, testifying before both the House and Senate, serving as a clearinghouse for drafts and analyzes, and consulting closely with staff and Members in both Houses, in coalition with industry and civil liberties groups across the political spectrum. These efforts were largely unsuccessful, with a few important exceptions:

- The USA PATRIOT Act includes a provision against technology mandates.
- The "computer trespasser" provision was narrowed.
- Several of the more sweeping surveillance provisions were limited by a sunset provision, under which they expire in 2005.

Security issues will be a priority for CDT in 2002 – it is clear that the crisis brought on by September 11 will continue for some time, with many implications for the Internet and communications networks.

IMPLEMENTATION OF USA PATRIOT ACT

The co-chairs of the Congressional Internet Caucus have asked CDT to use its Digital Privacy and Security Working Group and the Internet Caucus Advisory Committee to

monitor how the PATRIOT Act is applied, as well to evaluate and comment on future security and anti-terrorism proposals.

Through DPSWG and ICAC, CDT will share information among affected members of the telecommunications and Internet industry and civil liberties groups, work with Congress, civil liberties groups and industry to conduct oversight on how the new law is implemented, and respond where needed, through litigation, public education, use of the FOIA, etc. As an initial step, CDT is assembling a legal team to prepare a definitive analysis of the Act, as a basis for oversight and review.

OTHER COUNTERTERRORISM MEASURES

The ink was barely dry on the USA PATRIOT Act when the FBI and the CIA began circulating additional surveillance provisions on the Hill for inclusion in the Intelligence Authorization Act. CDT prepared a quick analysis, and the more egregious proposals were abandoned, but the boldness of the proposals showed the willingness of the agencies to exploit the crisis whenever they can to increase their discretionary powers. Throughout 2002, CDT will be taking a lead role on electronic surveillance measures, and working in coalition with other groups on investigative practices, secrecy and other issues.

CALEA IMPLEMENTATION AND PACKET SWITCHING

The FBI may be pushing for extension to the Internet of the Communications Assistance for Law Enforcement Act. Implementing CALEA in the traditional and wireless telephone networks has proven extremely difficult; extending it to the Internet could have even worse consequences for network operations and security. At the FCC, issues that need attention include:

- Some carriers are pushing for a rulemaking regarding CALEA coverage.

- On September 21, 2001, the FCC issued another CALEA order granting an extension for packet mode capability, and delaying indefinitely the compliance with the punch list.
- The FCC is still preparing its response to the court remand order.

DESIGN MANDATES

CALEA is not the only potential source of government design mandates that will impact innovation, security and privacy:

- **Critical Infrastructure Protection:** The security of computer networks is a serious problem, but government mandates on system design could end increase vulnerability. This issue will require substantial attention in 2002 as the government prepares its next version of the critical infrastructure protection plan
- **Data Retention:** European governments have been particularly aggressive in pushing data retention requirements -- rules requiring ISPs and others to maintain logs of all communications for a period of months. It is probably only a matter of time before the US government makes a similar proposal.
- **Authentication:** Issues of identification and authentication online are likely to receive increased attention.
- **Encryption:** Encryption is not off the agenda. While Senator Gregg pulled back from his stated intent to introduce mandatory key recovery legislation, the issue will likely return in one form or another.

COE CYBERCRIME CONVENTION AND OTHER INTERNATIONAL ACTIVITY

The US has signed the COE Convention on Cybercrime. Presentation of the Convention to the US Senate for ratification and any necessary implementing legislation will likely bring forth both issues affecting

privacy and the possibility of requirements on industry.

NATIONAL ID CARDS

In addition to the civil liberties implications of hard copy identity cards, the concept poses additional risks if extended to communications media.

GOVNET

The new cyber-security czar, Richard Clarke, favors creation of a special communications network for the government, separate from the Internet, raising questions about e-government, citizen access to information and the future of the Internet.

STANDARDS ISSUES

CDT's new Standards Project is taking a very active role in the IETF geopriv working group, which is seeking to develop a privacy-protecting protocol to be used by any technology that involves geographic location information. In November, we submitted an "Internet Draft" that lays the groundwork for creating a comprehensive approach to location privacy.

2002 PLANS:

DESIGN MANDATES - RISKS OF TAPPING THE NET

CDT is organizing key Internet security experts to prepare a careful analysis of the security and privacy impacts of "CALEA for the Internet" and other technical design mandates proposed in the wake of September 11.

POLICY ANALYSIS, INFORMATION SHARING AND COALITION-BUILDING

CDT has assembled a legal team to prepare a definitive analysis of the USA PATRIOT Act, as a basis for oversight and review. Through DPSWG and ICAC, CDT will share information among affected members

of the telecommunications and Internet industry and civil liberties groups, work with Congress, civil liberties groups and industry to conduct oversight on how the PATRIOT Act is being implemented, and respond where needed, through litigation, public education, use of the FOIA, to

continue to promote balanced responses that ensure that needed government surveillance capabilities are subject to appropriate judicial controls and oversight.

For more information, contact Jim Dempsey or Jerry Berman

INTERNATIONAL ACTIVITIES - GIPI

The Global Internet Policy Initiative (GIPI), our joint project with Internews, had an extraordinary first year and enters 2002 poised for further expansion, working in developing countries to promote the legal and regulatory framework that will support growth of the Internet, based on the principles of competition, market-driven solutions, user control, and rule of law.

INTERNET POLICY COORDINATORS ON THE GROUND IN 14 COUNTRIES

By the end of 2001, we will have GIPI policy coordinators on the ground in 14 countries. These are local policy experts working full-time to build coalitions among all sectors involved in the policy process -- government, industry and civil society -- organizing consultative groups and providing expertise to regulators, parliaments and government officials.

India	Ukraine	Kazakhstan
Indonesia	Belarus	Kyrgyz Republic
Nigeria	Armenia	Uzbekistan
Brazil	Georgia	Tajikistan
Russia	Azerbaijan	

FORGING LOCAL PARTNERSHIPS

In most countries to date, GIPI country coordinators work out of pre-existing Internews offices. But in Nigeria, Brazil and India, where there were no Internews offices, GIPI has or is developing partnerships with established local NGOs, organizations with credibility and a track record of effectiveness in working with all affected stakeholders and government officials.

Promoting Sound Internet Policy. GIPI coordinators have become critical participants in the legal and regulatory reform efforts in their countries. They serve as convenors of or experts to working

groups devising national strategies, laws and regulations. Key issues they have been addressing are: telecommunications privatization and competition; establishment of independent regulatory authorities; e-commerce and digital signature legislation; privacy legislation; and licensing issues affecting ISPs, IXPs and/or websites. CDT supports the country coordinators with legal research and analysis.

FULL-TIME EXECUTIVE DIRECTOR, INTERNET POLICY ATTORNEY HIRED

George Sadowsky, who has been working on technology diffusion in developing countries since 1973, brings a wealth of energy and talent and global contacts to the position of GIPI Executive Director. Paige Anderson, a telecommunications expert, was hired as GIPI attorney and is focusing initially on Latin America and Africa.

PARTNERSHIP WITH UNDP

On August 14, CDT and Internews signed a Memorandum of Understanding with the United Nations Development Program, in which GIPI and the UNDP agreed to cooperate on policy and regulatory reform projects, country by country, in areas of mutual activity. This MoU builds on existing relationship and gives GIPI credibility as an international, and not merely US-centric, project.

COLLABORATION WITH EUROPEAN INTERNET FOUNDATION

GIPI is forging a relationship with the European Internet Foundation, a forum for industry and Members of the European Parliament in Brussels. CDT briefed visiting MEPs and IEF staff in March in Washington. On November 6, Jim Dempsey and Eric Johnson spoke at an EIF event in Brussels, at which MEPs expressed their support for GIPI's goals and their desire to collaborate further.

GIPI CONSORTIUM WINS USAID GRANT

The US Agency for International Development, recognizing the Internet as an important tool for human and economic development, has launched a major initiative, DOT-COM, to support expansion of the Internet in developing countries and has chosen a consortium with GIPI at its core to undertake the policy component of this effort. CDT is a core partner in the project, which runs for five years, and should offer major opportunities for expansion of GIPI operations on the ground. (CDT's participation is in the form of a private sector match, since we do not accept US government funding.)

WEB SITE LAUNCHED

Gipiproject.org has a host of resources for our GIPI country coordinators. GIPI has also acquired the domain name "internetpolicy.net," which will point to the GIPI resources.

INTERNATIONAL BOARD OF ADVISORS CREATED

To give GIPI further international perspective and depth of expertise, we have formed an international Advisory Committee, composed of leading internet policy experts, primarily from outside the US.

FORMATION OF GIPI BRAIN TRUST

CDT has organized a legal "brain trust" for GIPI, a group of lawyers with expertise in Internet policy issues who will be consulted periodically on a pro bono basis. Already, the Washington office of Covington & Burling has undertaken research on the issues surrounding VoIP, a rapidly emerging issue in the developing world, and Wilmer, Cutler & Pickering is preparing a memo on the environment for a "back office" economy.

TRAINING SESSIONS CO-SPONSORED WITH ISOC AND NATO

In cooperation with the Internet Society, GIPI conducted an intensive 4-day training workshop for Internet policy leaders from 34 countries, including 11 of our GIPI coordinators, held in Stockholm June 1-4, in conjunction with the ISOC and ICANN meetings. A second training session was held in the Kyrgyz Republic in September.

LEGAL ANALYSIS

CDT has provided analysis of draft laws in several countries and "best practices" papers on key Internet policy issues

FUNDING FROM DIVERSE SOURCES

GIPI was launched with major grants from AOL-Time Warner, the Markle Foundation and the Open Society Institute. In our first year, we also received funding from the Knight Foundation, Microsoft, Verisign, General Electric, the US State Department, and, for the training program, the Swedish International Development Cooperation Agency, and the World Bank. At the end of 2001, in a very important break-through, GIPI received funding from the European Union for work in Indonesia.

OTHER CDT INTERNATIONAL EFFORTS

GIPI meshes well with and builds on CDT's other international work.

- With a grant from the World Bank, CDT is assembling an e-government toolkit for developing countries.
- Our ICANN work has made CDT a leading voice for the public interest in the international debate on management of the domain names space.
- We organized the NGO and Academic ICANN Study, bringing together representatives from 12 organizations on 6 continents, to generate a

comprehensive analysis of ICANN's election process and internal structure.

- Our Standards Project has a strong international component.
- We were key participants in US industry-civil liberties coalition on the Council of Europe cybercrime convention. CDT proposed due process language that was endorsed by the Parliamentary Assembly and included in the final version of the convention.

2002 PRIORITIES:

- **Build a European Presence.** This is a major priority for CDT and GIPI – to create a European entity that can engage with policymakers at the EU and possibly national levels on Internet issues. Our first stage is to build a collaborative relationship with the EIF on both developing world issues and trans-Atlantic dialogue. Ultimately, we hope to create a CDT Europe.
- **Complete Assessments in Mexico, Korea and Africa.**
- **Extend GIPI to 20 countries.**
- **Pursue EU Funding for Philippines and Vietnam.** Through the European affiliate of our partner Internews, GIPI has applied for grants from the European Union's development program for Asia, to fund GIPI work in Philippines and Vietnam. If successful with these applications, we will go back in 2002 for further funding.

- **Broaden CDT's International Networks and the Cross-fertilization between GIPI and CDT's other International Work.** We expect to strengthen our relationships with a number of organizations, including the GBDe, UNDP, ITU and UNESCO. We have identified local partners in Vietnam and the Philippines and are identifying partners in Latin America and Africa.
- **Create a Cybercrime Briefing Package.** The COE convention and security concerns after September 11 have increased interest in crime and security issues, providing opportunities to improve user trust but also risking counterproductive government repression.
- **Build on Synergy with USAID DOT-COM.** DOT-COM funding should allow GIPI expansions into a number of new countries.

For further information, contact: Jim Dempsey or Paige Anderson

CONSUMER PRIVACY

THE PLATFORM FOR PRIVACY PREFERENCES

CDT has supported the Platform for Privacy Preferences, or P3P, from the outset, working closely with the World Wide Web Consortium and industry to create and streamline P3P and to promote its use. In 2001, the effort paid off, as P3P emerged as an industry standard providing a simple, automated way for users to gain more control over the use of personal information on Web sites they visit. While it is an important step that P3P has been implemented in Microsoft's Internet Explorer, further work needs to be done:

2002 P3P PLANS:

- CDT continues working to assure that as many Web sites as possible become compatible with the P3P standard.
- CDT co-chairs the P3P Policy and Outreach Group and organized the North American Outreach group to push the top 100 Internet Web sites to become P3P compliant.
- We are promoting P3P with consumer advocacy groups.
- CDT is also talking with government agencies and congressional staff, encouraging them to implement P3P on their Web sites.
- To facilitate this ongoing work, CDT, in conjunction with the Internet Education Foundation, has hired a full-time P3P outreach coordinator.

CONSUMERPRIVACYGUIDE.ORG

In its ongoing commitment to develop non-regulatory, user-empowerment responses to public policy problems, CDT has developed and launched an on-line resource to provide consumers with information and how-to tips to help them take control of the collection and flow of their personal information.

2002 CONSUMER RESOURCE ACTIVITIES

ConsumerPrivacyGuide.org is a resource for Internet users of all levels of experience and all demographic groups, offering in non-technical, consumer-friendly language –

- a top ten list of things consumers can do to protect their privacy;
- a how-to guide to opting out of the sharing of information;
- a guide to reading and understanding privacy policies; and
- a page dedicated to children's privacy.

Using the unique architecture of the Internet, the site's resources will range from the baseline to the detailed and specific.

In 2002, ConsumerPrivacyGuide.org will be linked to another consumer resource, PrivacyToolbox.org. This site, a project of CDT and the Internet Education Foundation, will serve as a repository for privacy-enhancing technologies for consumers, as well as information about how to select and use those technologies. ConsumerPrivacyGuide.org will deep link into the Toolbox to take advantage of how-to demonstrations of privacy enhancing tools.

AUTHENTICATION

More companies are looking into development of single sign-on systems and other services that aggregate or control authenticating information for individual Web users. These systems pose many questions of privacy and security that need to be resolved from a user empowerment perspective before the technologies are widely deployed and used.

2002 AUTHENTICATION PROJECT:

CDT will work with all parties involved in the development of these systems, and with consumer groups and academic experts , to

develop principles for privacy and security in single sign-on systems and other online authentication and information services.

FEDERAL PRIVACY LEGISLATION

While the events of September 11 temporarily changed the focus of the Congress, the attention of lawmakers is now returning to issues of consumer privacy online, leading up to what may be a full debate on the issue in 2002.

2002 LEGISLATIVE EMPHASIS – BEST PRACTICES CONSULTATION:

In talking with Congressional staff, consumer advocates, and industry, CDT finds that key questions remain unanswered about how to implement -- in workable ways -- the fair information principles of notice, choice and access. In an effort to find answers to these questions, and thus to inform any legislative debate, CDT is planning a "privacy consultation" -- an opportunity to engage industry representatives, privacy experts, public

interest advocates and members of the academic community in an in-depth discussion of the issues related to implementation of fair information practices in the online marketplace. Our preparation for the consultation involves getting beyond the rhetoric and fleshing out the details of the key issues in the privacy debate, among them:

- What is an effective notice?
- Is there a way to avoid the opt-out/opt-in dichotomy?
- How would reasonable access work?

CDT has begun work on a series of papers exploring some of these issues. At the same time, we are soliciting the commitment of industry representatives to write papers reflecting their views on these questions, as well as to serve as consultation panel discussants and moderators.

For further information, contact: Paula Bruening, Jerry Berman or Ari Schwartz

DOMAIN NAMES AND INTERNET GOVERNANCE

CDT is widely recognized as a leading advocate for the public interest in the management of domain names and related critical Internet resources. We have been deeply involved in the debate surrounding the Internet Corporation for Assigned Names and Numbers (ICANN), working to establish meaningful limits to ICANN's potentially broad authority and advocating for an increased public role in ICANN's decisions. As part of our work promoting the public voice, we assembled an international coalition known as the NGO and Academic ICANN Study (NAIS) to produce a comprehensive analysis of ICANN's structure, with recommendations for future action. Domestically, CDT organized a coalition to promote responsible administration of the ".us" domain name, testified before Congress, and conducted other education activities on Capitol Hill.

2001 ACTIVITIES

- **NGO and Academic ICANN Study (NAIS)** – In 2001, with the support of the Markle Foundation, CDT and Common Cause organized a coalition of academics and advocates to undertake an in-depth study of ICANN's internal processes. With representatives from twelve organizations on six continents, NAIS generated the most comprehensive treatment of the subject to date, analyzing ICANN's global online election of five "At-Large" representatives to its Board of Directors and proposing reforms both to ICANN's election process and its internal structure. CDT and the NAIS team also played an advocacy role, publishing in-depth analysis of the materials generated by ICANN's own At-large Study Committee. At all four ICANN public meetings in 2001, NAIS did substantial public outreach and education through

well-attended workshops and active participation in the official discussions.

- **Promoting a Limited ICANN Mission and Activities** – ICANN's activities over the past year have made it clear that ICANN lacks clearly defined limits to its mission and to the types of activities in which it can engage. CDT has emerged as a leading advocate for a restatement of the ICANN mission, reaffirming its focus on technical management of Internet resources. Our work has attracted support from a wide variety of ICANN stakeholders who share this goal. At the November ICANN Public Meeting, the ICANN Board responded to urgings from CDT and others by tasking its new President with examining the possibilities for mission restatement.
- **Advocating for Responsible Policy-Making in .us** – In June 2001, the Department of Commerce began seeking private bids to operate the underutilized .us domain name. CDT assembled a broad coalition of .us's present and potential users to press registry bidders to adopt responsible policy practices that would ensure .us's administration would be consistent with the interests of its diverse users. While the ultimately successful bidder, Neustar, did not sign on with the coalition, Neustar's proposal incorporates many of its principles, and CDT and its coalition partners hope to work further with Neustar in coming months.
- **Congressional Testimony, Outreach and Education** – Associate Director Alan Davidson testified in February before the House Commerce Committee's Telecommunications Subcommittee, and has met regularly with Congressional staff to inform them on ICANN-related issues. In October, Davidson and CDT Executive Director Jerry Berman addressed a letter to the House Telecommunications

Subcommittee raising questions about a legislative proposal to mandate the creation of a .kids Top-Level Domain.

2002 AGENDA

- **Reaffirm ICANN's Limited Mission** – In the last five months, the need for clear definition of ICANN's authority has become a primary concern not only for CDT but throughout the Internet community. CDT has already done substantial work on this front; in coming months we will continue our work before the ICANN Board and with our partners at ICANN to obtain a clear restatement of ICANN's mission.
- **Continued Promotion of the Public Voice in ICANN** – Over a year has passed since ICANN's global online election of five "At-Large" Directors to its Board, yet the organization has not reached closure on the long-term nature of public representation. CDT and its NAIS partners will continue their press for appropriate public representation and accountability at ICANN, beginning with ICANN's first meeting of 2002 in Accra, Ghana.
- **Clearinghouse for the Public Voice** – CDT is developing plans for better coordination of public interest
- participation on domain name issues and other questions of Internet governance. This function would build on the accumulated expertise of CDT's staff and the international contacts generated by our domain names work to date, including the NAIS project.
- **Resolution of .us Policy Questions** – Though the Department of Commerce's bid process for .us has been concluded, there are still manifest questions regarding the future of the space and the role users will have in its governance. CDT will continue its interaction with Neustar and throughout the .us user community to build a fair, representative policy process for .us.
- **Congress' Role** – Domain name issues have begun to attract the attention of lawmakers, and CDT will continue to play a major educational role on potential hot-button issues such as ICANN accountability, content regulation, privacy, and the expansion of the name space.

For further information, contact: Alan Davidson or Rob Courtney

STANDARDS AND PUBLIC POLICY

CDT's new Internet Standards, Technology & Policy Project made tremendous progress in its first full year of operation and has ambitious plans for 2002.

The broad goal of the Project is to ensure that the public voice is represented in the development of Internet technical standards. Under the Project, CDT is directly engaged in the work of the leading Internet standards-setting organizations, and we are bringing together technologists and public policy advocates for a dialogue about policy issues.

The Standards Project grew out of a recognition of a number of factors:

- Public policy is affected by decisions made within the technical standards-setting bodies that design the protocols and applications for today's Internet.
- Design decisions are often made without adequate focus on their potential impact on policy concerns such as privacy and free speech.
- Public interest organizations typically have little awareness of either the procedures or activities of the leading standards groups and have not had a participated in their deliberations.
- Similarly, technologists active in the standards bodies are often unaware of the full range of public policy issues that their standards may affect, and also are unfamiliar with the public policy making process.

To respond to these realities, CDT launched the Standards Project with support from the Ford Foundation, Markle Foundation, and Open Society Institute. The Project is working on a number of fronts to increase public interest awareness of and public policy input into the activities of the

standards bodies, and to increase the amount of dialogue and communication between the technical and public policy communities.

The major highlights of our standards work include:

DIRECT PARTICIPATION IN IETF AND W3C MEETINGS AND ACTIVITIES

CDT has made substantial progress towards positively engaging the standards community, and we are already influencing work on active standards of interest.

- CDT participates in the three major meetings of the Internet Engineering Task Force ("IETF") each year, and we are actively involved in a variety of standards-setting working groups.
- CDT played a key role in the debate over whether the IETF should sponsor a working group to develop an "Open Pluggable Edge Services" ("OPES") protocol, which would enable an intermediary in the middle of an Internet communication to alter the content of the communication as it passed from sender to receiver. The proposal raised serious policy concerns, which CDT articulated in detailed comments to the IETF. CDT's work was viewed as very influential and led to efforts by the proponents of OPES to address many of these concerns.
- CDT has been active in the new "GeoPriv" working group on "geographic location privacy," created to define the privacy and security requirements that would be applied to any IETF work that involves tracking the geographic location of an individual or device (such as the location of a cellular telephone or wireless Internet user).
- Similarly, CDT is active on a number of issues within the World Wide Web Consortium (W3C), including a major policy debate concerning its operating

rules on intellectual property and whether a private company would be permitted to hold a patent over W3C approved technology.

2002 INITIATIVES:

DEVELOPMENT OF AN ONLINE RESOURCE FOR THE PUBLIC POLICY COMMUNITY

In 2002, CDT is working to create an online and e-mail resource about the standard processes aimed at the public policy community. Working both with leading public interest organizations and with clinical and academic programs at certain law and technology schools around the country, CDT is developing an effective way to monitor, report on, and evaluate the work of the standards bodies.

BUILDING AWARENESS AND DIALOGUE BETWEEN THE TECHNICAL AND POLICY COMMUNITIES

- We plan to host one or more seminars for the public policy community, to teach policy advocates about the activities, procedures, and complexities of the various standards organizations.

- We are exploring with the Global Internet Policy Initiative ("GIPI") project the possibility of presenting similar seminars to international audiences.
- Finally, we plan to organize one or more presentations to the technical community about the policy making process.

CDT has already hosted a series of informal dialogues between leading technologists and public policy advocates, focused on both substantive cases where standards affect public policy and structural issues of how to represent the public voice in standards-setting processes.

For further information, contact: John Morris or Alan Davidson