

CONFERENCE NEWSLETTER / THURSDAY APRIL 22

SUMMARY OF PROCEEDINGS / PREVIEW OF TODAY'S EVENTS / INFORMATION ON SPEAKERS AND PANELISTS

Professor David Dill Officially Launches CFP 2004

Dill Warns of Risks of Electronic Voting, Suggests Some Approaches to Securing the Future of Elections

By Aaron Perzanowski

David Dill's opening keynote made explicit the security flaws of electronic voting machines. The lack of verifiable paper trails puts the power of our votes in the hands of the programmers, corporate executives, and anyone else with legitimate or illegitimate access to these machines and the code that they run.

Professor Dill warned that tampering with elections can be easily concealed, and without a means of recounting votes with results that don't simply duplicate the potentially compromised records from the machines, the legitimacy of our democracy is in jeopardy.

Awareness of the problems posed by these machines, coupled with the apparent unresponsiveness of local and federal officials, is likely to compound the widespread apathy of the American public. This

feeling of disenfranchisement may be a greater threat to democracy than the risk created by the potential security failures of electronic voting machines.

'Gatekeepers of the Web': Panel Debates Google's Responsibilities

Search Engines, with Google as the unquestioned top dog, are the world's primary tool for harnessing the wealth of information available on the Internet. With this role comes responsibility over and a need to make difficult choices concerning "bad" content and search algorithms.

This Concurrent could have been called the "Berkman Center" panel: Ben Edelman, a former Berkman Center fellow and current Harvard Law Student, presented the results of his study on Google's success in filtering obscene and other "bad" content from its search results. Andrew McLaughlin, present to represent Google,

is also a long-time Berkman fellow.

They were joined by Dr. Marcel Machill, a Professor of Computer Science at the University of Leipzig in Germany, and Matthew Hindman, a fellow of Harvard's Kennedy School of Government. Kenneth Neil Cukier, another Kennedy School fellow, moderated.

Though all agreed that search engines like Google must filter some content some of the time, the debate centered on the means by which Google should go about this filtering, and how they can acknowledge and make visible the effect of the filters. Should Google use human agents

to verify the "bad" content of the pages to be delisted, or rely completely on cheaper but error-prone bots? Should it mark the missing results and acknowledge what occurred, or let the omission pass unmarked?

While the panel and audience lacked clear answers, each member raised important issues that the search engine industry, and Google in particular, will be forced to address.

This report borrowed from the reporting of Amalie Weber, Joe Hall and Abigail Phillips. See their reports on the CFP Blogs.

THURSDAY CFP NOTICES!

- ↑ If you picked up a copy of *Ben Franklin's Website*, please return it to Stephanie Perrin, or purchase your new copy from her. These copies were mistakenly placed on the "give away" table.
- ↑ Buses for the Pioneer Awards will leave the Claremont Hotel at 5:45 pm. Thursday night & will return in time for the Thursday night BOFs.
- ↑ Chat with fellow conference attendees at irc.freenode.net, channel: "CFP"
- ↑ The CFP Team is busy blogging every keynote, plenary, and concurrent session! Stay up-to-date and make your contribution to the on-line discussion at cfp2004.org/blogs

Please Note These Important Changes in Thursday's Program:

BOF 9: "Misleading Information: The Future as it Never Was" (repeat screening) will be held in the *Empire Ballroom*.

BOF 10: Travel Data and Privacy is moved to *Living Room (Second Floor)*.

BOF 16: Exhibit: Observing Surveillance has been *cancelled*.

BOF 17: The Patriot Act, the Game is tentatively going forward, pending staff resources. *Room TBA*.

A new BOF, entitled **Provable Elections**, lead by David Chaum, will be held in the *Mendocino Room*.

SPEAKER PREVIEW: PROFESSOR JESSICA LITMAN

By Aaron Perzanowski

Professor Jessica Litman will moderate today's Plenary 8: *Facing the Music: Can Creators Get Paid for P2P File Sharing?* Litman is Professor of Law at Wayne State University in Detroit, Michigan where she teaches courses in copyright, trademark, unfair competition, and Internet law.

Professor Litman has written extensively on issues related to the public interest in technology and intellectual property law. In addition to numerous scholarly articles, she is the author of *Digital Copyright*, published in 2001 by Prometheus Books, and co-author of *Trademark and Unfair Competition Law* (Foundation Press, 2001) with Professor Jane C. Ginsburg. Professor Litman is a member of the Public Knowledge Board of Advisors, a former trustee of the Copyright Society of the USA, and a past Chair of the American Association of Law Schools Section on Intellectual Property. In addition, Litman is a Visiting Professor at the University of Michigan School of Information.

"If anyone can answer these questions, the people we've invited to speak on the panel can."

Facing the Music will explore possible mechanisms for ensuring compensation for artists and creators in the context of peer-to-peer networks. Compulsory licensing, voluntary collective licensing, and digital rights management are among the proposals to be considered. The discussion will focus on the practical application of these leading models. According to Professor Litman, the questions to be addressed include: "Could any of these proposals actual work? How would royalties be collected? Who would collect them? Who would decide how much individual creators get paid? Can such a system rely on statistical sampling or is it

necessary to track every file transfer? Can we measure the popularity of individual music files without invading the privacy of the consumers who are exchanging them? Would any of the proposals actually result in cheaper music for the public or more ample royalties for musicians?"

Litman is confident in the ability of the assembled panel to tackle these questions. "If anyone can answer these questions, the people we've invited to speak on the panel can; between them, they've done an enormous amount of serious thinking about the practicalities of proposals for alternative compensation for P2P." Panelists include Ted Cohen of EMI, Sarah Deutsch of Verizon, Eric Garland of BigChampagne, Daniel Gervais of the University of Ottawa Faculty of Law, Neil Netanel of the University of Texas School of Law, and Fred von Lohmann of the Electronic Frontier Foundation.

This plenary session will run Thursday, 2:15 - 3:45, in the Empire Ballroom.

CFP 2004 CONFERENCE NEWSLETTER

This newsletter is created as a service to the attendees of the 2004 Computers, Freedom and Privacy Conference. The staff of the newsletter is composed of conference volunteers, who are students at Boalt Hall School of Law and the School of Information Management Systems, both of UC Berkeley, and Stanford Law School. Contributors include other students and conference participants. Most of the information in this newsletter, along with much more, is available on the conference weblogs at <http://cfp2004.org/blogs/>.

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'Global Technology, Local Law' Session Reveals International Internet Content Issues

By Aaron Perzanowski

This panel, moderated by Mike Godwin of Public Knowledge, addressed the effect of the global transfer of technology. Human Rights Watch's Jagdish Parikh stressed that, because technology transfer does not occur in a social vacuum, individual rights are often directly affected. Parikh called for corporate social responsibility in the export of technology, entailing voluntarily imposed standards for upholding civil rights. Technology companies should, for example, refuse to provide support for regimes known to commit human rights violations.

Mary Catherine Wirth explained Yahoo!'s approach to protecting both their corporate interests and the rights of citizens of other nations. Yahoo!, unlike many similar companies, chooses to set up local offices and corporations within foreign nations to develop websites targeted to a local audience in compliance with local law. Those sites, however, still provide access to locally prohibited material by linking to Yahoo sites in other jurisdictions. So while Yahoo! France bars pro-Nazi material, it does link to the U.S. based Yahoo! Site, which allows such content.

Xiao Qiang, of The Berkeley School of Journalism's China Internet Project, argued that while a policy such as Yahoo!'s may be acceptable in France, its implications in a nation like China are more troubling. While conceding that by facilitating access to unrestricted international Chinese-language sites Yahoo! may prove to be a positive force for change in China, he contended that since China's local laws are in direct violation of international human rights standards, comporting with those laws requires a sacrifice of principle.

Dave Del Torto of the CryptoRights Foundation suggested that maintaining confidentiality through technological means is central to the promotion of freedom and democracy. Keeping users safe and communications private both encourages social activism and increases its effectiveness.