

**international law of contemporary media**  
**session 1: introduction and overview**  
**of the core themes**

**mira burri, dr.iur., PD**  
fall term 2015, 14 september 2015

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**goals of the day**

- **what are media? which media are we going to discuss?**
- **what is international media law?**
- **building elements**
- **structure of the course**
- **organizational issues**  
(reading materials, blog, interactive sessions, participation, exam)

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**media? contemporary media?**

- **means of communicating messages**
- **mass media designed to reach large audiences**
- **media play a special role in society (the *Fourth Estate*)**
- **special focus on audiovisual media**  
(film, music, television and multimedia, such as video games and virtual worlds)

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<http://www.youtube.com/watch?v=w8r6fz1hQQ>

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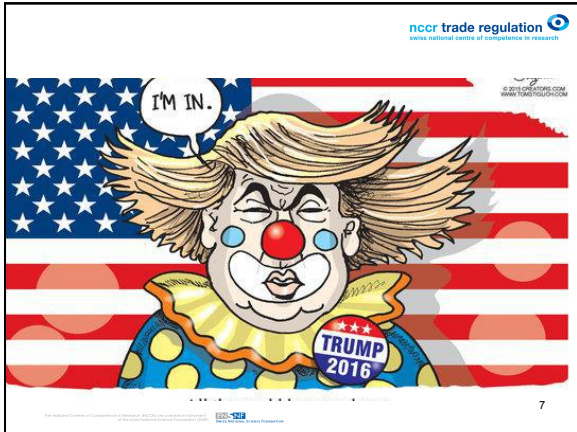
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### media? contemporary media?

- old and new media alike
- any other approach indeed unjustified
- media as a changing and dynamic object of regulation
- associated advantages and disadvantages for regulation and for studying media law

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### media are fluid and changing

## Die Enttäuschung ist vorprogrammiert

**Kleine Denksportaufgabe:** Man braucht es nicht und trotzdem wird es wie verdrückt gekauft. Was ist das? Ganz einfach: ein Heimcomputer. Wir grüßten dieses Modell und spürten vorerst noch gewissen Einströmigkeit. Unser Fazit: Wer auf die elektronische Ausrüstung seines Heimes verzichtet, läßt seine Lebensqualität ein.

**SOCIAL MEDIA EXPLAINED**

- TWITTER I'M EATING A #DONUT
- FACEBOOK I LIKE DONUTS
- FOURSQUARE THIS IS WHERE I EAT DONUTS
- INSTAGRAM HERE'S A VINTAGE PHOTO OF MY DONUT
- YOUTUBE HERE I AM EATING A DONUT
- LINKED IN MY SKILLS INCLUDE DONUT EATING
- PINTEREST HERE'S A DONUT RECIPE
- LAST FM NOW LISTENING TO "DONUTS"
- G+ I'M A GOOGLE EMPLOYEE WHO EATS DONUTS.

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## media? digital media?

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## technology



Steve Jobs with Apple Macintosh, 1984

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 [www.spo.ch](http://www.spo.ch)

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## media? digital media?

- digitization >> all types of information rendered into binary digits
- 00011010100010011110101
- advances in the processing power and memory of microchips (i.e. powerful devices)
- perfection and widespread of optical fibres (i.e. powerful networks)
- creativity on top (software, apps, etc.)

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 [www.spo.ch](http://www.spo.ch)

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## laws of technological advances

Technology nomenclature	Component	Cost-efficiency effect
Moore's Law	Microprocessor	Doubles every 18 months, e.g. from 2GHz to 4GHz
Metcalfe's Law	Network	Increases potential value of network by square of number of nodes
Disc Law	Storage – hard disk	Doubles storage cost-efficiency each year
Data packet transfer	Data compression	Increases: boosted by improved codecs e.g. DivX, RealPlayer, Windows Media
Gilder's Law	Transmission equipment	Bandwidth increases three times faster than microprocessor power – Moore's Law x3.
Fibre Law	Transmission network	Capacity doubles every nine months

Source: RAND Analysis

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### digital media: characteristics

- **freed from the need of a tangible medium**
- **dense:** very large amounts of digital information can be stored in small physical spaces
- **easy to manipulate**
- **perfect copies** of the original
- **networkable:** digital information can be shared between large numbers of users simultaneously
- **new modes of organising and accessing information** (e.g. Dewey vs. Google)

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### why regulate media?

- **economic rationale (market failure)**
  - cultural products as public goods
  - economies of scale
  - externalities (positive and negative)
  - collective action problems
- **societal rationale (media as critical for the functioning of the democratic state and as cultural products and services)**

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### economic justifications for regulating media (i)

- **cultural products as public goods**
- economies of scale
- externalities (positive and negative)
- collective action problems

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### public and private goods

	excludable	non-excludable
rivalrous	<b>private goods</b> food, clothing, toys, furniture, cars	<b>common goods</b> fish, hunting game, water
non-rivalrous	<b>club goods</b> satellite television	<b>public goods</b> national defense, free-to- air television, air

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### economic justifications for regulating media (ii)

- **economies of scale**
  - the size of the market becomes crucial  
(compare US domestic market with the Swiss  
market for a Swiss-German film production)
  - the role of the language
  - less diversification / mainstream production

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### economic justifications for regulating media (iii)

- **negative and positive externalities**
  - externalities mean costs or benefits to people other  
than the one who pays (improper pricing)
  - classical example of negative externality –  
environmental pollution
  - examples of positive externality – R&D, education,  
public safety
  - media can have both **positive** and **negative**  
externalities

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## economic justifications for regulating media (iv)

- **collective action problems**
  - rational, self-interested individuals will not act to achieve their common interests, unless there is coercion or some other special device to make individuals act in their common interest (Olson, 1965)
  - example: viewing Swiss films

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## justifications for media regulation

- do not take things for granted
- media are dynamic
- market failures may be rendered obsolete
- emerging needs for state intervention (or for global action); examples: **citizen journalism** and **the long tail**
- a **red line** going through our course, which demands also thinking together

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## AUG 2015 GLOBAL DIGITAL STATISTICS

Category	Value	Penetration
Total Population	7.357 Billion	Urbanisation: 53%
Active Internet Users	3.175 Billion	Penetration: 43%
Active Social Media Users	2.206 Billion	Penetration: 30%
Unique Mobile Users	3.734 Billion	Penetration: 51%
Active Mobile Social Users	1.925 Billion	Penetration: 26%

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We Are Social | Social: Workometers, Internet@Data, Facebook, Tencent, InternetLive, CDMA Intelligence | <http://wearesocial.sg> | @wearesocialsg

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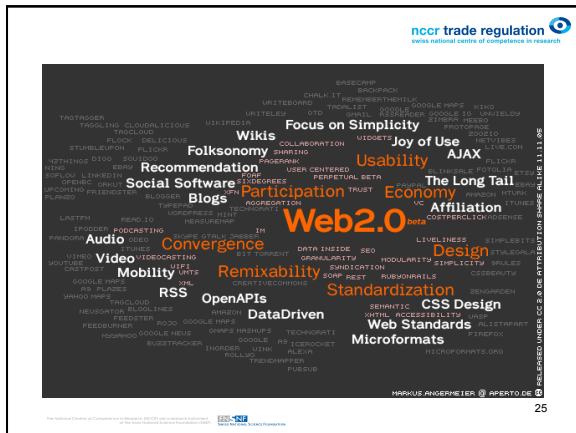
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- **CNN iReport: Unedited. Unfiltered. News.**
- <http://ireport.cnn.com/community/assignment>

A world map with red pins indicating the locations of iReports. Overlaid on the map are the statistics: "378,547 iReports worldwide" and "724 on CNN last month". Below the map is a blue button that says "New! See them on a map »".

- **influential political blogs: e.g. Huffington Post**
- **but: fragmented public sphere? real consumption?**

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### lower search costs



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### media law

- **diverse instruments of media regulation** (e.g. licensing restrictions, media ownership rules, domestic content rules, public service broadcasting, diverse measures to support local productions)
- **traditionally bound to national boundaries**
  - only natural: until 1980s transborder broadcast technically impossible
  - still, domestic policies critical; national sensitivities

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## international media law

- **relatively new legal domain**
- **puts together a variety of disciplines** (human rights, copyright, trade rules, etc.)
- **connecting link is the subject matter of media and their cross-border regulation**
- **expanding legal domain** (due to the process of convergence; not only conventional media rules but also telecom and IT law; cyberlaw)
- **different building blocks** – reflected in the course structure

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## session break-down

- **session 1:** introduction and overview of core topics (16 sept)
- **session 2:** int'l human rights framework (23 sept)
- **session 3:** Int'l telecommunications law (30 sept)
- **sessions 4 and 5:** the internet: history, jurisdiction in cyberspace and internet governance (14 and 21 oct)
- **session 6 (interactive):** to regulate or not to regulate cyberspace? (28 oct)
- **sessions 7 and 8:** int'l economic regulation (4 and 11 nov)

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## session break-down (cont'd)

- **session 9:** introduction to global IP law, guest lecturer: Emanuel Meyer, IPI (18 nov)
- **session 10:** media globalization and its discontents (25 nov)
- **session 11 (interactive):** the quest for cultural diversity in a new media environment (2 dec)
- **session 12:** emerging challenges and opportunities for media law (9 dec)
- **sessions 13:** Q & A / reserve (16 dec)
- **exam:** january 2016

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### other organizational issues

- **reading materials** (compulsory and optional)
- ILIAS / blog:  
<http://contemporarymedialaw.blogspot.com/>
- **slides**
- **interactive session participation**  
(30% of final grade)
- **exam** (oral; open book)
- **contact:** [mira.burri@wti.org](mailto:mira.burri@wti.org)

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- **thank you.**
- **contact:** [mira.burri@wti.org](mailto:mira.burri@wti.org)

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