

Dimension of Power in Networked Society New Sources, New Forces

**ARCEP, Paris
February 22, 2017**

**Yochai Benkler
Jack N. and Lillian R. Berkman Professor of
Entrepreneurial Legal Studies
Harvard Law School
Berkman Klein Center for Internet and Society
Harvard University**

Skype™ - yochai1

Skype Contacts Conversation Call View Tools Help

yochai1 Online € 16.09

Find your Facebook friends on Skype to chat and

Find Facebook friends

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CONTACTS RECENT

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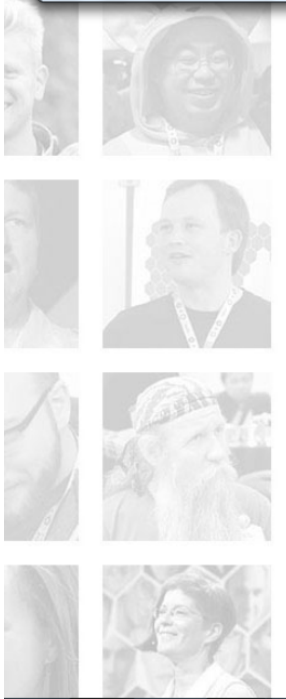

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»




Learn about Mozilla Advocacy



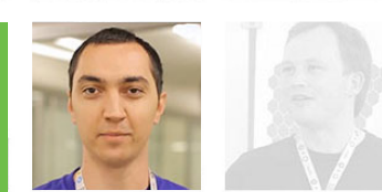

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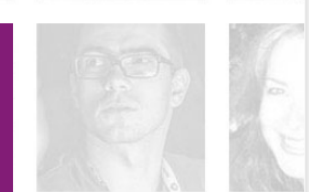
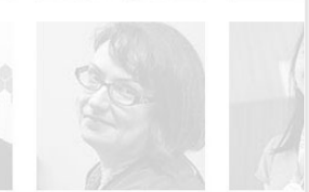



Get the gear, support the mission

»

Get smart on Tracking



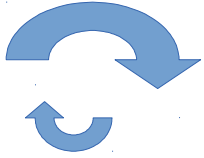

Introducing the new Webmaker



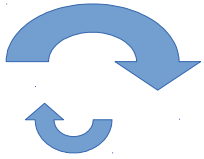
MDN 13 YEARS



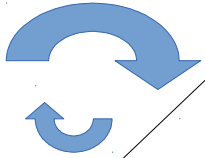
Socio-cultural: “open” vs. “proprietary”; Net-heads vs. Bell-heads



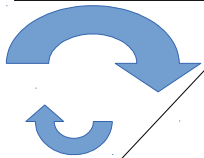
Organizational: IETF
W3C; FOSS



Technical: TCP/IP
HTML/HTTP; ~Open APIs



Law: Common carrier;
Antitrust; Unbundling;
Commons



Market: Windows
Dominant (/open APIs)
Competitive ISPs; no
dominant websites

E.g. no organizational space to force ATM;
or DirectX / MS Java implementations
No technical affordance to prevent Skype
or Firefox installation and running

Websites / portals
Nascent web

Browser / other apps

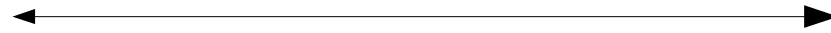
Internet

Windows; Apple OS;
Linux

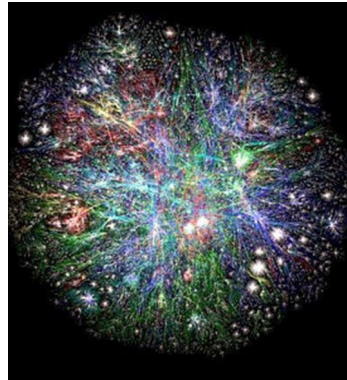
PC / standards-based
components

Copper wire / DSL

Interlocking system effects that support
diffusion or decentralization of power of
interactions mediated by the Internet



Privatization, Deregulation, Competition



Communities of practice
Learning networks
Commons
Cooperation
Openness



Skype™ - yochai1

Skype Contacts Conversation Call View Tools Help

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Find your Facebook friends on Skype to chat and

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Search

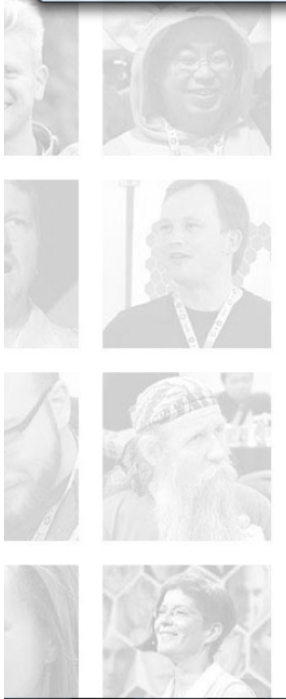

CONTACTS RECENT

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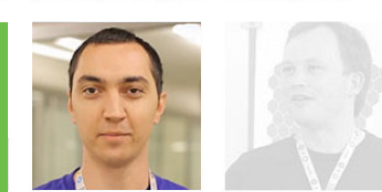

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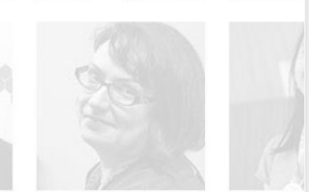



Get the gear, support the mission

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Get smart on Tracking




Introducing the new Webmaker



MDN 13 YEARS



Socio-cultural: “open”
vs. “proprietary”; Net-
heads vs. Bell-heads

Organizational: IETF
W3C; FOSS

Technical: TCP/IP
HTML/HTTP; ~Open APIs

Law: Common carrier;
Antitrust (AT&T &
MSFT); Commons

Market: Windows
Dominant (/open APIs)
Many ISPs; no
dominant websites

Websites / portals
Nascent web

Browser / other apps

Internet

Windows; Apple OS;
Linux

**SMARTPHONE =>
iPHONE**

Copper wire / DSL

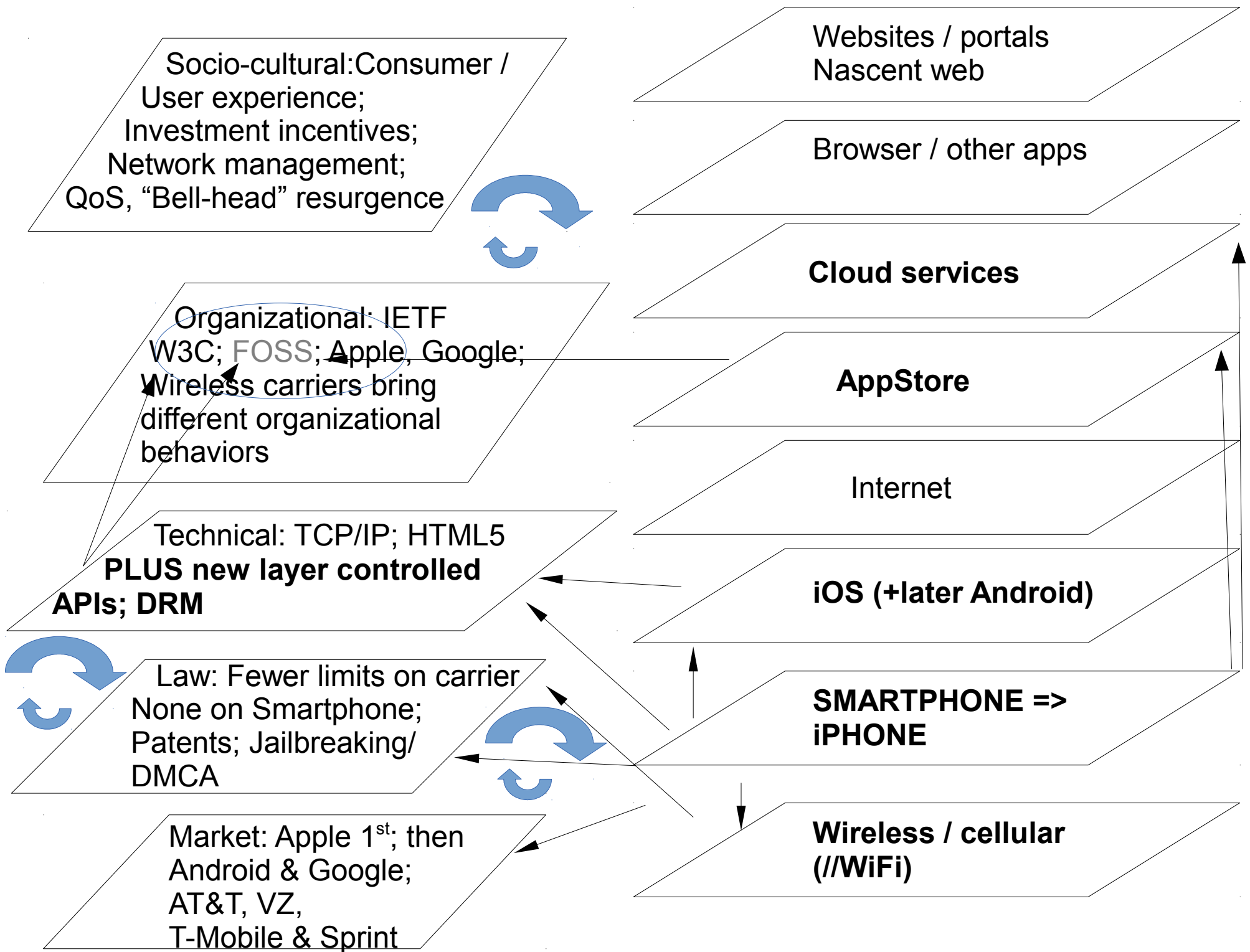


Phone Story, a game that satirizes the dark side of iPhone manufacturing, gets banned by Apple.
Image courtesy Molloindustria

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FEBRUARY 1, 2017 | BY CORY DOCTOROW



Indefensible: the W3C says companies should get to decide when and how security researchers reveal defects in browsers

The World Wide Web Consortium has just signaled its intention to deliberately create legal

Embedded software; “Internet of Things” => DRM makes software-embedded products of all forms non-replicable infrastructure for all compatible competitors or complements

BRIAN BARRETT GEAR 09.23.16 6:01 AM

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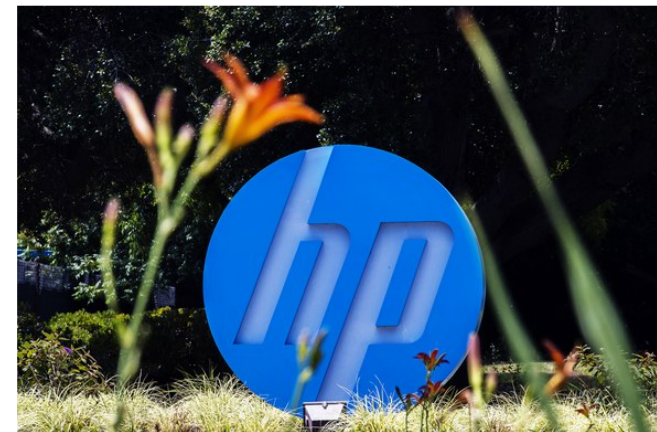
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t TWEET

COMMENT 137

EMAIL

HP HAS ADDED DRM TO ITS INK CARTRIDGES. NOT EVEN KIDDING (UPDATED)



DAVID PAUL MORRIS/BLOOMBERG/GETTY IMAGES

Socio-cultural: Consumer /
User experience;
Investment incentives;
Congestion management;
QoS, "Bell-head" resurgence

Organizational: Apple,
Google, wireless
carriers

Technical: TCP/IP; HTML5
**PLUS new layer controlled
APIs; DRM**

Law: Fewer limits on carrier
None on Smartphone;
Patents; Jailbreaking

Market: Apple 1st; then
Android & Google;
AT&T, VZ,
T-Mobile & Sprint

Websites / portals
Nascent web

Browser / other apps

AppStore

Internet

iOS (+later Android)

**SMARTPHONE =>
iPHONE**

**Wireless / cellular
(//WiFi)**

Net neutrality order directly challenges this



Federal Communications Commission
Washington, D.C. 20554

December 1, 2016

Robert W. Quinn, Jr.
Senior Executive Vice President, External and Legislative Affairs
AT&T
1120 20th Street NW, Suite 1000
Washington, DC 20036

RE: AT&T's Sponsored Data Program

Dear Mr. Quinn:

The Wireless Telecommunications Bureau has reviewed the letter and white paper you submitted on November 21, 2016. We find that those responses fail to alleviate the serious concerns expressed in our November 9 letter regarding the potential anti-competitive impacts of AT&T's wholesale Sponsored Data program for zero-rated mobile video services. Indeed, your submission tends to confirm our initial view that the Sponsored Data program strongly favors AT&T's own video offerings while unreasonably discriminating against unaffiliated edge providers and limiting their ability to offer competing video services to AT&T's broadband subscribers on a level playing field. We have therefore reached the preliminary conclusion that these practices inhibit competition, harm consumers, and interfere with the "virtuous cycle" needed to assure the continuing benefits of the Open Internet. In order to finalize the Bureau's review of this matter, we have set forth below a set of detailed questions and request your response by December 15.

I once again emphasize that we are neither critiquing AT&T's end-user prices for DIRECTV Now nor its strategy for competing in the retail video market. Indeed, as an over-the-top (OTT) offering that is available over any Internet service provider's network – including those owned by video market incumbents such as cable operators – DIRECTV Now relies on the safeguards provided by the *Open*

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Protect

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HOT TOPICS: WIRELESS SAVINGS CALCULATOR PERSONAL TECHNOLOGY VENTURE CAPITAL A

9:04 am ET Jul 30, 2014 MOBILE

Sprint Will Sell a \$12 Wireless Plan that Only Connects to Facebook or Twitter

ARTICLE COMMENTS (7)

FACEBOOK INSTAGRAM MOBILE DATA PLANS PINTEREST SPRINT TWITTER

Email Print Facebook Twitter

By RYAN KNUITSON CONNECT

9TH ANNUAL CRUNCHIES Final Day Before Prices Increase For The Tech Awards Show Of The Year Get It

T-Mobile Stops Counting Netflix, HBO Video Streams Against Your Data Us

Posted Nov 10, 2015 by Greg Kumparak (@gk)

4,146 SHARES

Watching Netflix on your phone is a great way to blast through some spare time — but it's also a great way to blast through your monthly allotment of data in no time flat.

T-Mobile is using this as a competitive advantage. From this Sunday on, T-Mobile will no longer count Netflix (and a few other video services) against your data plan.

Control over the wireless connection translated into platform and content layer power

The innovation and learning effects of leveraging are often externalities from the perspective of consumers

Socio-cultural: Consumers;
Investment incentives;
Network management
QoS
Video streaming as a core

Organizational: Cablecos;
Industry negotiated
(e.g. HTML5 DRM)

Technical: TCP/IP; HTML5
DRM; network management

Law: **Battle over net
Neutrality**; First Amend.?
Mergers

Market:
**Natural monopoly
re-emerges?**

Netflix, Hulu, etc.
Video streaming central

Browser / other apps

AppStore extended to PC;
DRM built in

Internet

Apple devices increase;
Xbox; Tablets; Windows 10

**PCs and video streaming
devices/ Game consoles**

**High-Speed Home
Broadband / Fiber/
DOCSIS 3.0**

Net neutrality order directly challenges this

Socio-cultural:business
orientation; **trust; security;**
Privacy
Fear and convenience drive

Organizational: internal
to providers

Technical: **Proprietary standards**
for data portability;
interoperability

Law: No requirements
for **interoperability;**
portability; privacy;

Market: Amazon; Microsoft;
IBM; Google; Salesforce plus
smaller like Dropbox etc.

Content

Applications / software

Cloud services

AppStore model

Internet

iOS; Android; Xbox;
Tablets; Windows 10

Smartphones, streaming
devices / game consoles

Wireless /
High-Speed Home
Broadband

Go

Internet Start-Ups Business Computing Companies

Blog

Amazon Erases Orwell Books From Kindle



Lucas Jackson/Reuters

A commuter using an Amazon Kindle while riding the subway in New York.

By BRAD STONE

Published: July 17, 2009

In [George Orwell's](#) "1984," government censors erase all traces of news articles embarrassing to Big Brother by sending them down an incineration chute called the "memory hole."

Related

Times Topics: [Kindle](#)

Gadgetwise Blog: [Amazon Offers Free Replacements for Cracked Kindles](#)

Post a Comment on Pogue's

On Friday, it was "1984" and another Orwell book, "Animal Farm," that were dropped down the memory hole — by [Amazon.com](#).

In a move that [angered customers](#) and generated waves of online pique, [Amazon](#) remotely deleted some digital

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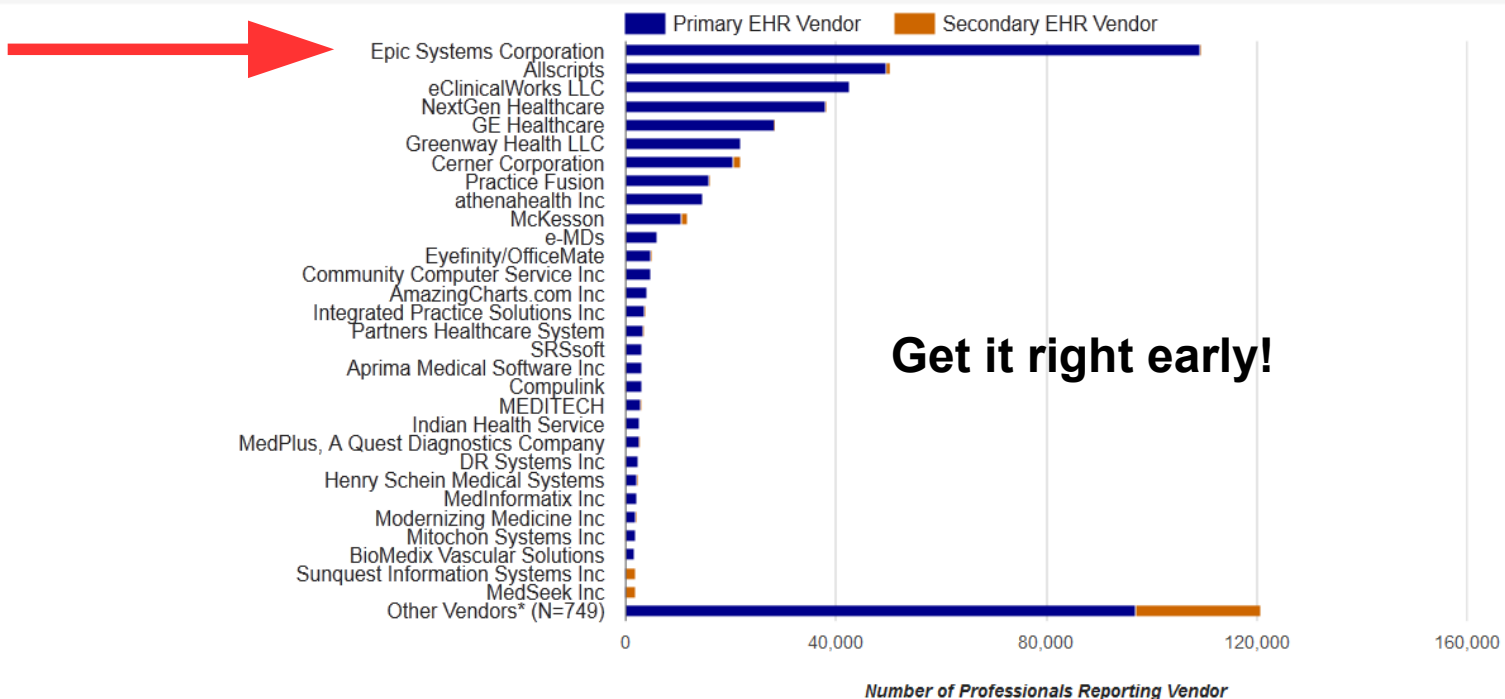
SHARE

Electronic health records in US

Early mover advantage

EHR Vendors Reported by Health Care Professionals Participating in the CMS EHR Incentive Programs and the ONC Regional Extension Centers Program

March 2015



Note: Within a health care professional's EHR system, a primary EHR is a complete EHR or, if the professional does not have a complete EHR, it is the EHR that meets the most Meaningful Use criteria. If a professional has two or more complete EHRs, all of these EHRs are considered primary for the purpose of this report. A secondary EHR is any additional modular EHR used within the professional's EHR system. *144 of the 749 Other Vendors only supply secondary EHRs to participating health care professionals. Of the 605 Other

Mobile Applications and Portals

Integrated PHR

MyChart gives patients controlled access to the same Epic medical records their doctors use, via browser or mobile app (for iOS and Android). Its self-serve online functions can activate patients to improve their own health, reduce the cost of customer service and provide a vital communication link to support accountable care. (Note that not all MyChart functions are available on mobile.) Patients can:

- View test results
- View upcoming & past appointments
- Fill out pre-visit questionnaires
- Schedule appointments
- View paperless statements & pay bills online
- Upload photos
- Update medications and allergies
- Connect to home devices
- Refill prescriptions
- Message securely with providers
- View a child's records and print growth charts
- Manage the care of elderly parents
- View education topics triggered by EHR data
- Get a chronic disease summary w/reminders



Inpatient Engagement

Bedside is a patient-driven, interactive tablet app, designed to strengthen the patient's relationship with the care team – making the hospital stay more enjoyable and productive.

Patient-facing options include:

- **Happening Soon** – a real-time schedule of planned procedures and inpatient events.
- **Taking Care of Me** – a visual summary (with profiles) of the care team.
- **I Would Like...** – an overdue improvement on the nurse call button for requests.
- **Note to Self** – a recorder and notepad for patients to prepare for discharge.
- **My Health** – a patient-friendly summary of lab results and vitals.
- **To Learn** – a hub for patient education, promoting quick recovery and reduced readmission.
- **Messages** – an easy place to communicate with the care team on the patient's terms.
- **MyChart Activation** – so patients can remain engaged when they return home.

Handheld Mobile for Providers

Haiku (for iOS and Android) gives physicians secure and portable access to patient charts, whether they are in the hallways of the practice, rounding at the hospital or away from work. Functionality includes chart review, patient lists, schedule, search, messaging, e-prescribing, dictation and clinical image capture.



Physician Access for iPad

Canto offers access to Epic charts, messaging and other EMR functions. Physicians can use the dashboard-style front end to check schedules, respond to messages, dictate notes and review lab results from anywhere. Rounding physicians can get up to speed on patients before entering their rooms and dictate notes or send messages immediately after leaving.



Freestanding PHR

Lucy is a PHR that is not connected to any facility's electronic medical record system. It stays with patients wherever they receive care and allows them to organize their medical information in one place that is readily accessible. Patients can enter health data directly into Lucy, pull in MyChart data or upload standards-compliant Continuity of Care Documents from other facilities.

Epic's Care Everywhere software can also retrieve documents from Lucy, making this information available to clinicians as part of

[About Us](#)
[Recognition](#)
[Software](#)
[Clinical Systems](#)

- Ambulatory
- Specialties
- Inpatient
- Connecting Independents
- Departments & Ancillaries
- Interoperability

[Mobile & Portals](#)
[Access & Revenue](#)

- Practice Management
- Reg/ADT & Hospital Billing
- Managed Care

[Enterprise Intelligence](#)
[Integrated Core](#)
[Connectivity](#)
[Services](#)
[Meaningful Use](#)
[Third Party](#)
[Contact](#)

Data portability and interoperability critical;

Open standards

Socio-cultural: consumer protection framing; sometimes freedom; vs. fear, security, Convenience, user experience

Organizational: internal to providers

Technical: Proprietary standards

Law: voluntary enforcement
EULAs; private ordering

Market: Tippy, winner-take-all markets; FB clearest; Google search, maps, user Video; maybe Amazon?

Content

Applications / software

Platforms: Facebook; Google Amazon? Netflix? Uber?

Cloud services

AppStore model

Internet

iOS; Android; Xbox; Tablets; Windows 10

Smartphones, streaming devices / game consoles

Wireless / High-Speed Home Broadband

<=1990s

2000s

2010s=> ?

Music

Recording
industry

Napster/Grokster
Pirate Bay
Voluntary payments
Alternative compensation
Sonicbids ("middle class"
artists licensing &
performing)

Spotify; YouTube
ContentID

WHAT SHOULD I DO ABOUT YOUTUBE?

My Google Youtube rep contacted me the other day. They were nice and took time to explain everything clearly to me, but the message was firm: I have to decide. I need to sign on to the new Youtube music services agreement or I will have my Youtube channel blocked.

This new music service agreement covers my Content ID account and it includes mandatory participation in Youtube's new subscription streaming service, called Music Key, along with all that participation entails. Here are some of the terms I have problems with:

- 1) All of my catalog must be included in both the free and premium music service. Even if I don't deliver all my music, because I'm a music partner, anything that a 3rd party uploads with my info in the description will be automatically included in the music service too.
- 2) All songs will be set to "monetize", meaning there will be ads on them.
- 3) I will be required to release new music on Youtube at the same time I release it anywhere else. So no more releasing to my core fans first on Bandcamp and then on iTunes.
- 4) All my catalog must be uploaded at high resolution, according to Google's standard which is currently 320 kbps.
- 5) The contract lasts for 5 years.

I can't think of another streaming service that makes such demands. And if I don't sign? My Youtube channel will be blocked and I will no longer be able to monetize (how I hate that word) 3rd party videos through Content ID.

I told the rep I'm happy with Content ID as it is. Can't I just continue to participate in Content ID and not be a part of Music Key?

No. The rep said they can't have music in the free version that is not in the paid version, it would be bad for their users. All music content has to be licensed under this new agreement.

ABOUT

I write music. I play the cello and the computer. There are dots over my e.

ELSEWHERE



ITUNES

[Download on iTunes](#)

MUSIC



<=1990s

2000s

2010s=> ?

Music

Recording
industry

Napster/Grokster
Pirate Bay
Voluntary payments
Alternative compensation
Sonicbids (“middle class”
artists licensing &
performing)

Spotify; YouTube
ContentID

News

Traditional
Broadcast
Newspapers
Cable

Blogs, Writable
Web;
Citizen journalism
Networked
Fourth Estate

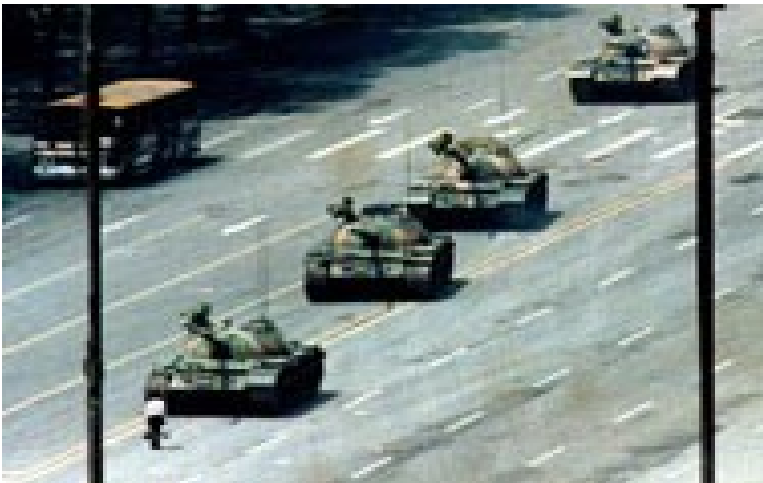
FB newsfeed



Stuart Franklin, Magnum



Charlie Cole, Newsweek



Arthur Tsang Hin Wah, Reuters



Jeff Widener, Associate Press



'I wasn't reaching for it'

Castile's dying words were, "I wasn't reaching for it," Choi said.

Reynolds started live-streaming onto Facebook about 40 seconds after the last shot.



The aftermath of the shooting was streamed onto Facebook Live by Castile's girlfriend.

Reynolds' video feed showed Castile slumping in the front seat with blood covering his shirt. Her

Top stories

Young ISIS recruit: I was blinded by love

Penn Jillette: Why we burned the flag for freedom

brother
at your side

Frustrated by unreliable printers?

DON'T AGONIZE

ltimore

Facebook deactivated Korryn Gaines' account during standoff, police say

Social network granted emergency request from Baltimore County police as she broadcast the standoff before she was killed, officers say

nard Woods in Baltimore

@baynardwoods

wednesday August 3 2016 14:34 EDT



is article is 4 months old

11



Korryn Gaines broadcast her standoff with police on social media. Photograph: facebook image

In the middle of a five-hour standoff that ended in the death of 23-year-old

Advertisement





WikiLeaks CONFIRMS Hillary Sold Weapons to ISIS... Then Drops Another BOMBHELL!

FALSE

vs

Barbara Bush: "I don't know how women can vote" for Trump

facebook

BuzzFeed / Getty Images

resistance to receive exchanges during Indiana's HIV outbreak last year is the direct result of systemic failure.

- "I'm 21 so you can have it back!" This 23-year-old got her lost ID back in the mail, along with a hilarious thank you note 📧😂

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Epicenter of the epistemological crisis



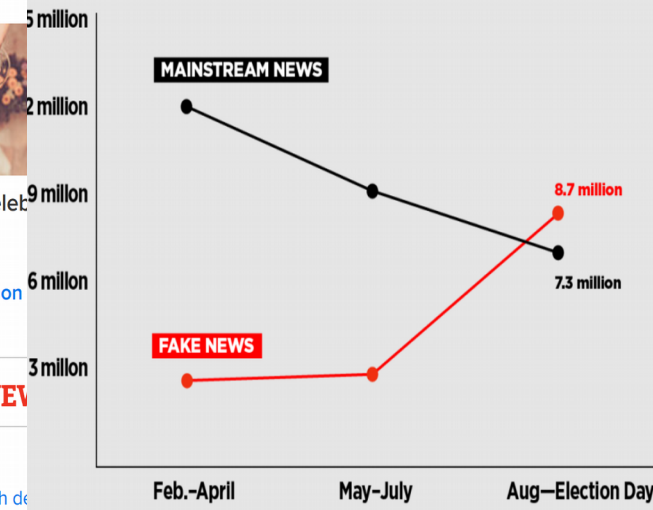
Trump's Pentagon Pick

https://www.buzzfeed.com/craigsilverman/viral-fake-election-news-outperformed-real-news-on-facebo

In the final three months of the US presidential campaign, the top-performing fake election news stories on Facebook generated more engagement than the top stories.



Total Facebook Engagements for Top 20 Election Stories



ENGAGEMENT REFERS TO THE TOTAL NUMBER OF SHARES, REACTIONS, AND COMMENTS FOR A PIECE OF CONTENT ON FACEBOOK SOURCE: FACEBOOK DATA VIA BUZZSUMO

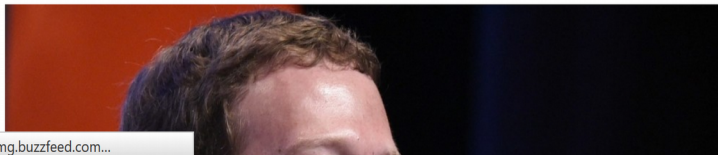
TECH

Zuckerberg: "There Is More Work To Be Done" With Fake News On Facebook

The Facebook CEO listed some concrete steps to address its fake news problem.

posted on Nov. 19, 2016, at 1:50 a.m.

Pranav Dixit
BuzzFeed News Reporter



How Normal Are Your Celeb... Actually?

PROMOTED BY
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In The News Today

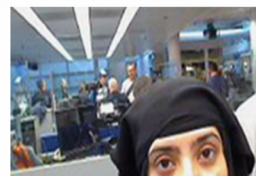
- Donald Trump broke with de US policy by speaking with president of Taiwan Friday, that could anger China.
- At least nine people have b after a fire broke out during



A Rally For President-Elect A Lot Like One For Candidate



Plane Carrying Brazilian So Skipped Refuel Stop Before Crash



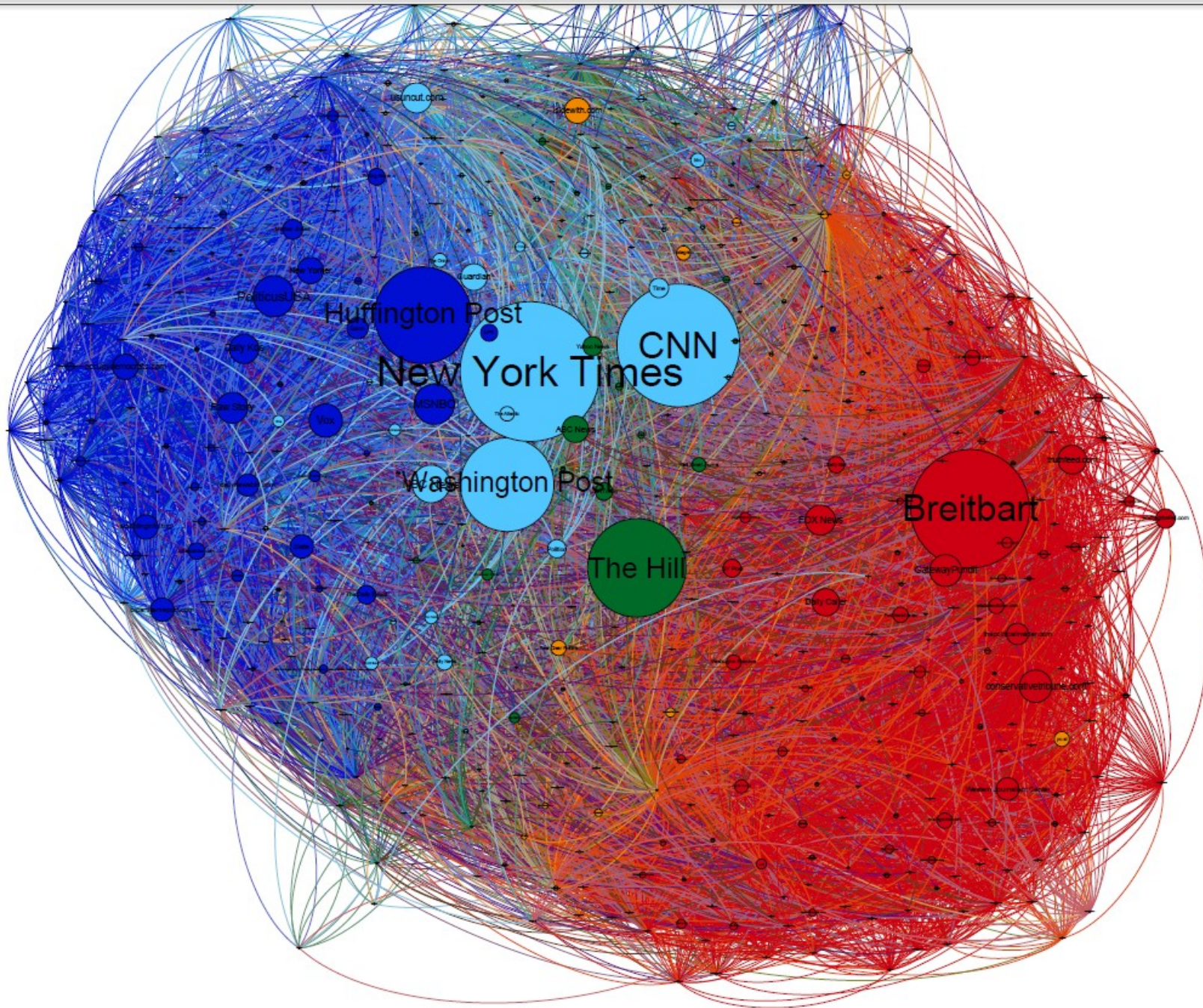
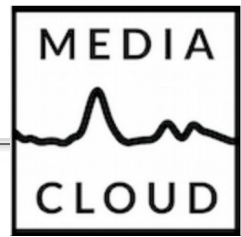
One Year After San Bernar Attack, Internet History Pro To Motive

g data from img.buzzfeed.com...

Search the web and Windows

troubled that Facebook is doing so little to combat fake news," said Brendan

Overall Election by FB shares, ~ 2 million stories collected from ~ 700 million tweets



<=1990s

2000s

2010s=> ?

Music

Recording industry

Napster/Grokster
Voluntary payments
Alternative compensation

Spotify; YouTube
ContentID

News

Traditional media

Networked
Fourth Estate

FB newsfeed

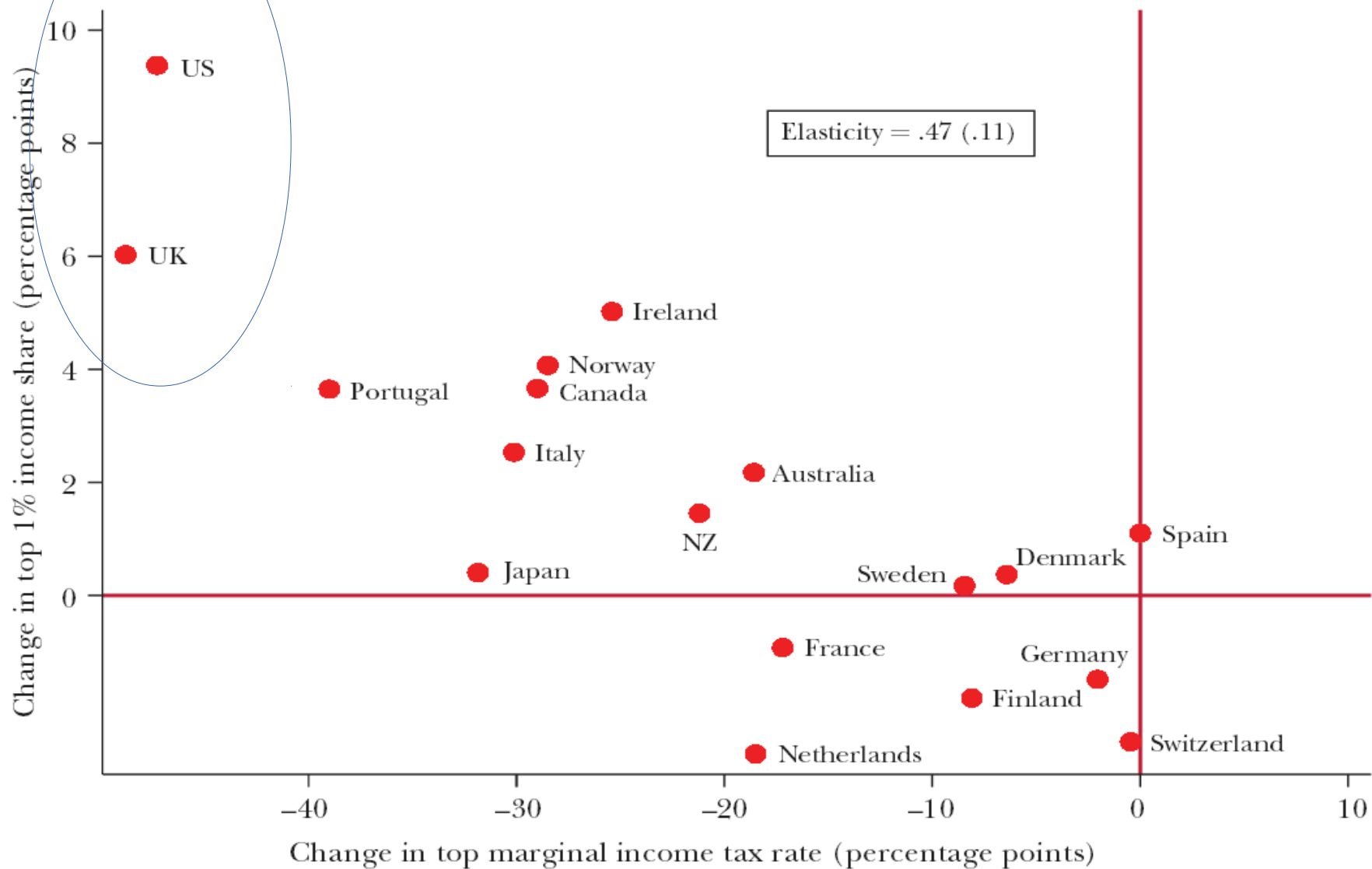
Production

Managerial
Capitalism
To
Neoliberalism;
Global supply
Chains;
post-Fordism

FOSS,
Peer production
Commons-based
production

Uber?
On demand economy
Efficient, consumer-
oriented or extractive?

Figure 4

Changes in Top Income Shares and Top Marginal Income Tax Rates since 1960*(combining both central and local government income taxes)*

Source: Piketty, Saez, and Stantcheva (2011, revised October 2012, figure 3). Source for top income

1
 PLATFORM
 COOPERATIVISM
 BUILDING THE
 COOPERATIVE
 INTERNET
 NOV 11-13 2016
 THE NEW SCHOOL
 AND CIVIC HALL



Re-embedding economic production
 in social relations

Mixing public law and investment;
 with market-enabling and
 non-market social production



ABOUT SHARING CITY SEOUL MEET THE SHAREHUB SHAR

**Sharing City Seoul
 Resources to Solve
 Urban Challenges**

The Sharing City Seoul project mitigates various social challenges by promoting the shared use of both public and private resources.

ARTICLE 29 DATA PROTECTION WORKING PARTY

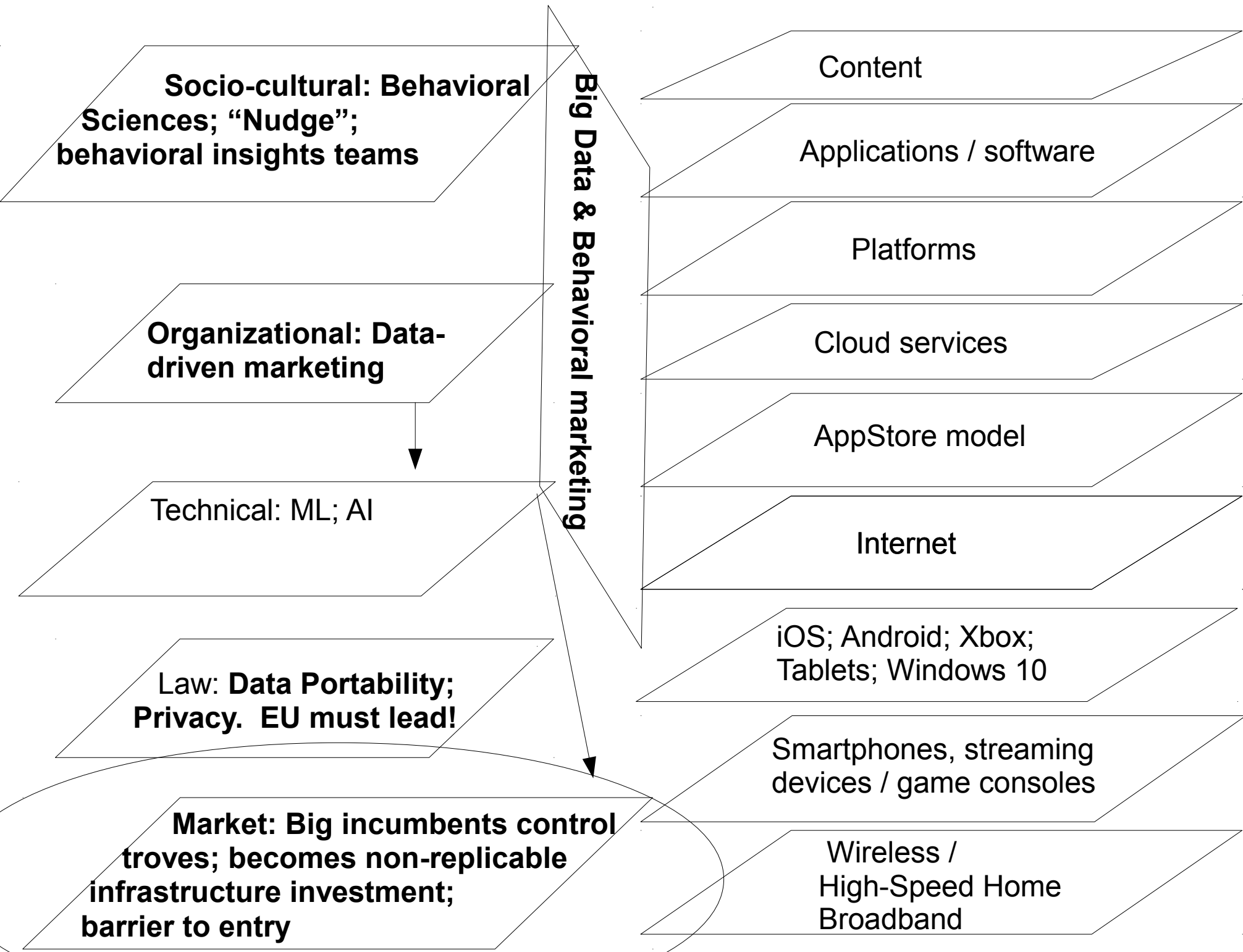


16/EN
 WP 242

Data portability &
 Interoperability offer one critical dimension

Guidelines on the right to data portability

Adopted on 13 December 2016



Big Data & Behavioral marketing

Socio-cultural: Are we seeing a re-assertion of passive consumption?

Organizational: Content industries licensing deals with Netflix, Hulu

Technical: DRM embedded more widely

Law: IP reasserted in practice

Market: Netflix, Amazon, Hulu, etc.; Hollywood; Comcast

Netflix; Amazon Video

Applications / software

Platforms

Cloud services

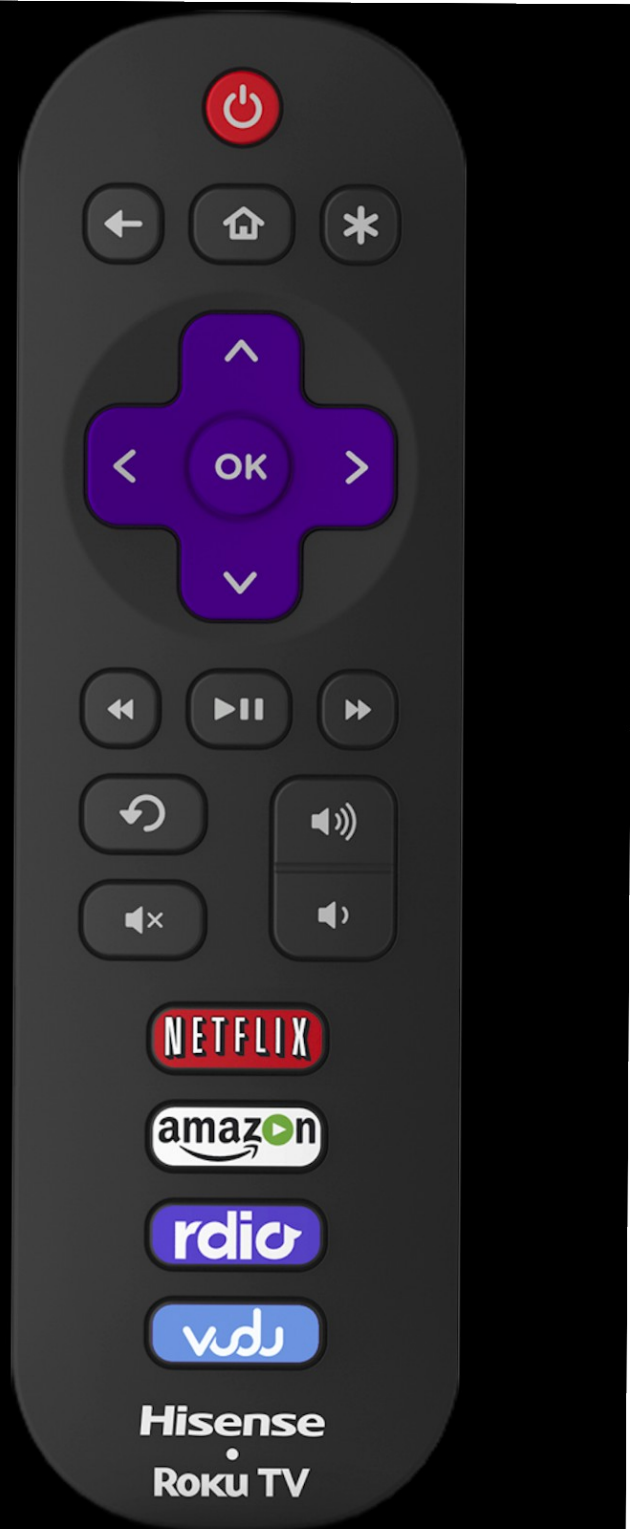
AppStore model

Internet

iOS; Android; Xbox; Tablets; Windows 10

Smartphones, streaming devices / game consoles

Wireless / High-Speed Home Broadband





January 09, 2014 [927 notes](#)

ABOUT

We are Huxleying ourselves into the full Orwell.

As I might, I can't shake the feeling that 2014 is the year we lose the Web. The SC push for DRM in all browsers is going to ensure that all interfaces built in HTML5 (which will be pretty much everything) will be opaque to users, and it will be illegal to report on security flaws in them (because reporting a security flaw in DRM poses you to risk of prosecution for making a circumvention device), so they will be riddled with holes that creeps, RATiers, spooks, authoritarians and crocks will be able to use to take over your computer and fuck you in every possible way.



Things C



The Mozilla Blog

News, notes and ramblings from the Mozilla project



Update on Digital Rights Management and Firefox



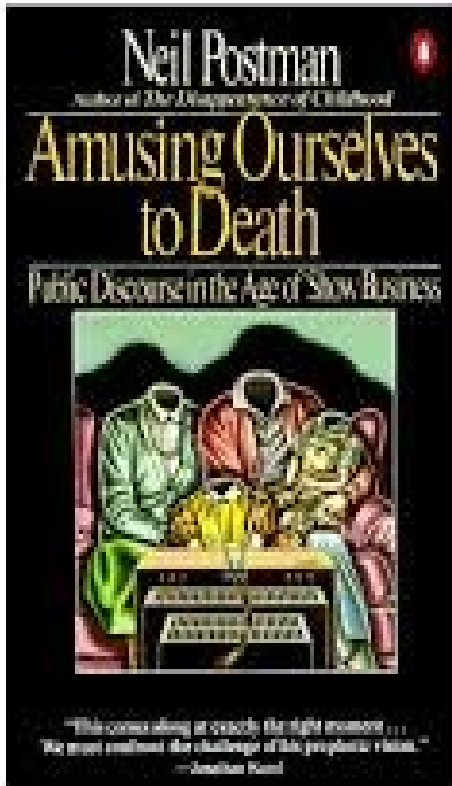
Denelle Dixon-Thayer

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A year ago, we announced the start of efforts to implement support for a component in Firefox that would allow content wrapped in [Digital Rights Management \(DRM\)](#) to be played within the HTML5-video tag. This was a hard decision because of our [Mission](#) and the closed nature of DRM. [As we explained then](#), we are enabling DRM in order to provide our users with the features they require in a browser and allow them to continue accessing premium video content. We don't believe DRM is a desirable market solution, but it's currently the only way to watch a sought-after segment of content.

Today, Firefox includes an integration with the Adobe Content Decryption Module (CDM) to playback DRM-wrapped content. The CDM will be downloaded from Adobe shortly after you upgrade or install Firefox and will be activated when you first interact with a site that uses Adobe CDM. Premium video services, including Netflix, have started [testing this solution in Firefox](#).

Because DRM is a 'black-box' technology that isn't open source, we have designed a [security sandbox](#) that sits around the CDM. We can't be sure how other browsers have handled the "black-box" issue but a sandbox provides a necessary layer of security. Additionally, we've also introduced the [ability to remove the CDM from your copy of Firefox](#). We believe that these are important security and choice mechanisms that allow us to introduce this technology in a



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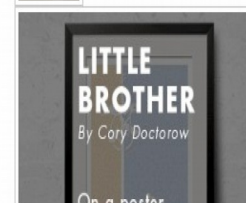
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Things Cory Doctorow saw



Understanding the limits of markets AND state knowledge; integrating learning networks & diverse motivational and organizational models

Not only assuring competition in markets and efficiency, but also orienting regulatory interventions to cooperation in open commons to enable learning networks and communities of practice

Diversity, learning and knowledge flows, adaptation and resilience more important than optimization

Power and rent-extraction opportunities and practices continuously shift locus. Yesterday's victories become the battleground over tomorrow's leverage points

Maintaining an open society, creative learning networks, and robust innovation without losing social embeddedness requires continuous updating of the threats and solutions