

DISCIPLINA: REGULATION OF COMMUNICATIONS TECHNOLOGIES (EM INGLÊS)	CÓDIGO: GRDDIRATCE0406
PROFESSOR: STANLEY SHANAPINDA	CARGA HORÁRIA: 30h
<p>EMENTA</p> <p>a) Global and Brazilian regulatory implications, and the use of communications technologies and services</p> <p>b) Future trends, policy and law</p> <p>c) Technical functionalities as well as the critical societal issues</p> <p>d) affordable access to and the use of mobile Internet; free speech; law enforcement to corporate surveillance</p>	
<p>OBJETIVOS GERAIS</p> <p>The course will study the global and Brazilian regulatory implications, based on the use of communications technologies and services. It will simultaneously hypothesise about future trends and how future policy and law responses to may be influenced to achieve better outcomes. Technical functionalities, such as location services, will be studied in relation to critical societal issues such as location privacy. Other policy issues range from affordable access to and the use of mobile Internet; free speech; law enforcement to corporate surveillance.</p> <p>The Congressional report by the Parliamentary Inquiry Commission on Cybercrimes (CPI dos Crimes Cibernéticos), will be critically analysed. The course will specifically draw on comparisons between Australia and Brazil, where relevant. Other benchmarking jurisdictions may include the USA and the EU, looking at case studies such as the Google Spain v AEPD and Mario Costeja González case and how it may be viewed locally.</p>	
<p>OBJETIVOS ESPECÍFICOS</p> <p>Upon successful completion of this course, the students will be able to:</p> <ul style="list-style-type: none"> • understand the basic networking architecture of relevant communication technologies and the functionality of the services; • understand how the technologies and services are regulated globally and locally; • how global regulatory policies and practices impact domestic regulation; • identify critical policy and legal issues posed by the use of these technologies and services, based on how their functionality; • identify and critically analyse the challenges with current regulatory and policy practices; and • propose alternative policy and regulatory measures based on the functionality of the technologies and services, for better outcomes. 	
<p>BIBLIOGRAFIA OBRIGATÓRIA</p> <p>Statutes1</p> <p>Constitution of the Federative Republic of Brazil – http://www.stf.jus.br/repositorio/cms/portaStfInternacional/portaStfSobreCorte_en_us/a_nexo/constituicao_ingles_3ed2010.pdf Chapter 1, Article 5 [Article 5, items IX, X and XII] [Relevant Subject Matter: Freedom of Speech, Right to Privacy, Intimacy and Image, Liability for Material and Moral Damages</p>	

Marco Civil da Internet - "Brazilian Internet Bill of Rights," Federal Law no. 12.965, April 23, 2014 [English version] [Articles 18-21 and others] [Intermediary Liability, Safe-harbor, Data Privacy, Data Retention, Network Neutrality and others]

Brazilian Civil Code, Federal Law no. 10.406, January 10, 2002 [Articles 20, 21, 186, 187 and 927] [Right to Privacy, Reputation and General Civil Liability for Damages]

Elections Regulation Law, Federal Law no. 9.504, September 30, 1997 [Articles 36, 36-A, 41 §2, 43, 57-A, 57-B, 57-C, 57-D, 57-E, 57-F and 57-I] [Electoral Propaganda Over the Internet, Free Speech, Censorship, Right of Honor and Image, Right to Respond, Takedown Orders, Access Blocking and Penalties]

Brazilian Consumer Defense Code, Federal Law no. 8.078, September 11, 1990 [English version] [Articles 3, 14, 17 and 43, §2] [Consumer Relationship, Strict Liability of Product/Service Suppliers and Data Retention]

Statute of Children and Adolescents, Federal Law no. 8.069, 1990 [Article 241-A] [Child Pornography, Legal guardians, ISPs, Liability, Notice and Take Down]

Brazilian Criminal Code, Federal Decree-Law no. 2.848, December 7, 1940 [Article 138, 139, 140, 154-A and 359] [Libel, Defamation, Slander, Online Trespassing, Data Theft and Contempt of Court] [Article 184] [Criminal Copyright Infringement]

Copyright Law Reform Bill, Federal Bill, Bill nº 3133/2012, 2012

Brazil's Congress unveiled the final report of the parliamentary Inquiry Commission on Cybercrimes (*CPI dos Crimes Cibernéticos*).

Superior Court decisions¹

Superior Court of Justice, Orkut (Google Brasil Internet LTDA), Special Appeal No. 1512647/MG (2013/0162883-2), May 13, 2015 [copyright, hosting provider, Orkut, user-generated content, linking]

Superior Court of Justice, Fourth Panel, Google Brazil v. Dafra, Special Appeal No. 1306157/SP, March 24, 2014 [copyright, video-sharing, YouTube, technical capability, takedown, precise indication of URL]

Superior Electoral Court, Twitter Brazil, Special Electoral Appeal No. 74-64.2012.6.20.0003, September 12, 2013 [electoral propaganda, free speech and intellectual liberty, social network, Twitter,]

Superior Court of Justice, Third Panel, Google Brazil, Special Appeal No. 1323754/RJ, August 28, 2012 [social network, Orkut, moral damages, personal offense, notice and takedown]

Superior Court of Brazil, Civil, Google Brasil Internet LTDA. vs. Maria da Graça Xuxa Meneghel, Special Appeal No. 1.316.921 - RJ (2011/0307909-6), June 30, 2012 [Civil and Consumer law. Internet. Consumer relations. Applicability of the Consumer Protection and

¹ Ibid

Defense Code. Irrelevance of gratuity of service. Internet search engine. Lack of necessity to prior filtering of the searches. Non-applicability of restrictions to the results. Public content. Right to information.] (Translated from the original by Felipe Busnello)

Superior Court of Brazil, Civil, Google Brasil Internet LTDA, Special Appeal No. 1.186.616 – MG (2010/0051226-3), August 31, 2011

Human Rights laws, criminal laws, cybercrime laws, national security laws, telecommunications regulation laws, Internet laws, administrative law legislation, interception and surveillance laws, electronic transactions laws

Lower Court decisions²

Supremo Tribunal Federal [State Court of Appeals], Civil, Aliandra v. Orkut, ARE 660861, April 9, 2012 [defamation, hosting provider, online communities, Orkut, notice and take-down]

Books

Fostering freedom online: the role of Internet intermediaries By MacKinnon, Rebecca, Hickok, Elonnai, Bar, Allon, Lim, Hae-in

BIBLIOGRAFIA COMPLEMENTAR

Journal articles:

Roshani, Niousha, Grassroots Perspectives on Hate Speech, Race, & Inequality in Brazil & Colombia (December 2016). Berkman Klein Center Research Publication No. 2016-18.

Available at SSRN: <https://ssrn.com/abstract=2882234>

<http://guides.lib.unsw.adfa.edu.au/cybersecurity>

SSRN

<http://cyberlaw.stanford.edu/publications/academic>

Belli, L. (2015). A heterostakeholder cooperation for sustainable internet policymaking. Internet Policy Review, 4(2). DOI: 10.14763/2015.2.364

<https://policyreview.info/categories/access-content>

<https://cyber.harvard.edu/>

Communications and Information Systems, Ryan M.J. and Frater M.R., Argos Press, 2002.

<http://whatis.techtarget.com/definition/threat-intelligence-cyber-threat-intelligence>

Newspaper reports

Reports

² Ibid

Standards

Policy documents

Miscellaneous:

https://cyber.harvard.edu/events/luncheons/2016/11/Goyle_Shahdadi

Bruce Schneier Blog

International Treaties and Conventions

ICT Regulation Toolkit. ITU.

Telecommunications Regulation Handbook. 2011. ITU.

IEEE

EFF

Privacy International

SSRN

WhatsApp court case

Cisco

Stanford surveillance course material

Marco Civil da Internet, officially Law No 12.965 (Civil Internet Framework, which was pointed out by the UN Rapporteur on Freedom of Expression)

The Global Information Technology Report 2015 ICTs for Inclusive Growth

Intrusion Detection:

In Popular culture:

Movies, music