

DISCIPLINA: REGULATION OF COMMUNICATIONS TECHNOLOGIES (EM INGLÊS)	CÓDIGO:
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>METODOLOGIA</p> <p>Lectures are conducted on Mondays from 11.10-12.50. Lessons will be presented in 20 minute slots, with a 10 minute break after the first 50 minutes. Every lecture will start with a lesson introducing the topic and key concepts. The students may engage with the lessons at any time. However, at the end of the lesson, the last 40 minutes will be dedicated to an in-class activity and a question and answer session. The aim is to have the students actively participate and learn by doing. The students will be given a task to do after every class, to be completed by a set due date. At the beginning of each lecture, prior to the lecturer introducing the new topic, there will be a recap of the previous lesson. The issues will be based on recent global and local affairs.</p> <p>The lessons will be presented using a PowerPoint presentation that will be made available to the class, either prior and/or after. The key strategy will be a flipped classroom, where the</p>	

student prepares before the class for the lesson and the classroom is used more for learning activities, to encourage deeper learning. The students will take charge of their own learning and therefore the activities. The lecturer will facilitate the sessions and observe the students and assist where needed and give feedback, formally and informally. In this manner the students can improve their learning.

The pre-class, post-class and in-class activities will include reading and critically analysing court cases; journal articles; group essays, individual essays and presentations; and games. Reading material will be made available in advance.

PROGRAMA

The key issues to be studied over the approximately 20 week course, include social networking applications and the role telecommunications companies play in retaining and disclosing metadata in response to encrypted communications; the impact of service and technology neutral regulation and what that means for the rule of law; the regulation of cyber security; intellectual property infringements and the use of VPNs that undermine regulatory effectiveness; and the Mosaic theory that demands protection for individual parts of the data generated by telecommunications devices.

Other topics include:

- The ICT ecosystem;
- Universal access and service;
- Digital rights;
- The regulation of telecommunications equipment and services
- Powers and limitations of law enforcement agencies;
- Mobile phone forensics and analysis;
- The retention and disclosure role of telecommunications service providers;
- Government surveillance;
- Corporate surveillance and Big Data analytics versus free, prior and informed consent;
- Cyber security, cyber terrorism, cyberwarfare and cybercrime; and
- Policy and the regulatory rationale

CRITÉRIOS DE AVALIAÇÃO

Assessments will be done according to FGV Rio's policies and procedures. Generally, the active participation of the student in class in terms of presentations, essays, asking questions and commenting, group work and doing tasks after the class, will form part of the assessment. The students will be given constructive feedback of their performance, from the lecturer and their peers. The students will be given a rubric upon which the various tasks will be assessed. The rubric will contain standards that are based on the learning outcomes.

The students will be asked to complete various online surveys to gauge their feedback on the course. This feedback will be discussed with them and improvements will be made.

BIBLIOGRAFIA OBRIGATÓRIA

Statutes1

Constitution of the Federative Republic of Brazil –

http://www.stf.jus.br/repositorio/cms/portaStfInternacional/portaStfSobreCorte_en_us/anexo/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]

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