Consumers in the Information Society: Access, Fairness and Representation

By Jeremy Malcolm
Created 17/10/2011 - 11:26

- a2k [1]
- broadband [2]
- consumer rights [3]

The conference is now over, and was a great success. Please complete the feedback form [4] if you attended.

The opportunities and challenges that face consumers in today's online digital environment raise a range of new issues for the global consumer movement. For example, products that were once sold as goods, are now packaged as digital services, lacking many of the incidents of ownership that consumers expect. They are often delivered over broadband networks for which there are no uniform consumer protection standards. Many of the institutions making decisions for this digital environment do so without first hearing from consumers about their rights, interests and concerns. Download the proceedings [5]

Members of Consumers International [6] (CI [7]), the only global campaigning voice for consumers, will come together from around the world to discuss and set an agenda for advocacy on these issues, at the first global summit "Consumers in the Information Society: Access, Fairness and Representation" to be held in Kuala Lumpur, Malaysia on 8 and 9 March 2012. Preceeding the conference on 5 to 7 March will be a regional meeting of members of CI from Asia Pacific and Middle East. A flier for the event is also available [8].

1. Programme
2. Abstracts and biographies
3. Registration [9]
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Programme

The CI regional meeting for Asia-Pacific and the Middle East and some private working group meetings will take place on 5-7 March. A programme for the regional meeting is available for download [10].
### Wednesday 7 March

- 6:4 Anwar Fazal speech on 50th anniversary of JFK
- 5pm Consumer Rights
- 7:0 Dinner hosted by FOMCA
- 0pm

### Thursday 8 March

- 8:3 Registration
- 0am
- 9:0 Welcome (Helen McCallum)
- 0am
- 0am
- 10:00am **Introduction to Digital Personal Property** (Paul Sweazey)
- 11: Break
- 00am
- 11: **UN Consumer Guidelines** (Robin Brown, Tobias Schönwetter, Pranesh Prakash, Guilherme Varella)
- 00am
- 1:0 Lunch
- 0pm
- 2:00pm **Consumer Protection and IP Abuse Prevention under the WTO Framework** (George Tian)
- 0pm
- 3:00pm **Internet governance and consumers** (Peng Hwa Ang)
- 4:0 Break
- 0pm
- 4:3 **Public Interest Representation in the Information Society** (Norbert Bollow)
- 0pm
- 5:3 **Consumers in the information society** (Jeremy Malcolm)
- 00pm
- 6:3 Break
- 0pm
- 7:3 Cultural and culinary outing to pasar malam
- 0pm

### Friday 9 March

- 8:3 Registration
- 0am
- 9:0 **M-Lab** (Lih Shiuin Goh from Google Singapore)
- 0am
- 10: **Internet and human rights** (Alan Finlay from Association for Progressive Communications)
- 0am
- 11: Break
- 0am
- 11: **Global consumer survey on broadband** (Jeremy Malcolm, Veridiana Alimonti, Elise Davidson, Marzena Kisielowska-Lipman)
- 00am
- 1:0 Lunch
- 0pm
Abstracts and biographies

Introduction to Digital Personal Property

Personal property ownership rights are a basic human need. The absence of legal ownership distorts and hobbles economic systems by leaving demand for ownable products unfulfilled and by stimulating extra-legal, de facto ownership through so-called pirated products. Copyright-respectful consumer ownership of downloadable movies, music, books, games and other digital products is entirely practical, but such ownership requires an object type called digital personal property or DPP, which is neither a plain, unprotected file nor a usage-restricted file.

Paul Sweazey has been a designer and architect for computing, communication, storage systems, and cryptographic security systems at companies such as Tektronix, MIPS, National Semiconductor, Apple, and Seagate. He has co-founded startups in network switching, network-attached storage, and digital content protection. As an inventor, he defined the original 5-state MOESI model of cache coherence as used in the AMD64 architecture, invented the QuickRing interconnect of Apple and NSC, created the SpandX hypertoroidal switch fabric, and devised the original concepts that may enable consumers to own digital downloads without usage restrictions. In IEEE standards Paul worked on the IEEE 896 Futurebus as the cache coherence task group leader, founded the Superbus Study Group which led to the IEEE 1596 Scalable Coherent Interface standard, participated in the IEEE 1394 Serial Bus Working Group, and started the Digital Personal Property Study Group. A graduate of the University of Portland (Oregon), Paul is currently a design engineer for Nuvation Engineering in San Jose, CA, and serves as chair of the P1817 Standard for Consumer-ownable Digital Personal Property.

Downloads:

- Introduction to Digital Personal Property [12] (chapter in conference proceedings)
- Consumer Ownership [13] (presentation slides)

United Nations Guidelines for Consumer Protection

This paper provides background to the proposed amendments to update the United Nations Guidelines for Consumer Protection for the digital age. A soft-law instrument, the Guidelines provide an influential standard for the dissemination of good practices in consumer protection, as a mechanism to foster and promote social and economic development. They outline eight areas for developing policies for consumer protection, which are reflected by the eight consumer rights declared by the global consumer movement: rights to satisfaction of basic needs, safety, choice, information, consumer education, redress, representation and a health environment.

The paper outlines the current global regime of public policy development and regulation relating to access to knowledge. Indicating that many of the issues of concern in terms of access to knowledge are essentially consumer issues it argues that amendments to the Guidelines would form the basis for progress. The paper then details the proposed amendments explaining the basis for each one.

Joining Robin Brown on the panel will be representatives from our research partners in India, Brazil
and South Africa who will be contributing to our research on the Guidelines.

Robin Brown has 25 years of experience in consumer and business regulatory affairs. He spent 10 years as the chair and chief executive of Australia’s national consumer body, the Australian Federation of Consumer Organisations. Robin has been involved in projects to advance consumer protection and competition policy and regulation in a number of developing countries. In recent years Robin has served as a Councilor of the Australian Consumers’ Association. He holds a BA and a Master of Public Policy from the Australian National University.

Pranesh Prakash is Programme Manager at the Centre for Internet and Society, Bangalore. He is a graduate with a degree in Arts and Law from National Law School, Bangalore, with a keen interest in the law, economics, and culture of intellectual property rights. He helped found the Indian Journal of Law and Technology, and was part of its editorial board for two years. He is most interested in interdisciplinary research on IP and property law, freedom of speech, and privacy. He has worked with practising lawyers, civil society organizations, and law firms.

Tobias Schönwetter is a Senior Manager within PricewaterhouseCoopers' South African practice performing legal advisory services specifically relating to innovation, technology and intellectual property (copyright and trademarks). Tobias has studied and practised law in Germany, the US and South Africa and he has led the copyright division at UCT's Intellectual Property Law and Policy Research Unit for several years. His international experience, together with his leadership roles in a number of intellectual property-related projects and research collaborations such as the African Copyright and Access to Knowledge (ACA2K) project and the Open AIR (African Innovation Research and Training) project, has secured his place as an industry expert within the intellectual property and technology sector.

Guilherme Varella is a lawyer at Idec (Brazilian Institute for Consumer Defense) in telecomunications, Internet and access to knowledge and Master's student in public policies of culture in the Law School of Universidade de São Paulo (University of São Paulo - USP).

Downloads:

- The UN Guidelines For Consumer Protection: Making Them Work in Developing Countries [16] by Robin Brown (chapter in conference proceedings)
- Proposed A2K Amendments to the UN Guidelines for Consumer Protection [18] by Jeremy Malcolm (presentation slides)
- UN Guidelines for consumers: the situation in Brazil for insertion of amendments on access to knowledge [19] by Guilherme Varella (paper)
- UN Guidelines for consumers: the situation in Brazil for insertion of amendments on access to knowledge [20] by Guilherme Varella (presentation slides)
- Amendments to the UN Guidelines Consumer Protection Project - South Africa [21] by Tobias Schönwetter

Consumer Protection and IP Abuse Prevention under the WTO Framework

In this paper, I will examine the likely effects of the WTO framework and the TRIPS [22] Agreement on consumer protection in the IP and technological market. I will first examine whether provisions to limit IP enforcement measures on consumer protection grounds are permissible under the IP abuse provision of the TRIPS Agreement. I will then use China, Australia and Brazil as examples to examine how non-competition law approach, particularly consumer laws, can be used to prevent various forms of IP abuse, particularly unfair terms in End Users Licensing Agreements. Some recent cases on IP abuse prevention in high technology market will be discussed by referring to consumer
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Protection laws in Australia and Brazil, such as Song PSN case, Google and Amazon clouding computing cases. Finally, I will provide some practical advices for individual countries, particularly IP net importing countries, to use consumer law to prevent IP abuse. It is imperative that each country, particularly developing countries, should adopt more flexible approaches at both international and domestic levels to address the IP abuse issues and to protect legitimate rights of their citizen in using new technology products and services. This is not only important for protecting consumers but also important for encouraging competition and supporting innovation.

Dr George Yijun Tian is a Senior Lecturer at the University of Technology Sydney (UTS) Law School. He joined UTS in January 2008. His research is focusing on intellectual property, anti-trust law, international trade, and digital legislation. Prior to taking up the full-time position at UTS, he has taught sessionally postgraduate courses in intellectual property at UTS, and undergraduate courses in corporate law at the University of New South Wales (UNSW).

Downloads:

- Consumer Protection and IP Abuse Prevention under the WTO Framework [23] (chapter in conference proceedings)

Internet Governance and Consumers

No abstract provided.

Ang Peng Hwa is a faculty member of the Wee Kim Wee School of Communication and Information. He has a law degree from the NUS, a master's in communication management from the University of Southern California, and a PhD in mass media from Michigan State University. His research is in the area of internet governance. His 2005 book, Ordering Chaos: Regulating the Internet (Thomson), argues that the internet can be, is being and should be regulated. In 2004, he was appointed by the UN Secretary General to the Working Group on Internet Governance to prepare a report for the 2005 meeting of the World Summit on Information Society. He later helped co-found the Global Internet Governance Academic Network (GigaNet) where he served as inaugural chair.

Download: Internet Governance and Consumers [25] (presentation slides)

Public Interest Representation in the Information Society

As societies are transformed by the increasing use of digital information and communication technologies, this report gives an overview on the representation of consumer interests and other perspectives on the public interest in the decision-making processes that govern these developments. In particular, relevant governance fora and institutions are identified and the existing mechanisms for consumer representation and broader public interest representation in each are outlined. In some cases, institutional deficits are evident, so that reforms are needed to allow for more effective public interest representation. A system engineering perspective can provide insights on what will be helpful reforms. On the other hand, some of the already-available mechanisms for consumer representation are underutilised. Very often the lobbyists of large corporations hardly encounter any significant opposition at all when they influence the framing of various debates in such a way that it becomes practically impossible to reach a result that does not greatly favor their interests over the public interest. This report aims at providing a reasonably complete overview of these matters on the basis of the responses to a survey conducted among many civil society organizations in the fall of 2011, together with other relevant sources. An online Map of Internet Governance will allow to collaboratively expand on this information and keep it up-to-date in order to facilitate effective strategic planning.

Norbert Bollow is a systems analyst and technologist who participates in the Free and Open Source Software (FOSS [26]) movement, in international standardization, and in Internet Governance related...
debates. His advocacy work is motivated primarily by a strong desire for the protection of personal data and communications privacy.

Downloads:

- Public Interest Representation in the Information Society [27] (chapter in conference proceedings)
- Mapping Internet Governance and Public Interest Representation in Information Society [28] (presentation slides)

Consumers in the information society

This will be a capacity building session in which a practical description of the different mechanisms that exist for consumer representation in different institutions the information society will be given. A demonstration will also be given of new online tools provided by Consumers International by which consumer representatives can apply for support to participate in meetings of relevant institutions, and report back on the outcomes of those meetings.

Jeremy Malcolm is Consumers International's Project Coordinator for Intellectual Property and Communications, coordinating its global programmes on Access to Knowledge (A2K) and Communications from CI's Asia-Pacific office in Kuala Lumpur. Jeremy graduated with degrees in Law (with Honours) and Commerce in 1995 from Murdoch University, and completed his PhD thesis at the same University in 2008 which was the first doctoral examination of the Internet Governance Forum. He later adapted his thesis into a book titled "Multi-Stakeholder Governance and the Internet Governance Forum". Jeremy's background is as an information technology and intellectual property lawyer and IT consultant with a research interest in Internet governance. He is admitted to the bars of the Supreme Court of Western Australia (1995), High Court of Australia (1996) and Appellate Division of New York (2009).

Download: Screencast of meetings section of A2Knetwork.org website [29]

Improving broadband transparency

Access to broadband is improving in many parts of the world and in a number of developed countries, broadband speeds are expected to increase further with the rollout of extensive fibre networks. These are positive developments as they help expand the number of ways end users can utilise the Internet to carry out many of their everyday activities, e.g. to communicate, transact and for entertainment. It is thus important for businesses, consumers and regulators to be able identify any problem or bottleneck in their broadband networks. This will be a sharing session on how M-lab helps sustains a healthy and innovative Internet by providing a suite of tools that allows end users to find out more about their connection that goes beyond the typical "speed test."

Lih Shiun works at Google as its Country Lead (Policy and Government Affairs) for Southeast Asia, where he is responsible for working with governments in the region to promote the growth of the digital economy. Prior to Google, Lih Shiun spent 7 years in the Singapore Government working on infocomm and media sector related policies. His key interest lies in the area where new technologies and business models interact with existing regulation, and examining how regulation should corresponding evolve to spur economic development.


Internet and human rights

Alan Finlay will give an overview of the Association for Progressive Communications (APC) as an organisation. He will then discuss APC’s internet rights work, including the policy spaces that APC engages in, and the challenges that it experiences in these spaces. Particular emphasis will be placed on the most recent issue of Global Information Society Watch (www.giswatch.org [31]), an
annual publication produced in partnership with Hivos. GISWatch 2011 focused on internet rights and democratization, and some of the key issues raised by the report will be highlighted in order to provide a context for open discussion on human rights and the internet.

Alan Finlay is the current editor of Global Information Society Watch (GISWatch), and works as the ICTs and Environmental Sustainability Co-ordinator at APC. He is also a visiting research associate at Wits University, where he supervises students and teaches media studies.

Download: Internet and Human Rights: Connect Your Rights Campaign [32] (presentation slides)

Global consumer survey on broadband

A global survey on broadband Internet was administered to consumers in 40 countries, in 5 languages, drawing over 9000 responses. The survey sought to elicit information about the biggest problems that faced consumers of broadband Internet services. This would guide the development of a global campaign to hold broadband service providers to account for their observance of consumer rights and broader human rights online.

The results of the survey indicate that home broadband Internet access has become by far the dominant method of Internet access for respondents to the survey, but three broad areas of concern stand out. First is that Internet speeds are often slower than advertised, and in many cases unpredictable.

Second is the excessive cost of Internet access in locations that are not well served by a number of competing broadband providers. Even in locations where competition does exist, consumers are kept from taking advantage of it by lock-in provisions in their service contracts.

Finally, when consumers complain to their Internet providers about speed or service problems, a majority are unsatisfied with the handling of their complaints.

The project’s overall coordinator Jeremy Malcolm, and the three regional coordinators for the regions of North and South America (IDEC), Europe and Africa (Consumer Focus), and Asia-Pacific and the Middle East (ACCAN), will each present highlights respectively at the global and regional levels, and outline a possible global campaign through which Consumers International would lead its members in addressing each of the three problems that the research has uncovered.

Marzena Kisielowska-Lipman is a Digital Communications Policy Manager at Consumer Focus. Marzena overlooks digital policies related to broadband, data protection and e-commerce. She has experience of consumer research and coordinated large scale international research and capacity building programmes in the past when working at Consumers International. She also worked as a consultant on consumer policy for a voluntary and public sector. She is the author of many consumer publications, including more recent Up(s) and Down(load)s [33] that recalled consumer experiences of buying digital products and services and Pocket Shopping [34] that examined consumer experiences of shopping with a mobile device. Marzena holds a PhD in Sociology from the Jagiellonian University in Cracow, Poland.

Elise Davidson joined the Australian Communications Consumer Action Network (ACCAN) in May 2010 and is responsible for the organisation’s traditional and social media, publications, web and consumer education activities. Prior to joining ACCAN Ms Davidson was a media officer and spokesperson for consumer organisation Choice. Ms Davidson was also a print journalist for The Sydney Morning Herald and Rolling Stone before switching to public affairs in 2006. Elise has a degree in Media from Macquarie University, Sydney, and has co-authored a book titled Weird and Wonderful Jobs.

Veridiana Alimonti is a lawyer at the Brazilian Institute for Consumer Defense (Idec), working with telecommunications and Internet issues. She is also a board member of the Brazilian Internet Steering Committee.
Cyber-security concerns for consumers and businesses

ICT have become an integral part of today's information society. As consumers and businesses deal with huge amount of confidential information, protecting personal information has never been more important. Today, there many internet-enabled devices ranging from smartphones to notebooks computers which allow users to communicate, conduct financial transactions, gather information and share personal information seamlessly. As widely reported users and businesses are exposed to both current and emerging threats and risks. Many are unaware of safety precautionary measures and become a victim of such. Raj with his vast experience in this field and will elaborate on issues and highlight the various initiatives undertaken by global communities and organisations.

Raj Kumar has over 15 years of experience in the ICT training and education field. Raj started his information security career in a government owned national cybersecurity agency in Malaysia prior joining IMPACT. At IMPACT, he manages and implements information security capability and capacity building programmes for information security professionals and practitioners of IMPACT’s partner countries. He was a Technical Committee member for Risk Management under SIRIM (government-owned technical and quality services provider) and Security Controls and Services Working Group committee member under ISO/IEC JTC1/SC27- IT Security techniques. Recently, he was awarded the (ISC)2 2011 Asia-Pacific Information Security Leadership Achievements (ISLA) Award for his outstanding contribution in the area of capacity building.

Download: Cybersecurity Issues Concerning Consumer and Businesses [41] (presentation slides)

Broadband "Nutrition Label"

When purchasing high-speed Internet service consumers worldwide face significant challenges in comparing and choosing between certain plans and providers. The actual performance of a service may regularly fall below the advertised rates. Actual prices for a service may be significantly higher than advertised rates that fail to disclose additional, often hidden fees or the standard price once an introductory offer has expired. Limits on a service, such as prohibitions on the use specific Internet applications, usage caps, and other network management practices are rarely disclosed upfront before purchase and instead buried in legalese in a provider's terms of use. The current information landscape is by design, many Internet Service Providers (ISPs) would prefer to compete in terms of advertising and product differentiation, not on the actual quality and speed of the service they are providing. Currently in most nations, there is no lawful requirement for ISPs to reveal basic information about their service to consumers.

The Open Technology Initiative at the New America Foundation has created a prototype Broadband Truth-in-Labeling or 'broadband nutrition' label to increase transparency for Internet access services. Drawn from similar useful disclosure requirements in the financial and food industry, a Broadband Truth-in-Labeling disclosure standard will give consumers a much-needed tool to compare services across a consistent set of metrics. ISPs would be required to use a standardized label to inform consumers about the services they are purchasing, including actual speeds, service guarantees,
prices, service limits, and other essential information. The disclosure should be meaningful, and any failure to meet minimum standards indicated in the label should be treated as an service outage, resulting in a refund or service credit to the consumer. Providing clear, meaningful, comparable disclosures ultimately spurs competition between ISPs which encourages the future development and improvement of high-speed Internet service.

Benjamin Lennett is Policy Director for the Open Technology Initiative at the New America Foundation, Benjamin Lennett contributes to the program's efforts to develop and advocate policy proposals aimed at achieving universal and affordable broadband access through policy research, writing, and outreach. Prior to joining New America, Mr. Lennett served as Associate Communications and Development Manager for the Media Access Project, where he managed outreach and fundraising efforts. Mr. Lennett holds a bachelor's degree in political science from the University of Florida. He is also a graduate of American University's School of Public Affairs, where he received a master's degree in public policy, with a concentration in economic and regulatory policy.

Download: [Broadband Nutrition Label](#) (presentation slides)

**Reporting back - open time for member presentations**

Presentations were given by Felicia Monye of Consumer Awareness Organisation, Nigeria with Samuel Ochieng of CIN, Kenya, and by Maguette Fall of ADEC, Senegal.

Download: [Pour un renforcement de la participation des consommateurs à la construction de la Société de l'information au Sénégal](#) by Maguette Fall (presentation slides)

**Venue**

The conference will be held at the four-star Holiday Villa Hotel in Subang Jaya, Malaysia. The hotel is well situated between Malaysia's capital city of Kuala Lumpur, and Subang Jaya's famous shopping and leisure districts. A short taxi ride away are attractions such as Sunway Lagoon, and shopping malls such as Sunway Pyramid and Empire Shopping Gallery.

The conference hotel is well equipped with a business lounge, olympic size swimming pool and jacuzzi, gymnasium, tennis, squash and badminton courts, nightclub and even a bowling alley, as well as nine restaurants.

Malaysia itself boasts a luscious equatorial climate, with year-round temperatures between 24 and 31 degrees. The country is a multicultural melting-pot of Malay, Indian and Chinese ethnic groups, which diversity is reflected in its world-renowned cuisine. English is widely spoken.

**Sponsors**

This meeting is very generously supported by our sponsors the Ford Foundation, the Open Society Institute and IDRC/CRDI. The cover image of the two young boys with an iPad is licensed under a Creative Commons Attribution 2.0 licence by the NASA Goddard Space Flight Centre and is titled NASA Visualization Explorer iPad app.

**Event Date and Time:** 08/03/2012 - 01:00 - 09/03/2012 - 10:00

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- broadband
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