

In any case, I am speaking to Ind School heads on 1/27 in Chicago and would like permission to post my notes from your two sessions on www.summercore.com/isacs

John Palfrey on Thursday, December 29, 2005 at 9:27 AM wrote:

Thanks so much, Steve. Of course! I hope it goes well.

Best,
John

Berkman

The Berkman Center for Internet & Society
at Harvard Law School

> > a research program founded to explore cyberspace, share in its study, and help pioneer its development



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As Executive Director of the Berkman Center, John Palfrey works with the faculty co-directors to set and carry out the Center's ambitious, public-spirited agenda and oversees the work of its crack team of staff, fellows and students. John's work focuses on the potential of new technologies to strengthen democracies locally and around the world.

Teaching: As Lecturer on Law at Harvard Law School, John's teaching involves:

- "Law, Politics and the Internet" (a new course to be offered in Spring, 2006 at HLS).
- "[Cyberlaw and the Global Economy](#)".
- "[Digital Democracy](#)," led by Prof. Charles Nesson and a group of Berkman Center fellows.
- "[Internet Law Colloquium](#)," with Profs. Fisher, Nesson, and Zittrain.

John Palfrey ... this session is being broadcast as a podcast at <http://nysais.org/page.cfm?p=4&verbose=36&month=11&start=11/01/05>

The transition from analog to digital forms of entertainment -- and teaching materials -- has brought with it both challenges and opportunities. With respect to entertainment products, schools and universities have been placed in the unenviable position of policing their students and responding, at great cost, to accusations of copyright infringement by the recording and movie industries. In the

context of teaching materials, a similar series of issues related to digitization and intellectual property bring with them hard questions about how libraries and schools make teaching materials available to their students and what constitutes "fair use" in the classroom.

Session 1 –Keynote - The Digital Media Crisis

Speaker: John Palfrey, Executive Director, Berkman Center for Internet & Society
Lecturer on Law, Harvard Law School

We are watching a train wreck in slow motion related to rights

(1) the first train wreck was the music industry re MP3 files and music publishers

(2) another trainmen involves DVD, VCR and movies
quote from Jack V: the VCR is to the movie industry as "Jack the Ripper" was to women

analogy: stealing a movie is like stealing a building compared to stealing a CD which is a \$10 steal

(3) the next train wreck deals with Google Print ("we are on the precipice") and Google's desire to scan every book that exists

Citizens' Generated Media

(1) unedited voice of a single person .. blogs, podcasts, vlogs (video)

(2) Shared voice of many people

Wikis (collaborative document) ... prediction that this will grow

Wikipedia and Wikimedia

now this trumps the NY Times in terms of # hits and trumps Britannica in terms of length

Historical Note. The first ever wiki site was created for the Portland Pattern Repository in 1995. That site now hosts tens of thousands of pages. (<http://wiki.org/wiki.cgi?WhatIsWiki>)

Aggregators

-- potential train wreck with copyright issues as we pull 10 sources into one frame

Web 2.0 Technologies

Syndication (web pages are code so that any changes are automatically reported) - (RSS)
Collaboration

New Contexts, New Meaning

-- tagging ... e.g. <http://del.icio.us/>

- » **Keep** all your bookmarks in delicious and access them from home, office, anywhere.
- » **Share** your bookmarks with family, friends, and colleagues.
- » **Discover** new sites from the delicious community (browse, find, get recommendations).

-- next generation search

-- OPML

-- Shared/Social

Identify & Relationship Management ... who you re online, real space, e.g. TheFacebook



facebook login register about help

Welcome to the Facebook!

The Facebook is an online directory that connects people through social networks at schools.

Now there are two Facebooks: one for people in **college** and one for people in **high school**.

The site is open to **a lot of schools**, but not everywhere yet. We're working on it.

You can use Facebook to:

International/Cross-Cultural ...

--connections around ideas (Thomas Friedman book)

-- Next gen pen-pals

-- Diaspora (but language remains a barrier)

Question from a NYC Ind School

real story ... teacher at her school MADE THE MISTAKE years ago and now the kids at the school google the teacher and find these naked pictures of the teacher at a fraternity party and the teacher is unable to get the pictures off!

Another real story ... kids find out that a MS Dean is gay via the Web and then the school deals with it ... question? will there be shifting perceptions in the future in terms of how much info you will forgive when you find out stuff about a person

Idea from another school ... each student in grade 8 needs to make a Web page on ANY topic of his/her choice ... this could be a Mel Levine kind of idea for Class 8 or Class 9 down the road

age limits

facebook = 13

myspace = 14

friendster = 18

idea summary

put the kid into the role of creator

talk about safety in every grade K-8 and teach kids to NEVER type in your own name

H2O Playlist - a digital database of curriculum "intellectual playlists"

<http://h2obeta.law.harvard.edu/>



THE BERKMAN CENT FOR INTERNET & SO AT HARVARD LAW SCHOOL

Welcome Guest! (login)

SEARCH [input field] [magnifying glass icon] Home About Help Feeds

SEARCH RESULTS copyright (10 results) [RSS] [IPL] [OPML] 10 | 25 | 50 results per

Playlist: Transposing the European Copyright Directive
Creator: Urs Gasser, Fellow, Berkman Center for Internet & Society; Assistant Professor, University of St. Gallen (Switzerland)
Tags: EUCD, Copyright
Description: This playlist draws together resources related to the transposition of the European Copyright Directive into the law of EU member states

Influence: [5 lightbulb icons]
[RSS] [IPL] [OPML]

Playlist: Cyberlaw - Spring 2005
Creator: Jonathan Zittrain, Berkman Center
Tags: Berkman, Internet, selfgovernance, intellectual, IP
Description: This course examines current legal, political, and technical struggles for control/ownership of the global Internet and its content. Course themes include the interaction between emerging Internet self-governance regimes and rule by traditional sovereigns; the expression of conflicting interests of commercial ...

Influence: [5 lightbulb icons]
Associated link: [external link]
[RSS] [IPL] [OPML]



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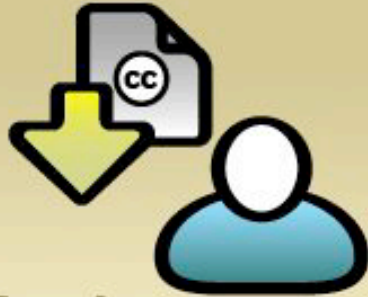
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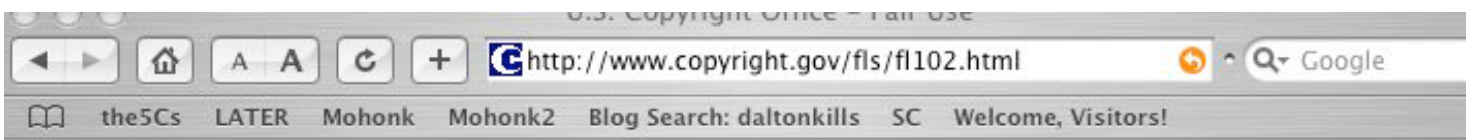
Creative Commons offers [a flexible range of protections and freedoms](#) for authors and artists. We have built upon the "all rights reserved" of traditional copyright to create a voluntary "some rights reserved"

four aspects of copyright fair use

<http://www.copyright.gov/fls/fl102.html>

scanning documents and put them onto a intranet is violating #4 below

one key is making sure you have purchased X number of copies for all students



1. the purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. the effect of the use upon the potential market for or value of the copyrighted work.

Question from audience

re the Teach Act from 2002 ...

answer from JP ... this does not really help ... extrapolation is super dangerous

John Palfrey part 2

5pm-6pm

fantastic speaker

a) girls

b) faculty

c) admin team

<http://cyber.law.harvard.edu/people/jpalfrey.html>

from a lawyer's perspective ... "librarians rock"

the librarian is a critical and very important person

some of the threats

overload

are we making it too tricky to deal with all of the technology and avoid substance information overload ... can we deal with situations (like mine) of getting 34 credible e-mail in 90 minutes?

credibility

privacy

intellectual property

this is the key part of it and a segway to my next topic

The End of End-to-End Principles and what it means for schools

around 1980, 3 people coined this principle ... intelligences at edge ... nothing in the middle ... at end, pass all packets
not the Internet we have to do

child pornography is the hard problem and it makes us say we "need intelligence in the middle" and need to violate the End to End Principle

another example is SPAM

comment from audience: use Barracuda ... there is an end to end answer re SPAM we do not need to violate the end to end principle re SPAM

"it is astonishing how stupid we are regarding SPAM"

network security? how much protection do we need to put in the middle of our network to stop hacking? stop terrorism?

Where do we put the Locus of control?

internet filtering ... China (great fire wall of China) ... regulations on cybercafes ... BBC is blocked .. very sophisticated in terms of blockage and surveillance ... China blocks 99% of pornography effective

Saudi Arabia also has a very effective way of blocking pornography ... using an American company

it is technically possible to do some kind of block

intermediaries ... expectations for IT Departments

are turn over information, block some packets, keep more information (longer logs than 30 days) , listen in more frequently

what is acceptable in terms of requirements on intermediates, e.g. you guys ("cough, cough") in schools?

nodes

ISPs .. schools ... Verizon

if someone says something problematic on your network -- as long as you follow these rules -- you will not be sued

question from someone in audience: "it is not fair to call schools intermediaries"

John ... "you are an intermediary from the law point of view but you are the institution

and the right place to make the decision"

observation from one person in audience: democracy is messy ... and we want the mess ... it is easier to be a cop in China ... the US has been a different kind of place with a lot of mess, drug use, pornography ... but the federal government says I cannot do this

from the audience: we just had a huge discussion on filtering at our school ... from my perspective, it is our job to educate our students ... even if an 8 year old sees a naked woman, this is an "educational moment" and something to be discussed ... 80% of my parents agree with me the liability exposure for MP3 files is on us ... the speaker who was a lawyer 2 years ago was wrong

from the audience: marymount blocks Myspace.com

from the audience: Joseph Conrad ... Heart of Darkness .. do we use external controls to block

from the speaker: east coast laws ... west coast laws ... social laws and social norms

from the audience: what about the social norms being driven by the teenagers, the digital natives ... my school is very concerned about Myspace.com and Friendster.com .. I am asked to go into students personal accounts to see things that I don't want to see

from the audience ... our view has always been that we can set the social norm re AIM and Myspace.com ... loco parentis ... 20 years ago, no Playboy magazines in schools .. same thing now I have no trouble telling my students that you cannot bring those images onto MY screens

from one person in the audience regarding "our parents of grade 8 students"

from one person in the audience: by being proactive, you take a step towards being responsible

the speaker: so much of law comes down to reasonableness (Oliver Wendell Holmes) ... if a reasonable man would act so and so, then there is no liability

from one person in the audience: I have not seen the good Web quest to help educate the kids ... I want to teach the kids not the parents

from someone in the audience: I disagree ... parents are our responsibility ... the curriculum has to start in K-3 so that kids understand this ...

from someone in the audience: it is our responsibility... it needs to be part of the curriculum ... we need to put our heads together ... work with parents ... we are all struggling with this

largest communities re blogging: Brazil, Persia

from one person in the audience: yes they have the same internet safety issues in England, France, Scandanavia

from one person in the audience: it is so much easier to be unethical in a non F2F world ... it is so easy to push a button and horrible stuff then happens ... parents need to spend time on instant messaging so that they know what sixth grade girls are doing

someone else from audience: this is the issue of our generation ... we in Ind School did not have to spend so much time on Aids Education ... but we do have to spend time on this now ... in 20 years, we will have a generation of parents who have grown up with this and it will be different ...

from the speaker: my mother fights aids in Africa and thinks what I do is unimportant ... I think we need to figure out why this is so important and take advantage of the moment we are living in ... I did a workshop last week at the Town School and had 22 teachers whom I tried to convince that this stuff was important

from someone in the audience: I have heard that Internet safety skills may be part of the revised SAT

at the end of the day, this is about democracy ... it is totally messy .. it is dangerous ... ultimately this is all good for our democracy