

# CONFERENCE NEWSLETTER / FRIDAY APRIL 23

SUMMARY OF PROCEEDINGS / PREVIEW OF TODAY'S EVENTS / INFORMATION ON SPEAKERS AND PANELISTS

## The Future of File Sharing: Panel Discusses Artists' Compensation for Peer-to-Peer

By Aaron Perzanowski

Facing the Music, a Thursday concurrent session moderated by Wayne State University Law School's Professor Jessica Litman, presented a number of the most popular proposals for establishing a mechanism for payment of artists, authors, and copyright holders whose works are shared on p2p networks.

Neil Netanel, of the University of Texas School of Law argued for a compulsory license for most creative works, including music, movies, and text, imposing a levy on products and services benefited by p2p traffic such as hardware, media, and internet service providers. The billions of dollars in sales of these products and services, according to Netanel, if levied at a 4% rate would provide sufficient funds to cover any possible losses to the content industries stemming from de-

creased sales.

EFF's Fred von Lohmann discussed his organization's proposal for a voluntary licensing scheme that would rely on collecting societies, similar to ASCAP and BMI, and would apply to the sharing of music alone. This plan, unlike the levies proposed by Netanel, would be funded solely by music downloaders. Von Lohmann was optimistic that collecting societies would have sufficient market incentives to ensure participation from file sharers.

Daniel Gervais of The University of Ottawa supplied compelling evidence that if file sharers were willing to pay, they would generate ample funds to pay artists and copyright holders. Charging a monthly fee of \$5 in North America and Europe, \$0.50 in Africa, and \$1 in the rest of the world would provide, assuming two-thirds

of current file sharers pay, would generate \$12.5 billion annually.

Verizon's Sarah Deutsch voiced the general approval of ISPs of developing a method of compensating artists for the sharing of their works. ISPs, however, tend to oppose plans that would require them to track the activity of their customers and act as a collection agency for payments to the music industry. Nor do they favor levies because of the likely increase in costs to their customers.

Neil Garland, of p2p traffic monitor BigChampagne, while endorsing no particular compensation scheme, provided the take-home message from this panel discussion: the solution to the p2p "problem" will not be achieved through either litigation or legislation, but rather must embrace the reality of file sharing's popularity and likely longevity.

### FRIDAY CFP NOTICES!

- ↑ What's in your wallet? Stop by the Swipe desk to see what personal information is encoded! Claremont Room.
- ↑ Be sure to make your voice heard in today's Verified Voting Mock Election. 2:45 in the Empire Ballroom.
- ↑ Chat with fellow conference attendees at [irc.freenode.net](http://irc.freenode.net), channel: "CFP"
- ↑ The CFP Team is busy blogging every keynote, plenary, and concurrent session! Stay up-to-date and make your contribution to the on-line discussion at [cfp2004.org/blogs](http://cfp2004.org/blogs)
- ↑ Don't forge to stop by the tables in the Claremont room to pick up free literature and news from our various participants!

### SPEAKER PREVIEW: Brewster Kahle

By Brian Carver

His Keywords: MIT, Thinking Machines, WAIS, AOL, Alexa, Amazon.com, Internet Archive

His Theme: Big data, big pipes.

His Talk: Brewster Kahle, Digital Librarian, Internet Archive, will present the Closing Keynote for CFP 2004, entitled "Universal Access to All Human Knowledge." Imagine the best possible library: It would have everything and yet be easy to search. It would be open to everyone and free for everyone. It would never close. It would always have more copies than were requested and it would be conveniently located everywhere. It would be immune from the threats of natural disasters and oppressive governments.

Now stop just imagining it, because Brewster Kahle is building that library at [archive.org](http://archive.org). (And that's just part of what he's doing!) Come hear about it *Friday at 4:30 in the Empire Ballroom*.

### Friday Program Changes:

**Plenary 10: Policy Laundering** has been changed to a plenary on **Gmail**, Google's controversial email service. *Empire Ballroom, 8:45 am.*

## Data Retention and Privacy Panel

By Brian Carver

During Thursday's Concurrent session, Data Retention and Privacy: A Real World Approach to EU and US Regulations, Cindy Cohn, of the Electronic Frontier Foundation, talked about the challenge of persuading ISP system administrators to let go of data. She says that system administrators seem to have this fantasy: The CEO is going to come in and say, "I need this e-mail from four years ago. It's crucial to save the company!" Then the

admin will grep the log for the e-mail, find it and be the hero. We need to let go of the fantasy. The more realistic threat is the Feds busting down the doors, and asking for all your logs. The new hero scenario is when the sys-admin says, "I can give you the last seven days, but after that it's gone."

Jeff Ubois, researcher at SIMS at UC Berkeley told attendees about a simple log scrubbing tool he worked on that at a minimum removes everything after the question mark in a cgi script as well as the last few digits of IP addresses. He is seeking able coders to improve the tool.

Andrea Monti, of Electronic Frontiers Italy, which is not related to EFF, but shares similar concerns, warned that you lose your right to a fair trial if evidence is not properly collected, handled and ana-

lyzed. He also warns us about trusting the motivations of legislators. We are told that data retention is necessary for terrorism and serious crimes, but in Italy after just one month such a law was transformed into a much broader law.

The ministry of cultural assets enforced the law for fighting "the plague of peer to peer". They also pursued a law to make it a criminal offense to use encryption to hide the transmission of any communication.

Susan Brenner, Professor at the University of Dayton School of Law, described a tool to help international investigators of cyber crimes handle evidence more accurately within the maze of varied legal jurisdictions, the Cyber Tools Online Search for Evidence, or CTOS. CTOS prompts you through the investigation. It gives advice, like check the timestamp. One prompt leads you to incident response policies and legal standards. It says things like: you should try this, you should be concerned about these things.

Overall, we learned that data retention laws both already exist here and abroad and that we can expect more such laws soon. It will be up to the watchers of the watchers to guarantee that these laws are sensitive to privacy, due process, and evidentiary concerns.



Robert S. Apgood and his DeCSS tie.  
Photo by Joe Hall.

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## SPEAKER PREVIEW: Rachel Brand

By Abigail Phillips

Friday's lunchtime keynote speaker is Rachel Brand, Principal Deputy Assistant Attorney General in the Department of Justice's Office of Legal Policy (<http://www.usdoj.gov/olp/>), a position she has held since July 2003.

Ms. Brand received her J.D. from Harvard Law School and went on to clerk for Massachusetts Supreme Judicial Court Justice Charles Fried, and later U.S. Supreme Court Justice Anthony Kennedy. Before filling her current position, she was Associate Counsel by presidential appointment in the Bush White House.

In her role managing the Office of Legal Policy, Ms. Brand has various functions, among them development and coordination of DOJ judicial, legislative and policy initiatives, and assistance with the President's judicial nominations. Her work involves both the Executive and Judicial branches. In addition, Ms. Brand focuses on issues related to the war on terrorism, and is a member of the Secretary's Advisory Committee on Human Research Protections.

### CFP 2004 CONFERENCE NEWSLETTER

This newsletter is created as a service to the attendees of the 2004 Computers, Freedom and Privacy Conference. The staff of the newsletter is composed of conference volunteers, who are students at Boalt Hall School of Law and the School of Information Management Systems, both of UC Berkeley, and Stanford Law School. Contributors include other students and conference participants. Most of the information in this newsletter, along with much more, is available on the conference weblogs at <http://cfp2004.org/blogs/>.

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