

Anomalies in Internet Law

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Abstract

Modern information technology has brought a flood of new possibilities. It has become a lot cheaper and easier to communicate with other people anywhere else in the world and to send each other music files, video clips, texts and pictures. Rather than to just enjoy these new possibilities many governments, companies and even individuals try to stop others to use the new technologies to their full potential.

Of course these “frustrating agents” have good reasons for their efforts: their interests are harmed or potentially harmed. Therefore, for example, the music industry as well as other “content” providers have been very active in trying to stop new technologies being applied. Furthermore, governments have constantly tried to forbid or restrict the use of new technologies, in their case often referring to interests such as crime control, security and privacy. Not only are these efforts often contradictory in themselves, as, for example, the music industry would have an interest in cheap transport means for their products and governments harm privacy right of citizens in order to protect their right to security, but there are further problems. For example, governments (as well as the EU) have introduced a confusing system of new rules in order to protect intellectual property rights. They accepted that the content providers introduced new technologies that harmed property rights of consumers: so called Digital Rights Management systems. When it became apparent, however, that these technologies were not effective, new rules were introduced, not to solve the problem of the legal protection of property rights, but to make it illegal to try to circumvent digital rights management techniques.

In this paper, an attempt is made to identify the anomalies meant here, to explain them and to suggest some new ways for governments, firms and individuals to deal with new technologies.