Advocating for Free Culture

Wikimedia CEE

September 23, 2017

Agenda

Introduction

Policy areas

- Censorship
- Copyright
- Privacy
- Access to knowledge
- Intermediary liability

Advocacy strategies

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Imagine a world in which every single human being can freely share in the sum of all knowledge.
That's our commitment.
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The Wikimedia Mission (Abridged)

Empower people to share educational content under a free license or in the public domain, and to disseminate it globally.

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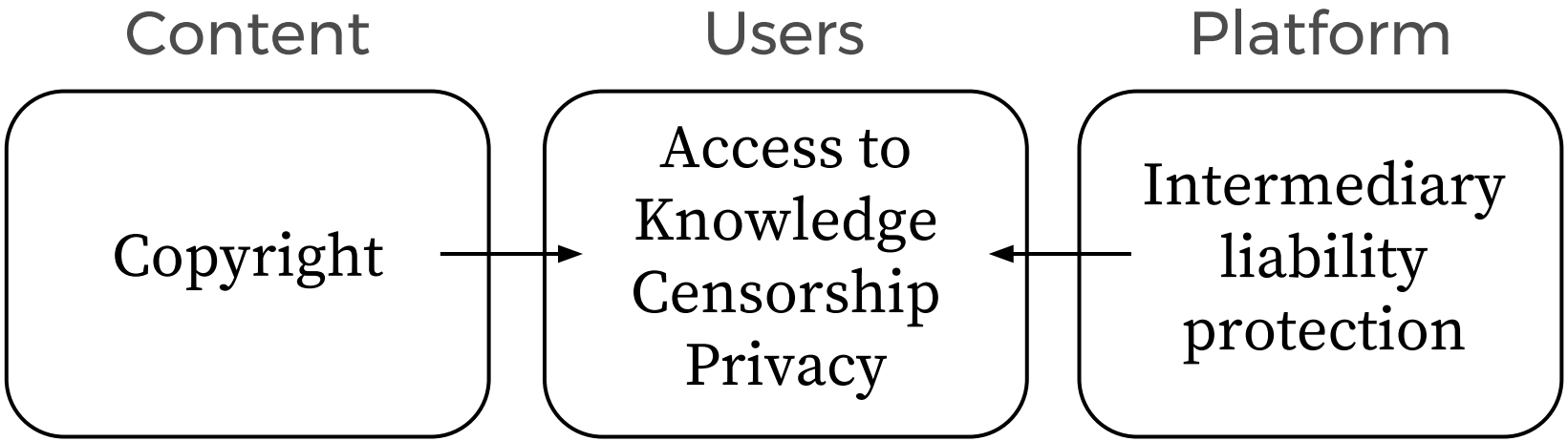
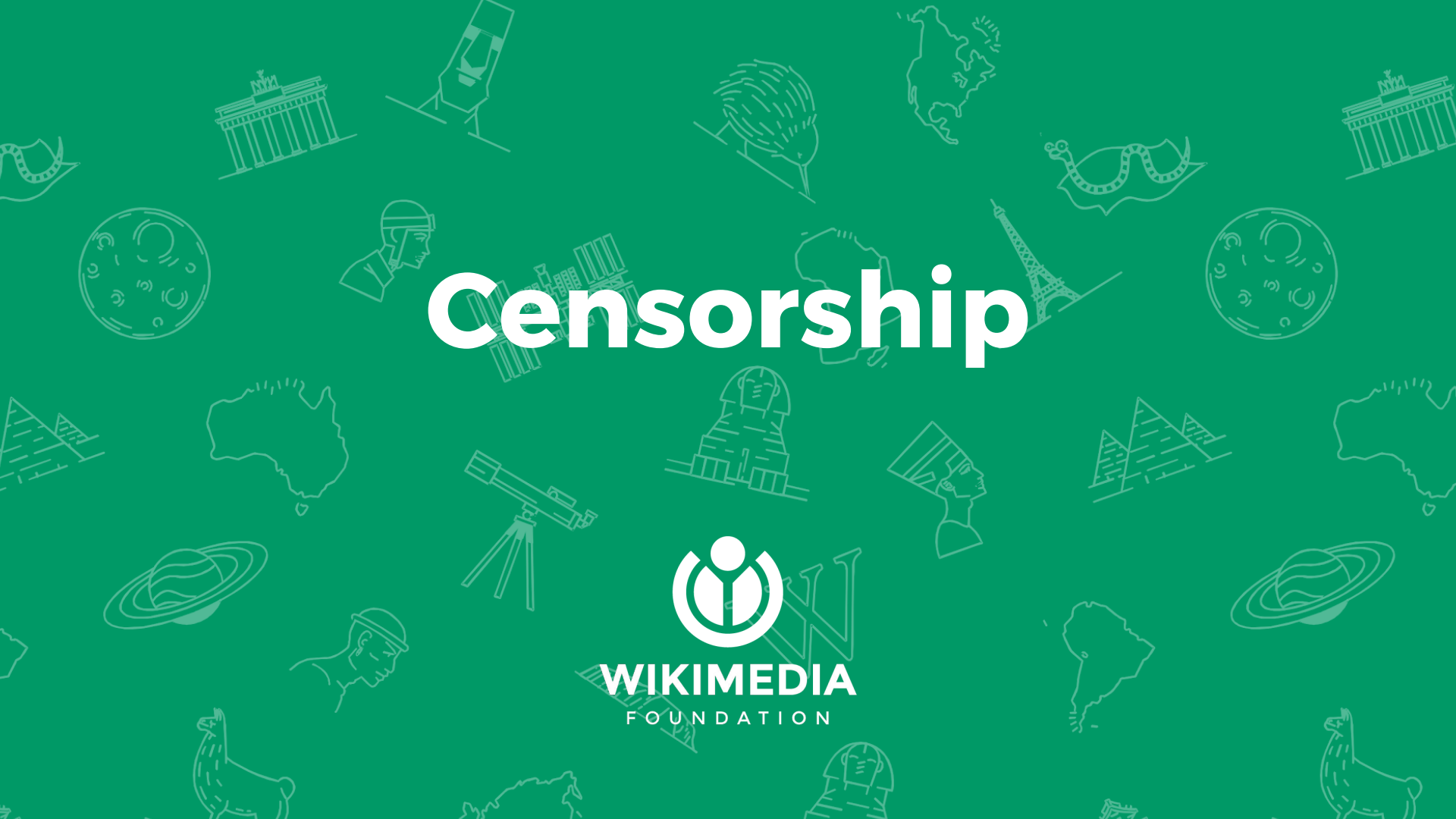
Five fields of policy



Censorship



Censorship

The freedom to share and access knowledge is a fundamental value of Wikimedia.

How can we actively resist being blocked, filtered, or modified by governments and private parties?

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“We will never facilitate, enable or condone censorship of the Wikimedia projects….

In making decisions, we will not allow censorship of the projects as a means to facilitate other strategic goals: to the contrary, our strategic goal is to preserve and make available the material in the projects in perpetuity, and other initiatives must be consistent with that mission.”

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“Hard” censorship

- Direct government demands and legal action targeting hosts, editors, internet service providers
- Block of specific pages
- Block of IP address
- Domain name system poisoning
- Speed throttling
- Offensive attacks

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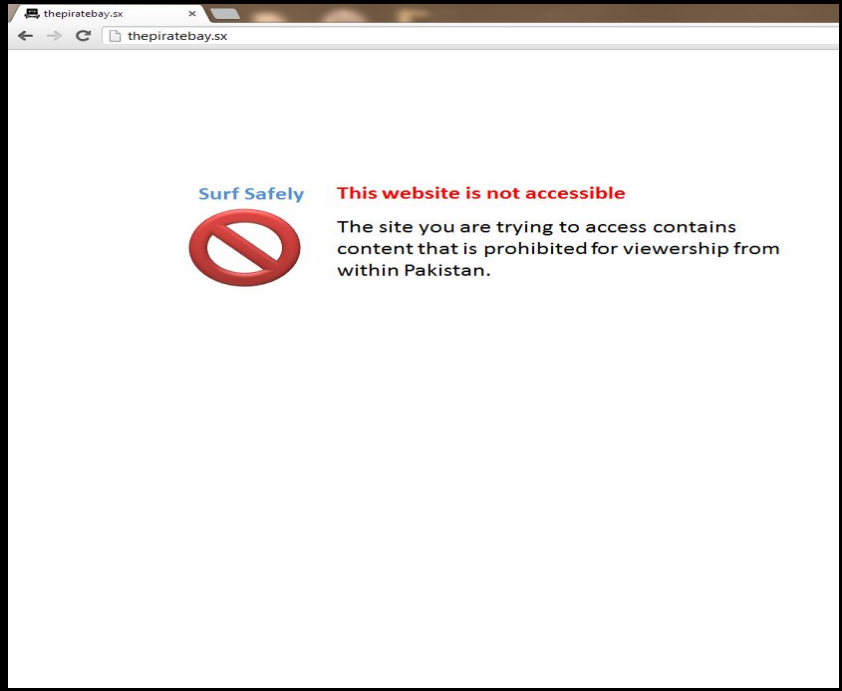

Blocked Messsage Pakistan, Wiki.0hlic, Public Domain

Detecting censorship

- News and on-the-ground reports
- Server side tracking
- Client side tracking
- Research studies

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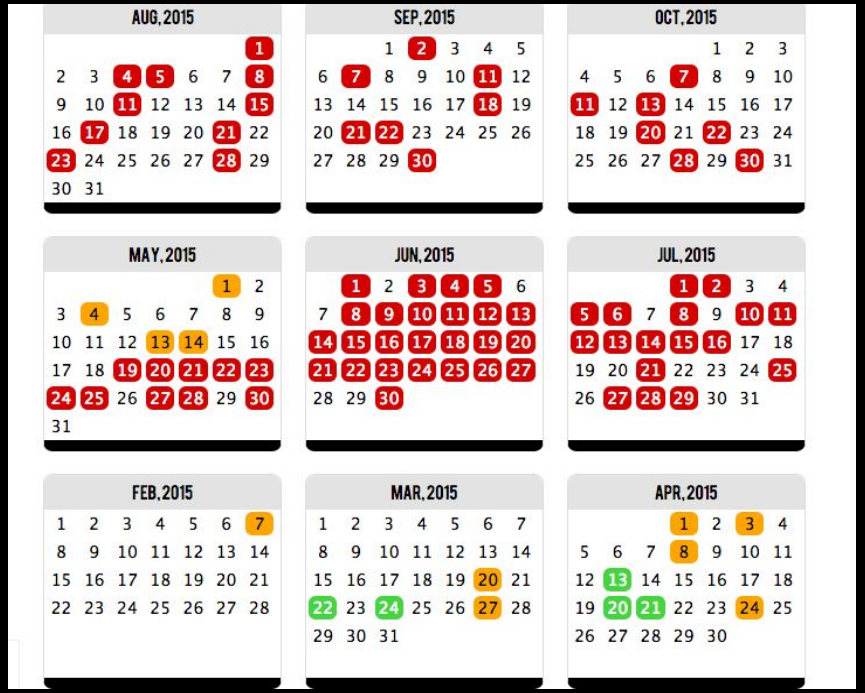
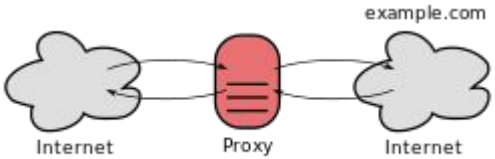


Screenshot of Greatfire.org,
Copyright by GreatFire, used under Fair Use

Responding to censorship

- Technical
  - HTTPS
  - Virtual Private Networks & Tor
  - Collateral freedom



- Non-technical
  - Alternative distributions
  - Public pressure
  - Media
  - Legal appeal
  - Communicating with authorities
  - Legislation

Case study: Turkey

- Wikipedia (all languages) blocked since April 29, 2017
- Two articles cited in Turkish Court order:
  - State-sponsored terrorism
  - Foreign involvement in the Syrian Civil War
- “Content creating a perception that Turkey is supporting terrorist organizations”

Our response in Turkey

- Legal case
- Ongoing communication with authorities
- Education
- Media
- Business community (to some extent)

Censorship study 2016 (by Berkman Klein Center)

- Server Side log analysis and client side tracking

- Analysis of Results
  - Censorship increases over time to cover more categories of content
  - HTTPS reduced censorship

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Potential future work

- Build robust case for Wikipedia's value around the world
  - Education, advocacy, mobilization, government relations
- Technical responses that circumvent censorship
- Better understanding of censorship events

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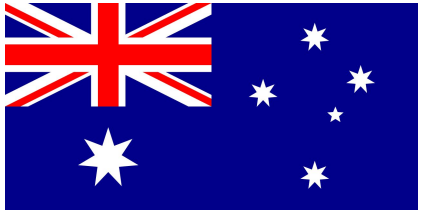
Road-long-straight-future, Picography, CC0

Copyright

“To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.”

Copyright advocacy

- EU copyright reform
- Simple photographs
- Freedom of Panorama
- Fair use advocacy
- Multilateral trade agreements
- Open Access publishing
- Initiative for Open Citations



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Privacy

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Privacy

- A fundamental right under the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights
- An essential foundation for freedom of expression

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Inside a customer Data Suite in Union Station, Global Access Point, Public Domain

Privacy on the projects

- Collect little & short retention
- Anonymous and pseudonymous editing (by anyone)
- Privacy Policy

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Privacy on the projects

- Resist private/government requests for information
  - Published in transparency report
- HTTPS encryption

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Surveillance

- Global surveillance disclosures
- Necessary & Proportionate Principles
- *Wikimedia Foundation v. National Security Agency*

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Stop Surveillance Poster, Rich Black, CC BY-SA 3.0

Why are we interested in HTTP?

facebook

YAHOO!

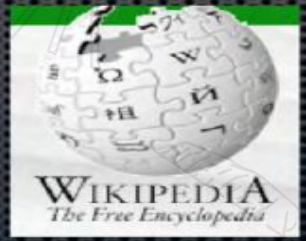
twitter

myspace.com
a place for friends

Because nearly everything a typical user does on the Internet uses HTTP

CNN.com

Google Earth



@mail.ru

GMail by Google BETA

Source: Xkcd

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Access to Knowledge

Access to Knowledge

Access to free knowledge is not a privilege for few.
It is a right for all.

What can we do to change cost and accessibility barriers?

Lyon Declaration

"We therefore call…to ensure that everyone has access to, and is able to understand, use and share the information that is necessary to promote sustainable development and democratic societies."

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Lyon fete des Lumieres 2013, Myrabella, CC BY-SA 4.0

Open Access

- Open Access policy
- Formal collaborations
- Government works
- Publicly-funded works

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Open Access Logo, CC0

Offline & other innovations

- Kiwix
  - Offline Wikipedia in Mali
- Growing issue of broad internet shutdowns
- New disrupting technologies: Voice, Virtual Reality, Videos

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Ability to discuss history

- Right to erasure
  - CNIL in France
  - Recent decision in Japan
  - Indonesia

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Right to link

- *Equustek* (Canada)
  Order requiring Google to globally de-list URLs for a competitor who violated trade secrets.

- *Magyar Jeti Zrt v. Hungary*
  (European Court of Human Rights)

- *GS Media BV v. Sanoma* (European Court of Justice)

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Intermediary liability protection

Intermediary liability protection

- Protecting the Wikimedia projects from liability for third-party content, such as allegedly defamatory or infringing content.
- Challenge: balancing regulation of online criminal or other harmful activity against allowing Wikipedia to exist as a crowd-sourced encyclopedia.

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Intermediary liability on the Wikimedia projects

- Transparency report
  - ~40 copyright notices per year
  - ~400 content takedown requests per year

Legal framework

United States

- CDA Section 230
- DMCA Section 512

EU

- E-Commerce Directive

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Developments

- Possible DMCA 512 reform
- Erosion of CDA 230 in the courts; federal and state laws
- Copyright reform in the EU: Article 13 of the Copyright Directive would undermine portions of the E-Commerce Directive
- Wins in Italy, France, & Germany

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Advocacy strategies

Initial questions

What are the most important issues for Wikimedia?

Where can Wikimedia have a unique impact?

Four steps

1) Raise awareness

2) Organize

3) Take action

4) Join or lead a campaign

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Thank you!

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