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# Internet Jurisdiction BoF

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# Global Status Report 2019

by Internet & Jurisdiction Policy Network

# Trends



A technological landscape  
in constant flux



Regulation: not if,  
but how and by  
whom



Rethinking the  
role of territoriality



Normative plurality,  
convergence, and  
cross-fertilization



New roles for  
intermediaries

## Key trends

- Unification of online and physical worlds
  - Internet companies expand to physical world.
  - Traditional offline companies reposition as data-driven companies
- A continuing migration to the cloud
  - Data held by third party
  - Not sure where data is kept

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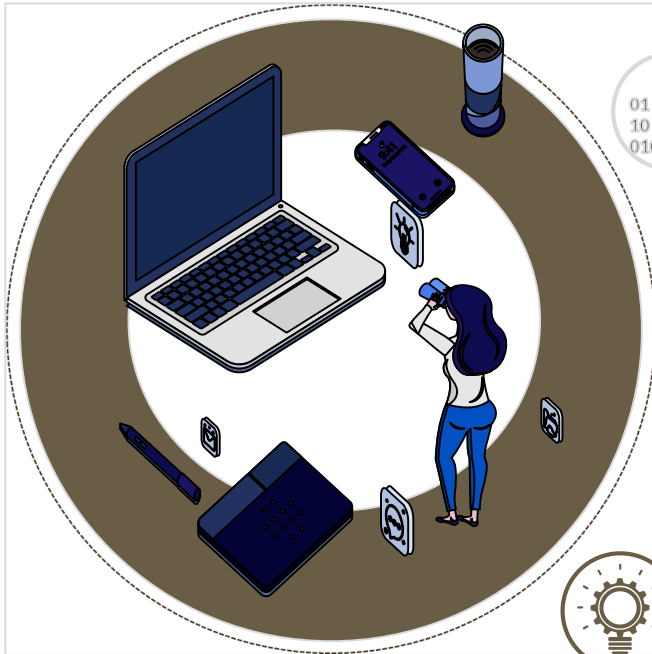
## Key trends

- Unlike 1990s, it is generally recognized that there is a need for legal regulation for many online activities.
- Government ceases to be the sole source of sovereignty.
- Different powers of state interact – the rising role of judge
- Rebalance of various interests
- The increasing importance of soft law

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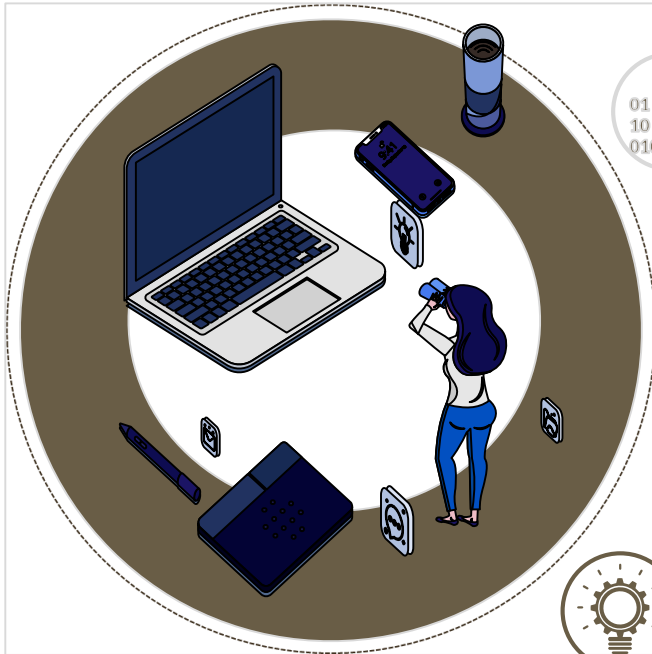
## Key trends

- An increasing geographic reach of national laws
- Challenges of enforceability
  - how to enforce?
  - race to the bottom
  - the impact of developed countries

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## Key trends

- Harmonization via company/industry norms
- Judicial cross-fertilization – scalability, replication, and imitation
- The role of established large actors.



# Legal Approaches

- Takedown, stay-down, and stay-up orders
  - especially on content issue
- Race to the highest potential fines
  - market is also the issue
- “Rep localization”
- Jurisdictional trawling as a regulatory approach
- Local court orders with global implication
- Terms of service and community guidelines





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What is the good policy for  
Taiwan?

# Policy for Taiwan

- It might be difficult to have strict regulations.
- It might also be difficult to have strong enforcement.
- Good policy?
  - closely monitor the trends globally and ensure its regulation in line with global best practice.
  - create a good environment to encourage self-regulation.

**Thank you!**