goals of the day

- what are media? which media are we going to discuss?
- what is international media law?
- building elements
- structure of the course
- organizational issues
  (reading materials, blog, interactive sessions, participation, exam)

media? contemporary media?

- means of communicating messages
- mass media designed to reach large audiences
- media play a special role in society (the Fourth Estate)
- special focus on audiovisual media
  (film, music, television and multimedia, such as video games and virtual worlds)
media? contemporary media?

- old and new media alike
- any other approach indeed unjustified
- media as a changing and dynamic object of regulation
- associated advantages and disadvantages for regulation and for studying media law
media are fluid and changing

Die Enttäuschung ist vorprogrammiert

media? digital media?
technology

Steve Jobs with Apple Macintosh, 1984

media? digital media?

- digitization >> all types of information rendered into binary digits
  - 001101010010011110101
- advances in the processing power and memory of microchips (i.e. powerful devices)
- perfection and widespread of optical fibres (i.e. powerful networks)
- creativity on top (software, apps, etc.)

laws of technological advances

<table>
<thead>
<tr>
<th>Technology</th>
<th>Component</th>
<th>Cost-efficiency effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moore's Law</td>
<td>Microprocessor</td>
<td>Doubles every 18 months, e.g. from 2GHz to 4GHz</td>
</tr>
<tr>
<td>Metcalfe's Law</td>
<td>Network</td>
<td>Increases potential value of network by square of number of nodes</td>
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<tr>
<td>Disc Law</td>
<td>Storage – hard disk</td>
<td>Doubles storage cost-efficiency each year</td>
</tr>
<tr>
<td>Data packet transfer</td>
<td>Data compression</td>
<td>Increases, boosted by compressed codecs e.g. DivX, RealPlayer, Windows Media</td>
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<tr>
<td>Glider's Law</td>
<td>Transmission equipment</td>
<td>Bandwidth increases three times faster than microprocessor power – Moore's Law x3</td>
</tr>
<tr>
<td>Firoz Law</td>
<td>Transmission network</td>
<td>Capacity doubles every nine months</td>
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</tbody>
</table>

Source: RAND, Anand
digital media: characteristics
• freed from the need of a tangible medium
• dense: very large amounts of digital information can be stored in small physical spaces
• easy to manipulate
• perfect copies of the original
• networkable: digital information can be shared between large numbers of users simultaneously
• new modes of organising and accessing information (e.g. Dewey vs. Google)

why regulate media?
• economic rationale (market failure)
  – cultural products as public goods
  – economies of scale
  – externalities (positive and negative)
  – collective action problems
• societal rationale (media as critical for the functioning of the democratic state and as cultural products and services)

economic justifications for regulating media (i)
• cultural products as public goods
• economies of scale
• externalities (positive and negative)
• collective action problems
**public and private goods**

<table>
<thead>
<tr>
<th></th>
<th>excludable</th>
<th>non-excludable</th>
</tr>
</thead>
<tbody>
<tr>
<td>rivalrous</td>
<td>private goods</td>
<td>common goods</td>
</tr>
<tr>
<td></td>
<td>food, clothing, toys, furniture, cars</td>
<td>fish, hunting game, water</td>
</tr>
<tr>
<td>non-rivalrous</td>
<td>club goods</td>
<td>public goods</td>
</tr>
<tr>
<td></td>
<td>satellite television</td>
<td>national defense, free-to-air television, air</td>
</tr>
</tbody>
</table>

**economic justifications for regulating media (ii)**

- **economies of scale**
  - the size of the market becomes crucial (compare US domestic market with the Swiss market for a Swiss-German film production)
  - the role of the language
  - less diversification / mainstream production

**economic justifications for regulating media (iii)**

- **negative and positive externalities**
  - externalities mean costs or benefits to people other than the one who pays (improper pricing)
  - classical example of negative externality – environmental pollution
  - examples of positive externality – R&D, education, public safety
  - media can have both positive and negative externalities
economic justifications for regulating media (iv)

- collective action problems
  - rational, self-interested individuals will not act to achieve their common interests, unless there is coercion or some other special device to make individuals act in their common interest (Olson, 1965)
  - example: viewing Swiss films

justifications for media regulation

- do not take things for granted
- media are dynamic
- market failures may be rendered obsolete
- emerging needs for state intervention (or for global action); examples: citizen journalism and the long tail
- a red line going through our course, which demands also thinking together

[378,547 iReports worldwide](378,547_iReports_worldwide)  
[724 on CNN last month](724_on_CNN_last_month)

• influential political blogs: e.g. Huffington Post  
• but: fragmented public sphere? real consumption?

lower search costs

media law

- diverse instruments of media regulation (e.g., licensing restrictions, media ownership rules, domestic content rules, public service broadcasting, diverse measures to support local productions)
- traditionally bound to national boundaries
  - only natural: until 1980s transborder broadcast technically impossible
  - still, domestic policies critical; national sensitivities
**international media law**

- relatively new legal domain
- puts together a variety of disciplines (human rights, copyright, trade rules, etc.)
- connecting link is the subject matter of media and their cross-border regulation
- expanding legal domain (due to the process of convergence; not only conventional media rules but also telecom and IT law; cyberlaw)
- different building blocks – reflected in the course structure

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**session break-down**

- **session 1:** introduction and overview of core topics (16 sept)
- **session 2:** int’l human rights framework (23 sept)
- **session 3:** Int’l telecommunications law (30 sept)
- **sessions 4 and 5:** the internet: history, jurisdiction in cyberspace and internet governance (14 and 21 oct)
- **session 6 (interactive):** to regulate or not to regulate cyberspace? (28 oct)
- **sessions 7 and 8:** int’l economic regulation (4 and 11 nov)

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**session break-down (cont’d)**

- **session 9:** introduction to global IP law, guest lecturer: Emanuel Meyer, IPI (18 nov)
- **session 10:** media globalization and its discontents (25 nov)
- **session 11 (interactive):** the quest for cultural diversity in a new media environment (2 dec)
- **session 12:** emerging challenges and opportunities for media law (9 dec)
- **sessions 13:** Q & A / reserve (16 dec)
- **exam:** January 2016
other organizational issues

- reading materials (compulsory and optional)
- ILIAS / blog: http://contemporarymedialaw.blogspot.com/
- slides
- interactive session participation (30% of final grade)
- exam (oral; open book)
- contact: mira.burri@wti.org

thank you.

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