



La Quadrature du Net

Proposals

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<http://lqdn.fr/en/proposals>

La Quadrature du Net's presents its proposals to adapt public policy to the technological and social realities of the digital era. Following three axes, they aim to ensure that this shared network remains a tool serving our society's democratic and socio-economical development. These proposals can only be discussed and, even more so, turned into reality if we can secure the democratic nature of our institutions. Notably, this calls for the public debate to be based on transparent and open information.

Human Rights in the Digital Society

Freedom of communication and expression is of prime importance in the democratic order. It is what makes possible exchanging the ideas, opinions and information that shape our world vision; it is the foundation of free societies. The Internet is a technical and political disruption in that it gives everyone the ability to send and receive any information. In order to keep the scope of possibilities open, freedom of communication and other fundamental rights must be strictly protected on the Internet. Guaranteeing these rights requires the full application of the rule of Law to the online public sphere.

Guarantee the presumption of legality for all online publication

- Any filtering obligation aiming to prevent the publication of online content must be rejected as a disproportionate infringement on freedom of expression.
- Content takedown procedures must be strictly supervised so that freedom of expression prevails.
- Every citizen must be sufficiently informed of takedown requests regarding his or her content in order to, if needed, oppose them and endorse full legal liability.

Please refer to La Quadrature's [answer](#)¹ to the EU consultation on the Information Society Services Directive. Also read the [conclusions](#)² of the UN rapporteur for freedom of opinion and expression.

Ensure the right to a fair trial

- Any sanction imposed by public authorities which limit freedom of expression can only be imposed after a due process.
- Such measures should respect the proportionality and efficiency principles. These criteria should exclude filtering and blocking of online content.

¹ <http://www.laquadrature.net/en/la-quadrature-answers-the-eu-questionnaire-on-net-neutrality>

² <http://www.article19.org/pdfs/reports/report-of-the-special-rapporteur-on-the-promotion-and-protection-of-the-right.pdf>

Here again, see our [answer](#)³ to the consultation on the Information Society Services Directive. See also a [study](#)⁴ from leading Europeans legal analysts on blocking measures and our [memorandum](#)⁵ sent to the French constitutional Council about the LOPPSI 2 law (in French).

Rethink the limits of freedom expression in a renewed public sphere

- Prosecutions against people criticizing public authority or its representatives go against the democratic ideal (defamation, right to oblivion, etc). Now that everybody can express themselves online, some traditional legal provisions regulating public discourse may have lost some of their relevance.
- The possibility of communicating anonymously on the Internet must be guaranteed.

Access to a Free and Open internet

Internet and its socio-economic benefits grew out of simple technicals principles that must be protected. The most important is undoubtedly the network's decentralized nature. This architecture maximizes freedom of communication, and therefore freedom of expression and online innovation. More generally, we need policies that give people the capacity to create, exchange with their peers and access a greater variety of informational goods.

Enshrine Net neutrality into law

- Lawmakers need to adopt a legal definition of the Internet that is based on the neutrality principle, in order to ensure the sustainability of its technical architecture.
- The neutrality principle must apply to all Internet networks, regardless of access mode (landline or wireless). Exceptions to this principle in case of unforeseen congestion or security threat over the network must be carefully crafted and overseen.
- Infringements to Net neutrality carried out by operators must be subject to dissuasive sanctions.
- The balance between co-existing so-called "managed services" and the Internet on communications networks must be sustainable, in order to protect the quality of Internet access.
- The use of packet inspection technologies must be regulated in order to protect the privacy of electronic communications and their integrity.

For more information, see the April 2011 parliamentary [report](#)⁶ on Net neutrality, and our [answer](#)⁷ to the European consultation on the matter.

3 <http://www.laquadrature.net/en/la-quadrature-answers-eu-consultation-on-information-society-services-directive>

4 <http://www.aconite.com/projects/blocking>

5 http://www.laquadrature.net/files/20110214_La%20Quadrature%20du%20Net_Amicus%20curiae%20LOPPSI2.pdf

6 <http://www.laquadrature.net/en/net-neutrality-an-encouraging-report-from-the-french-parliament>

7 <http://www.laquadrature.net/en/la-quadrature-answers-the-eu-questionnaire-on-net-neutrality>

Encourage the development of shared wireless network

- Radio spectrum must become a public resource once again, through the opening of new frequency bands to license-exempt access, building on the WiFi footsteps.
- We need to rapidly experiment the use of new radio technologies allowing the deployment of shared wireless networks (such as smart radio technologies and femtocells).
- People who share Internet wireless networks must be able to do so in all legal certainty.

For more information, read the [Op-Ed](#)⁸ “The Spectrum Of Our Freedoms” and the [presentation](#)⁹ of the Open Wireless Movement.

Support the development of servers and terminals controlled by users

- In order to avoid any competition distortion, regulators must ensure that terminals are interoperable with different operating systems.
- Public authorities must support the use of free software, particularly in the context of procurements.
- Essential network resources, such as servers, should be made more accessible in order to ensure the decentralized nature of Internet.

Regarding the promotion of free software, please see April's [recommendations](#)¹⁰ (in French). Also see Eben Moglen's [presentation](#)¹¹ of the “Freedom Box” project.

Sharing of Culture and Knowledge

The Internet and digital technologies allow everyone to share digital information. Editing and modifying artworks (remix) is becoming a new mean of expression for a whole generation. Intellectual rights on information, whatever the information, have to adapt to this new context so as to encourage access and contribution to culture and knowledge. This requires putting an end to the war on sharing and adopting policies that allow the re-appropriation of culture and knowledge by the public.

Recognize sharing in laws and in practice

- The legitimacy of not-for-profit sharing of cultural works between individuals should be recognized. Culture sharing should be placed outside of the scope of copyright, e.g. through the creation of a new exception.
- Digital Rights Management and other anti-copy devices should be abandoned. They must to be ruled illegal when they prevent legal uses of cultural works.
- Sharing technologies, such as peer-to-peer software, should be able to develop in legal certainty.

8 <http://www.laquadrature.net/en/the-spectrum-of-our-freedoms>

9 <https://www.eff.org/deeplinks/2011/04/open-wireless-movement>

10 <http://www.april.org/marches-publics>

11 <http://www.nytimes.com/2011/02/16/nyregion/16about.html>

For more information, please read “[Comparison between creative contribution in I&C and in Sharing](#)¹²” from Philippe Aigrain and his [article](#)¹³ on the legitimacy of sharing. See also La Quadrature's response to the EU consultation on the Future of the Cultural Economy. Lastly, regarding the prohibition of Digital Rights Management abusive uses, see the former [Brazilian Copyright Bill](#)¹⁴.

Explore new funding models for creation information, and the media

- It is time to establish a “creative contribution” in order to help fund creation and public expression in the digital age, pooled among all Internet users and contributors.
- A publicly accountable and independent watchdog should be established to analyse the data voluntarily provided by the public and define distribution keys.
- Collected funds will reward authors and creators (including, of course, those releasing their works under free licenses). They will also help fund new productions.
- Finally, it is necessary to enable the development of innovative business models by facilitating the commercial distribution of copyrighted works over the Internet.

Besides Philippe Aigrain's works, see the Free Culture Forum's [guide](#)¹⁵.

Reinforce the public domain and make the cultural heritage available to everybody

- After years of baseless policies in this field, it is necessary to return to a reasonable length of term of protection for both author's rights and neighbouring rights.
- Public authorities must commit to a ambitious policy in favor of open data.
- We need to rethink the digitisation of our cultural heritage and to support a distributed model allowing everyone to contribute to these cultural policies.

For more information, read the [The Public Domain Manifesto](#)¹⁶ and La Quadrature du Net's [answer](#)¹⁷ to the consultation on the Digitisation of the European Cultural Heritage. On open data, see the [work](#)¹⁸ of Regard Citoyens (in French).

12 <https://sharing.co-ment.com/text/xempbEIfs4s/view/>

13 <http://www.laquadrature.net/en/sharing-is-legitimate>

14 <http://boingboing.net/2010/07/10/brazils-copyright-la.html>

15 <http://fcforum.net/sustainable-models-for-creativity/how-to-manual>

16 <http://www.publicdomainmanifesto.org/>

17 <http://www.laquadrature.net/en/la-quadratures-take-on-the-digitization-of-our-cultural-heritage>

18 <http://www.regardscitoyens.org/open-data-en-france/>