

THE NETHERLANDS

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A pretty typical European history lesson

1506 – Netherlands united under Charles V

1600s – Dutch East India Company and some wars

1800s – colonies and monarchy established

1930s – WWII

1900s – liberalization and modernization



Dutch history is defined by what you can see on this map: water and proximity to UK, France, and Germany.
Water made them a leading economic power AND brought on many of their wars

Topics

Copyright

- Stichting BREIN v. The Pirate Bay

Information markets

- ConsuWijzer

Privacy

- Google in the Netherlands

Government

- iStrategy
- Digital Delta



Queen Beatrix, known fondly to her people as “Bea,” who abdicated for her son King Willem Alexander last year.
Her name is on the laws

Copyright *Auteurswet*

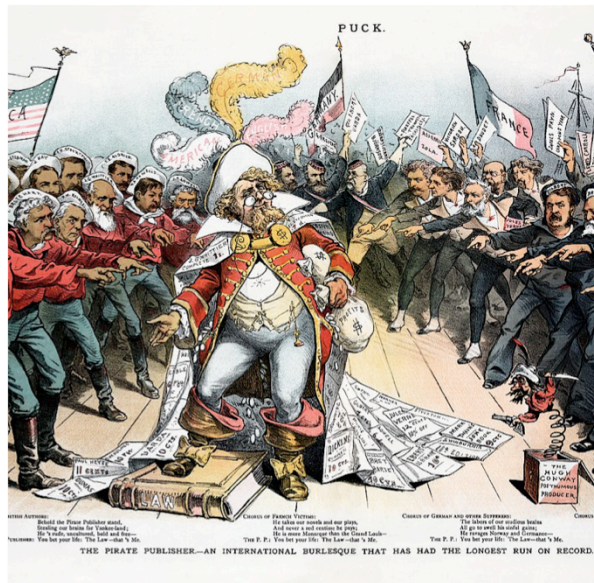
1866 – Berne
Convention

1912 – Auteurswet
National Law

1952 – Universal
Copyright Convention

1996 – WIPO
Copyright Treaty

Agreement on Trade
Related Aspects of IP
Rights (TRIPs)



A publisher wrote to Queen Wilhelmina after Berne Convention to complain that she would destroy the industry. His reasoning was upheld by many publishers at the time: if the Netherlands couldn't reproduce copyrighted works but other countries did, the Netherlands would lose market share to countries with more lax legislation

Copyright

Similar to American law except...

- Fair use is defined by an exhaustive list
 - Open norm: a standard that content should be open to interpretation (by the court system)
 - Economic and legal ramifications of the bill would disadvantage content producers
- Only uploading copyright material is illegal, not downloading

Stichting BREIN v. The Pirate Bay

Plaintiff

- 30% of Ziggo users have shared files on TPB
- Few legal films or music
- There are legal alternatives

Defendant

- No legal basis
- Inefficient
- Violates freedom of information



BREIN (explain) argued in court that...

Think: Ziggo is Comcast Xfinity and XS4ALL is AT&T

Is this a potential option in the US?

Autoriteit Consument & Markt



Gov't protects consumers in some industries and businesses in others

ACM Goals

1. Ensure mobile phone developments are good for consumers

2. Investigate consumer choice in mortgage closure

3. Ensure companies follow applicable information rules for products and services





The result is ConsuWijzer

Privacy

- European Privacy Directive (1995)
 - College bercherming persooengevens (CBP)
 - Supervise / Advise
 - Educate
 - Hold people, government, and international bodies accountable
 - Can impose €19,000 in fines and grant exemptions
 - Oversee compliance to three additional laws
1. Police Data Act
 2. Municipal Administration Act
 3. Law and Judicial Prosecution Act

Data protection college

The “Competent Authority”

Chairman of the CBP is also chairman of the Working party set up by EU Directive

Also advises the Minister of Justice

It's in the Constitution

"Everyone shall have the right to respect for his privacy, without prejudice to restrictions laid down by, or pursuant to, Act of Parliament."

Parliament >>>>



To gather: legitimate, specified, and explicit purpose. Unambiguous consent and consent for 3rd parties. Revocable and retrievable and destroyable. Only hold for as long as you need.

Google “just doesn’t agree” with the EU

Google consolidates data collection across the Google-sphere

EU has issues with:

- Data processing
- Length of storage
- The +1 button
- Data sharing
- Consumer ed.

Max TN fine: €450K

Max EU fine: €1M



Google has consolidated.

For example the +1 button

- no explicit consent
- holding it for 18 months
- sharing it across the google sphere
- not educating consumers about it

Government Surveillance

In 2007...

Dutch population: 17M
Dutch wiretaps: 12491
Per capita: 0.0007

US population: 314M
US wiretaps: 2208
Per capita: 0.0000007

Difference factor: 1000

In 2009...

335 Dutch internet taps
(1.5M end-user taps)
Per capita: 0.09



Chairwoman Wijnberg believes that if such data were stolen from the government it would cause irreparable damage to the citizens
Max 12 months retention except info required by law like mandatory ID, fingerprinting, passport photo. (residential permit)

iStrategy

- Uniform Central Government 'Digital Work Environment'
- Single platform for Government collaboration
- Overarching Central Government website
- Alignment of individual ministry websites
- Appointment of a CIO within each ministry

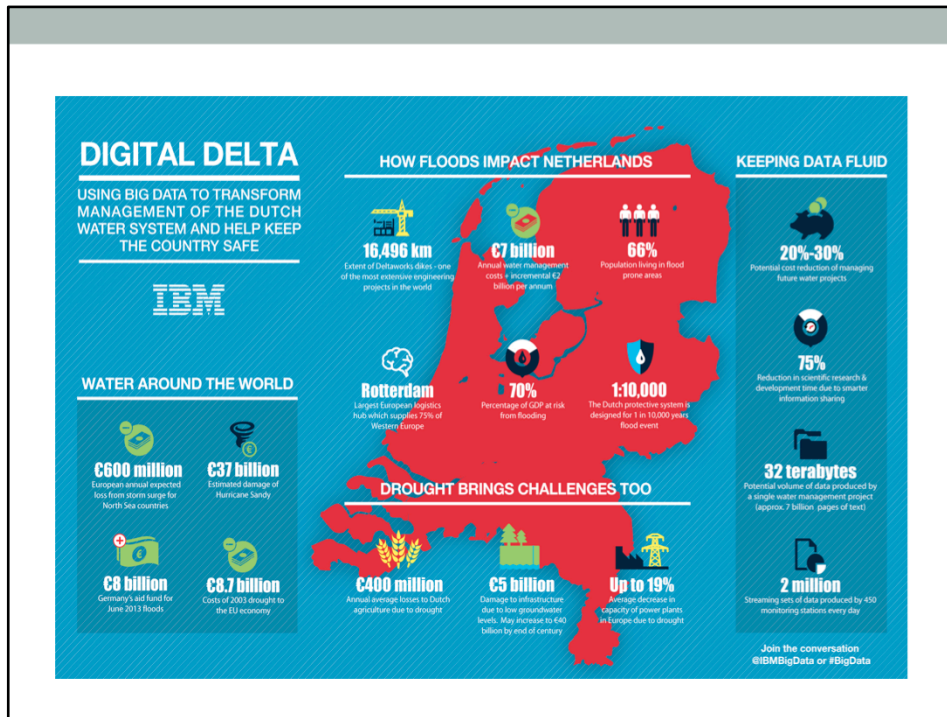
>> Save €123 million per year

>> Digitize the "citizens' desk"

Want to make switching from gov't websites easy. Learning curve for one applies to another

Mich v Ohio websites in the states >> Amsterdam v The Hague

Instead of calling rep., Tweet them or use the citizens' desk on these websites



20% of land is below sea-level and 50% of people live in flood-risk zones. (7 billion per year)
 Has TONS of water data, now cloud sharing with experts and municipal authorities
 New Orleans and New York City are looking at adopting this. Also Japan and Australia

Thank you!

