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by [Berin Szoka](#) on September 15, 2009 · [Add a Comment](#)

PFF Adjunct Fellow [Mike Palage](#) led this extraordinary discussion of ICANN's origins, evolution and future with four of ICANN's "Founding Fathers": [Milton Mueller](#) (author of *[Ruling the Root](#)*), law professor [David Johnson](#), ICANN's first CEO [Mike Roberts](#) and then ICANN CEO [Paul Twomey](#). In particular, the group discussed ICANN's mission, governance structure, and accountability; the difficult issue of new [generic Top Level Domain names (gTLDs)](#) and [trademark concerns](#); and [ICANN's future relationship with the U.S. government](#). Be sure to check out the handy [ICANN Glossary on page 33](#). The audio can be downloaded [here](#).

Here's the transcript ([PDF](#)):

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Thanks to Adam for the kind introduction; for folks to whom I'm unfamiliar, [my *Ars Technica* archive](#) has the bulk of my tech writing over the past year and change, though plenty of it is straight reporting now well past its expiration date. It's been suggested that for openers, I crosspost [last week's Cato @ Liberty thumbsucker](#) on behavioral advertising regulation, which riffs on some of the commentary here, but in the interest of avoiding redundancy, I'll just do the digest version and let the curious [click through](#). Since they say the first day in lockup, you should pick a fight with the biggest mofo in the yard, I'll excerpt the part where I disagree with Berin a bit:

First, while it's certainly true that there are privacy advocates who seem incapable of grasping that not all rational people place an equally high premium on anonymity, it strikes me as unduly dismissive to suggest, as Berin Szoka does, that it's inherently elitist or condescending to question whether most users are making informed choices about their privacy. If you're a reasonably tech-savvy reader, you probably know something about conventional browser cookies, how they can be used by advertisers to create a trail of your travels across the Internet, and how you can limit this. But how much do you know about Flash cookies? Did you know about the old CSS hack I can use to infer the contents of your browser history even without tracking cookies? And that's without getting really tricksy. If you knew all those things, congratulations, you're an enormous geek too — but normal people don't. And indeed, polls suggest that people generally hold a variety of false beliefs about common online commercial privacy practices. Proof, you might say, that people just don't care that much about privacy or they'd be attending more scrupulously to Web privacy policies — except this turns out to impose a significant economic cost in itself.

I still end up rejecting most of the proposed arguments for regulation, though a couple of the suggested rules (notice requirement, liquidated damages for intentional breach of stated privacy policy) struck me as more defensible, if not especially urgent.

That aside, I want to get down to the more important business of suggesting a TLF theme song: The Magnetic Fields' sardonic "Technical (You're So)" (whence the title of this post), in which wordsmith/crooner Stephin Merritt delivers such lines as: "There are no papers on you / The laws don't cover what you do / You and your think-tank entourage / Are all counterculture demigods" and "You're a Libertarian / The death of the left was you / You look like Herbert Von Karajan / You live underneath the zoo." Sure, they're meant as mockery when Merritt sings them, but then, "queer" used to be a pejorative too. Reappropriation, baby.

Also, rhyming "Libertarian" with "Von Karajan" is the greatest act of poetry in music since Sting paired "He starts to shake and cough" with "the old man in / that book by Nabakov." Fact.

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List of Recent of State Cyberbullying Measures

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by Adam Thierer on September 14, 2009 · 1 Comment

Cyberbullying constitutes one of the largest growth categories of recent cyberlaw legislative proposals, and many state legislatures have already enacted measures aimed at combating this problem using a variety of approaches. Those attempting to monitor ongoing developments in this field might find it useful to examine this National Conference of State Legislatures (NCSL) compendium of recent state cyberbullying bills.

In June, Berin Szoka and I published a PFF white paper, "**Cyberbullying Legislation: Why Education is Preferable to Regulation**." That paper mostly address federal legislation and, in particular, we contrasted the approaches set forth in Rep. Linda Sánchez's (D-CA) "Megan Meier Cyberbullying Prevention Act," versus the "School and Family Education about the Internet (SAFE Internet) Act," which was introduced in the Senate by Sen. Robert Menendez (D-NJ) and in the House by Rep. Debbie Wasserman Schultz (D-FL). Whereas the Sánchez bill would create a new federal felony to address these problems, the SAFE Internet Act proposes an education-based approach to the issue.