

An Analysis of Interesting Ethical Ideas from
Internet Ethics edited by Duncan Langford

The Internet is a relatively new technology compared to other media like the television or the radio. The book, Internet Ethics, presents different topics about ethical issues associated with the Internet. It's a compilation of pieces written by various authors from around the world. The editor wanted a global viewpoint on ethical behavior concerning the Internet. The contributors are from North America, Europe, Australia, Botswana, Brazil, Germany, Hong Kong, Japan, Russia, Singapore and Sweden. Moreover, they are experts in the fields of philosophy, law and computer science.

Each chapter of the book addresses different issues relating to the Internet. Every chapter is written by a different writer. At the end of each chapter, other contributors can add comments to round out the chapter's ideas. The downside of this book is that it was written four years ago and Internet related ideas have changed since then. Also, this book has many facts about each particular topic but next to nothing on opinions from the authors.

One particular chapter that caught our attention was the "Law and the Internet" written by John Mawhood and Daniel Tysver. Both of them are lawyers, one working in the US and the other in the UK. This chapter brings up the idea of copyrights, patents, trademarks and defamation ideas pertaining to the Internet.

Copyright issues on the Internet come up all the time whether we choose to ignore them or not. From the authors' words, "the law of copyright gives the person entitled to the copyright the legal right to prevent the unauthorised copying of works of authorship,' such as documents,

images, and sounds.” (98) The moment a work has been created, the copyright is granted without special procedures as long as the work becomes fixed and original.

Copyrights come into effect when we, as users, surf websites and download multimedia content. The content is usually cached and saved on our computers. As the authors point out, “[t]his copying is only lawful under copyright if it is permitted by the owner of the copyright.” (98) Thus, a person who buys a book will not be able to copy the material from the book and re-publish without permission. Along the same lines, does caching files at the Internet Service Provider level violate copyrights? Caching files and images are supposed to speed up the experience of the users. This same line of reasoning goes for browser caches. As such, is the creator of the browser or the user liable for copyright infringement then?

After reviewing the Digital Millennium Copyright Act of 1998, we find that service providers are exempt from the ‘caching’ copyright liabilities, as long as the service providers follow certain rules. These rules include not modifying the content, not changing the condition of access and updating the cache periodically.

The copyright issues with the user and creators of the browser do not have such a clear-cut answer. A browser will cache images, text and sounds from websites that the user has visited. We think the user is not liable as long as they don’t intentionally copy the items, and they don’t put the items to use such that it hurts the owner of the items.

Under the same terms, linking to other websites’ images may be violating copyrights. Certain eBay auctions have been frowned upon by other authors when they take the full description and image file links for use in a similar auction. Similarly, professors that copy test material without the explicit consent of the owners of those material are also violating copyright

laws on the Internet. The copiers may not think the copied material will be harmful for the actual authors, but in fact, it will be. If the material in question has false statements or wrong answers, are the copiers at fault for propagating false materials or are the original owners at fault? We think the copiers are at fault because of their lack of judgment. Something written on the Internet may not always be correct and copying other people's work without explicit consent means they are infringing on the rights of the owners.

'Deep linking' is the act of linking to other websites without following that website's advertisements and format. Deep linking is an infringement on copyrights. Ticketmasters and Microsoft had a dispute where Microsoft was linking directly into Ticketmaster's music concert pages without going from Ticketmaster's homepage and advertisements. This brings us to the idea of linking book titles directly to Amazon.com's or Barnes and Nobles' websites on book information. Are these considered deep linking? Even though it is a convenience for the user to have such links, are they ethically correct with copyright laws?

Strict liability has played an important role in copyright infringements. "Strict liability is a legal principle that holds that someone is liable for their actions regardless of whether they acted knowing what they did was unlawful." (104) An example of strict liability was given by the book. In a case *Playboy v. Frena*, Mr. Frena created a bulletin board for users to upload and download images for other users. One such user had uploaded some pictures copyrighted by Playboy Entertainment and Mr. Frena was sued even though he did not know of the existence of the pictures until told. Is this morally wrong to hold a third party as the guilty when all he did was provide a service? According to later cases, some businesses cannot be held under this strict

liability principle over the Internet. Internet Service Providers are the exception to strict liability deemed by the courts because ISPs will be drowned in lawsuits and would have to close down.

Lastly, the authors wrote about defamation and the Internet. There are two types of defamation, slander and libel. A statement that is spoken that hurts a person is slander. On the other hand, libel is written words that affect a person negatively. According to the authors, a statement must stand up to the following four elements to be considered defamatory: (117 – 118)

The statement must be ‘published.’

Each republication of a defamatory statement is defamation.

The statement must identify the claimant.

The statement must be untrue.

Since the Internet is based on the written word, many of the web pages must follow defamation laws. The authors touch upon the issue of Internet Service Providers and defamation. ISPs simply forward or store data for clients. If any defamatory remarks are found on the stored data, should the ISP be liable? According to the United States’ Communications Decency Act, which “protect[s] providers or users of ‘interactive computer services’ from being treated as the publisher or speaker of any information provided by another,” ISPs are not liable. (119)

Moreover, the authors present that “[d]efamation can occur through pictures, images, gestures, and other methods of signifying meaning.” (120) One of the examples the authors make use of is a picture of a person that had been edited and merged with another picture to make it defamatory. Anyone that passes this ‘photochopped’ picture would be liable. If this picture was posted onto an Internet forum where thousands of people can see it, is the forum owner liable? What if a reader of the forum finds the picture funny and passes it to his friends through email, would the readers, email server owners and friends be liable?

Along the same lines of defamation, there has been a new process where users will skew search engine results so that certain searches will show a particular result. For instance, if you go to www.google.com and search for the words 'miserable failure', the first result will be a biography of the current president, George W. Bush, from the White House government website. Is skewing search engine results to demean a person an act of defamation?

Is Google liable for its search engine being defamatory? How about the people who skew the data, are they liable even though they do not specifically write out the statement? Does this 'miserable failure' libel fall under the aforementioned four elements?

We think that Google is liable only if they do not change their search engine results after notification of being defamatory. A Google employee, David Cohn states that any searches made in a country must have the search results comply with that country's laws. In Germany, any search results shown must not have Nazi merchandise on it, as that is part of Germany's laws. Thus, any defamatory results can easily be rectified such as the 'miserable failure' results.

In essence, many laws govern the Internet. Depending on the country that the user lives in, different laws apply. However, these laws may not be ethical. Copyrights and defamation laws affect the Internet's usage. Copyright laws apply because of the way digital data are transferred over the Internet. Any such transfer and subsequent reuse by others may be violating copyright laws. Defamation laws are very important to the idea of the Internet. Anybody can impersonate and degrade another's image on the Internet. Since the Internet is a young technology, we must be careful on how we proceed if we want to be ethical. One way to be ethical on the Internet is to follow laws but with so many laws from different countries, that is not always the answer. Moreover, we must ask ourselves, are all laws ethical? Many of the

ethical questions for Internet laws pertain to how to apply the laws and who to apply the laws to and not necessarily if the laws are ethical.