‘Information Law: Expanding Horizons’

IViR Research Program 2012-2016

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1. Introduction

Information law is the law relating to the production, marketing, distribution and use of information goods and services. The advent of the Information Society, symbolised by the now omnipresent internet, has put the field of information law squarely on the map. As information law relates directly to the emerging information society, its immediate relevance to society is almost a given. Information law is a functional discipline that cuts across traditional boundaries of legal research and teaching, comprising a wide set of legal issues at the crossroads of intellectual property, media law, telecommunications law, freedom of expression and right to privacy. Although many current problems of information law are directly related to and influenced by technological developments, in particular by advances in the field of information and communications technology (ICT), the paradigm of information law is essentially 'technology-neutral', *i.e.* not confined to any particular type of information technology. The main principles underlying information law apply to 'old' and 'new' media and technology alike.

Information is a multi-faceted phenomenon. As an economic good its production, distribution and use are the driving force of the emerging information economy. As a cultural good, information is the building block of cultural development and expression. As 'news', information is an essential ingredient of the democratic process. While information's intangible and volatile nature makes it difficult for traditional legal disciplines, such as private law and criminal law, to conceptualize and systemically integrate, the paradigm of information law is comprehensive. This allows for the development of a legal framework that takes into account and integrates economic, political, social and cultural information policy objectives.

The Institute for Information Law (IViR), operational since 1986 and officially established in 1989 by decree of the UvA Board of Directors, is the oldest research institute within the Faculty of Law of UvA, and is currently one the largest research centres in the field of information law in the world. Information Law has been recognized as a focal point of research since the Dutch Ministry of Education appointed IViR as a centre of excellence in academic research in 1986. It since became and has steadily remained, a focal point of research ('onderzoekszwaartepunt') of the Law Faculty. In its 2006 'Onderzoeksvisie' the University of Amsterdam Board of Directors (College van Bestuur) expressly cited Information Law as characteristic of UvA research.

The institute's mission is to further the development of information law into a balanced framework that accommodates the needs and interests of the information society. To this end, IViR brings together all the legal disciplines necessary to study the regulatory framework for the production, dissemination and use of information. The institute has played a pioneering role in this approach which has been followed at home and abroad.

This research program sets out in some detail the main research questions and themes of research that IViR intends to focus on in the 2011-2016 period. Since the information society is highly dynamic, developments relevant to this field of research are hard to precisely predict, even for this relatively short time frame. This research program will therefore, by necessity, remain relatively open-ended. Its actual implementation will be carried out and monitored by way of annual work programs that fine-tune the institute's research program and form the basis for individual research output, grant applications and PhD research proposals.

2. Main research question and method

Information law is the law relating to the production, marketing, distribution and use of information, goods and services. The field of information law is interdisciplinary by nature and cuts across traditional legal boundaries. Information law comprises a wide set of legal issues at the crossroads of intellectual property, media law, telecommunications law, freedom of expression and right to privacy. The essence of the information law paradigm, which is directly reflected in the Institute's research program, is that formerly distinct issues (e.g. private law-based rules on intellectual property law and public law-based rules on public speech), which are intrinsically connected, are treated within in a single and coherent normative framework.

This research program organizes the main research themes of information law for the coming years around three clusters each associated with a separate phase in the value chain of the information market: (1) the creation and production of information; (2) the transmission and communication of information; and (3) the end use (consumption) of information. Each of these clusters is primarily governed by one of three basic legal principles that underlie the paradigm of information law: (1) intellectual property, (2) freedom of communication (freedom of expression and information), and (3) informational privacy. Since information transactions commonly transcend one or more clusters, these principles will often concurrently apply. Whereas each of these principles is enshrined in fundamental rights (in Articles 17.2, 11 and 8 of the EU Charter of Fundamental Rights respectively), none is absolute. Rather, these rights and freedoms will tend to compete, and in many cases collide with each other in distinct situations. Many of the salient issues of information law today concern these areas of colliding legal principles, e.g. defining the boundaries of copyright protection; liability of online intermediaries; defamation; net neutrality; behavioural targeting; et cetera.

At the regulatory and policy levels further vertical or horizontal divisions and differentiations can be made, e.g. between information in the public sphere (e.g. news) and in the private sphere (e.g. personal letters); between information in commerce and government-produced information; between rules aimed at optimizing information and communication markets (e.g. telecommunications regulation) and rules enhancing plurality in the media (e.g. broadcasting law); between regulatory approaches and contracts-based approaches, et cetera. Again, these substantive norms will tend to collide, as the digital networked environment increasingly blurs the division between the public and the private sphere (as with social media), and formerly distinct media (e.g. the press, radio, and television) converge into a single electronic platform, the Internet.

Information law aims at understanding how and in what way regulation affects information markets, communication infrastructures and the information society at large. Information law is a normative concept, which means that its aim is to contribute to a legal framework that best serves the information society while respecting fundamental rights and freedoms.

<u>Cultural, economic, technological and social developments</u>

Information law finds itself in a multidisciplinary field, in which cultural, economic, technological and political aspects meet. As a legal discipline it concentrates on the concept of information in the sense of data with meaning (semantics and value). Semantics play an important role particularly in the realm of freedom of expression (truthfulness of information)

and intellectual property (creativity, innovation). Cultural and economic values are the cornerstones of media, cultural and privacy policies and intellectual property. The fundamental changes that have taken place in the information society over the last twenty years which created ever more complex information markets and societal communities, have challenged the proper application of basic legal concepts in this domain. The delicate balance intellectual property has created in the economic character of information as a semi-public good (by solving its non-excludability on the one hand but protecting its non rival character on the other hand) has been swept away by the enormous technological powers to produce, copy and distribute information at near-zero costs. Markets that used to be regulated by the financial pricing mechanism or state subsidies have evolved into specialized niche markets that are based on consumer attention to be generated with collected and processed personal data at the expense of the consumer. Geographically organized cultural mass audiences have fallen apart into specialized global communities.

Several current and future developments in the information society pose challenges to existing notions in information law, and thereby inform the Institute's main research themes that are set out in § 3. These developments include:

Changes in the value chain, convergence
Before the digital revolution, production, storage, distribution and use were clearly distinguishable phases in the information market's 'value chain'. An author or editor produced, a database producer stored, a carrier carried, a user consumed. In the digital networked environment these functions are no longer easily distinguishable, and tend to converge. Whereas the internet has allowed users to become creators, and creators distributors, a wide array of new, hybrid intermediaries, such as search engines, social media and (other) platforms has made the value chain longer and increasingly complex. Distribution platforms such as 'portals' and electronic guides, are taking over functions of the traditional media. Traditional differences between the press and the electronic media are rapidly fading away. Network effects tend to foster and accelerate changes in the value chain. New intermediaries such as Google and Facebook can become winners 'taking all' or at least large parts of the market, almost overnight. This convergence of media and telecommunications has far-reaching consequences for regulation, liability and control.

Redefining public service media
Media law has traditionally focused on public broadcasting networks as a centrally organized and publicly funded 'public service'. With growing competition from commercial broadcasters and the proliferation of a vast array of freely available public information platforms, this paradigm no longer holds. At the same time, mass digitization of audiovisual archives creates may justify new public service mandates.

Social media
The emergence and institutionalization of social media, such as Facebook, Twitter and Wikipedia, tests established legal conceptions, and further destabilizes traditional models of information production and dissemination, by allowing users to act as creators and/or publishers of content. This phenomenon of the 'prosumer' may require a rethinking of limitations and exceptions in copyright law. The hybrid nature of the social media also challenges traditional notions of 'public' and 'private' communication, essential notions in the law of privacy, copyright law, and broadcasting law.

From local clients to the 'cloud'
With exponentially decreasing costs of computer memory and bandwidth, information is increasingly stored on dispersed central servers ('the cloud') rather than on local clients. This centralization of data storage and processing capability creates new intermediaries, and may have far reaching consequences for the secrecy of telecommunications and the right to privacy The ubiquity of data flows puts pressure on the sovereignty of the State and its regulatory and policing monopoly. More in particular, trans-border issues – jurisdiction, liability, control over data – are creating new challenges in the field of information law.

Universal mobile access
Recent years have seen a dramatic shift from desk-top computing to mobile, portable devices. While information services are now almost universally available, this has created new dependencies and risks of monopolization through 'lock-in'. This may require new forms of regulatory intervention. Moreover, mobile computing and communications may seriously compromise rights to privacy, as users can be geographically localized and more easily identified.

Cybersecurity and surveillance
The preceding trends raise vexing questions in terms of monitoring and security. How to mitigate security risks in the electronic communications environment while safeguarding fundamental rights, such as freedom of expression and privacy? Are the appropriate governance structures in place in order to deal with 'cybersecurity' enhancing measures such as deep packet inspection and filtering? What conceptual model and normative concepts should underlie regulation in this relatively new policy area? And how to allocate responsibilities for providing cybersecurity between crucial online intermediaries, that currently are often unregulated?

Methodology and approach

Research undertaken by IViR will follow the information law approach that was developed early on by the Institute, and which has proven to be successful (see § 1 above). Given information law's normative aims, research in this field will commonly be carried out applying a combination of descriptive, comparative and normative research methodologies, depending on the nature and requirements of a given project. On occasion, these will be supplemented by empirical research methodology.
In view of information law's interdependence with cultural, social, technical and economic developments, research in this field (and following this program) will increasingly be carried out in interdisciplinary contexts. For example, research theme 1(b) requires cooperation between scholars from the legal, economic and communication sciences. In the past, several of IViR's most successful projects have been the product of such interdisciplinary cooperation. Indeed, legal and economic issues surrounding the information society have become so interconnected that the Institute's senior staff now includes an information economist. Interdisciplinary and multidisciplinary cooperation is likely to further benefit from the definition of trans-disciplinary 'research profiles'; in a document submitted to the Ministry of Education *Information Law* is mentioned as part of the University of Amsterdam's research profile on 'Communication and Information'.[1]

[1] Profile of the University of Amsterdam, May 2012, available at http://www.foliaweb.nl/wp-content/uploads/2012/05/Prestatie-afspraken-profiel1.pdf.

3. Research Themes in Detail

The Institute's former research program[2] identified seven general areas of research within the field of information law: theory of information law; freedom of expression and other communication freedoms; protection of privacy; intellectual property; commercial communications; government information; and media and telecommunications.
While current developments in information law remain hard to predict, the present program seeks to bring some more focus and coherence by concentrating on three main areas of research, based on the 'clusters' described in § 2 above: (1) the creation and production of information; (2) the transmission and communication of information; and (3) the end use (consumption) of information. Within each cluster two focal points of research are identified. Note that these clusters and themes mainly serve as organizing principles, and do not imply that research topics are to be studied in isolation. Information law is a transversal legal discipline; its underlying principles (e.g. information ownership, access, freedom) will intersect clusters and themes in all directions.

CLUSTER 1: CREATION AND PRODUCTION OF INFORMATION

Theme 1(a): the Boundaries of Intellectual Property

Theme 1(a) examines the boundaries of intellectual property law. What is the proper subject matter and what are the proper limits of intellectual property regimes, given the conflicting policy aims of these regimes?
The right to intellectual property traditionally provides the legal basis for property claims in information products and services. Cultural expressions are protected by copyright law, technical inventions by patent law, industrial design by design law, et cetera. The transition from an industrial society to an information society has gone hand-in-hand with a proliferation of intellectual property rights. Existing rights are extended to new subject matter (e.g. software patents), terms of protection have been lengthened and new rights (e.g. database right) were introduced. As a result, the preservation of a robust public domain of information, based on the freedom of expression and information has become increasingly important research topic.
In copyright law, the notion of originality, which delineates protected from unprotected subject matter, is an essential instrument in safeguarding the public domain. Over the years, the originality threshold has eroded as courts and doctrine have become increasingly tolerant towards various forms of 'low' creation. How to infuse new meaning into the notions of originality and creativity, and what can we learn from the humanities in this respect?
Copyright limitations and exceptions are also under increasing pressure, as rapid technological change makes it increasingly hard to anticipate the need for new 'free' uses. To what extent does the EU and international legal framework leave EU Member States sufficient freedom to adopt open and flexible limitations and exceptions to copyright?

Theme 1(b): Open content and alternative compensation schemes

Theme 1(b) looks at alternative legal models of fostering creation and dissemination of cultural goods.

[2] Onderzoeksprogramma IViR 2005-2010, available at http://www.ivir.nl/onderzoek/Onderzoeksprogramma_juni_2005.pdf.

Similar in aim but different in nature, open source and open content licenses (s.a. Creative Commons) serve to warrant free access to and use of computer software and creative content by way of viral licenses. The development and use of these contract-based instruments raise myriad important legal issues. In the commercial realm, contracts between creators, producers, intermediaries and end users may have the opposite effect. Oppressive terms in 'end user licenses' are often more restrictive than statutory IP law. Moreover, one-sided terms in authors' contracts may be unfair, and call for regulatory intervention in the form of special rules on copyright contracts. Collective rights management often appears as a workable solution to the individual exploitation of rights in a world where transaction costs between creators and users are prohibitive, as is the case with mass digitization projects.
In the digital environment copyright law's exclusive rights have become practically unenforceable, and copyright is rapidly losing moral support among the general public. Nevertheless, the rights of creators to fair remuneration appear to be generally supported. How to (re)construct a legal system that reconciles this new social reality? Is a legal system that allows unfettered access to copyright works while guaranteeing fair remuneration for authors legally and economically conceivable, and socially acceptable?
Privatization of public sector information raises concerns of encroachment of the public domain. While decreasing budgets inspire governments to commodify and monetize public sector information at market prices, democratic principles (s.a. freedom of information and government transparency) require government information to be made available as broadly as possible at marginal or zero cost ('open data').

CLUSTER 2: COMMUNICATION OF INFORMATION

Theme 2(a): Freedom of expression in the information age

Theme 2(a) centres on freedom of expression in the information age.
The right of freedom of expression is often described as a "touchstone" or "enabler" of all other human rights, and its interplay with other rights is vitally important in an increasingly globalised and interconnected world. Its synergic relationship with associative and participatory rights was evident in, for example, the Arab Spring. The currency of the right to freedom of expression is also explained by frictional aspects of its relationship with other rights, which are often accentuated by societal and/or technological developments. Freedom of religion is a case in point: deep differences in religious convictions often become flashpoints in increasingly multicultural societies. Different groups in society tend to have different expectations of the socially desirable limits to freedom of expression and those expectations do not always match the legal reality. High-profile examples of tensions resulting from such discrepancies include the Danish Cartoons and the Wilders trial. The media have always been of instrumental importance for the realisation of the right to freedom of expression. Technological advances have precipitated not only a growing diversity of new media, but also new non-media, participants in public debate. This has led to greatly enhanced levels of individual choice in media (output). Public service broadcasting is no longer the national institution it once was and more generally, the existence and influence of general-interest intermediaries or other shared points of societal reference are decreasing. Moreover, digitization is driving the fragmentation and de-institutionalisation of the Fourth Estate; processes that are being further catalysed by the rise of civic journalism; aggregator news-sites/services; blogging; social networking; user-generated content; whistle-blowing websites. While this is clearly a positive development from a democratic perspective, it also raises concerns about the accessibility and reliability of information. These concerns inevitably

prompt questions about the suitability of legal responses for safeguarding the public interests that are at stake. In light of all these changes, traditional public policy objectives such as media autonomy, transparency and responsibility, access to government information and publicly held data sets, as well as the role and extent of media regulation, require re-examination.

Theme 2(b): Role and status of online intermediaries

Theme 2(b) examines the role and legal status of online intermediaries. To what extent may intermediaries be subjected to legal responsibilities and obligations, taking into account their crucial role as facilitators of communications over the Internet?
Electronic intermediaries, such as Internet service providers, online platforms and communities, operators of search engines and providers of electronic programming guides, play an essential role in facilitating freedom of expression in the information society. Changes in the value chain and digital convergence have however made the legal role and status of these intermediaries very uncertain, particularly at the EU level. First, the scope of the immunities for certain providers of 'information society services' enshrined in the E-Commerce Directive is unclear. Second, the EU acquis has largely left unregulated the extent to which intermediaries may be subjected to court orders to cooperate with law enforcement, to disclose the identities of online infringers, to disconnect repeat infringers, or even to install filters. In the context of public law it is also unclear to what extent intermediaries are subjected to sector-specific rules of telecommunications law, or to new media law (broadcasting law) based rules on so-called 'non-linear' audiovisual services, resulting from the EU Audiovisual Services Directive. A converging approach with more (interdisciplinary) focus on the underlying value chain is clearly lacking. Another disruptive effect come from both the lack of sufficient (cyber)security levels and the chilling effect of overly invasive restrictions.

CLUSTER 3: INFORMATION USE

Theme 3(a): Informational privacy: from autonomy to regulation?

Theme 3(a) centres on the right to informational privacy, and examines the way(s) that informational privacy is best effectuated.
How much informational privacy should citizens expect in the information society? The notion of 'reasonable expectation of privacy' serves as a conceptual framework for government intervention with privacy. What a citizen might expect depends on cultural traditions, social customs, law and technology. The collection and processing of personal data by commercial enterprise is no longer a byproduct of economic activity, but an economic and social value in itself. In practice, data collection and processing have increasingly become more a matter of technical circumstance and economic expediency than of individual choices. This raises a number of questions. Existing European and national rules on data protection are still largely based on the autonomy of citizens (the 'consent' approach). Would a more regulatory approach better safeguard rights to privacy? Or are rights to informational privacy best protected by way of creating property rights in personal data? Is the current concept of privacy ready for the era of ubiquitous computing and the Internet of things? These and related issues essentially require a conceptual rethinking of the right to informational privacy, and of its relationship to other fields of law, such as telecommunications law, media law, and consumer law.

Rights of informational privacy have also become critically important in vertical relationships, as the state and state agencies routinely collect sensitive personal data for purposes of law enforcement and security, and for a variety of public services (e.g. public transport).

Theme 3(b): Accommodating the user in information law

Theme 3(b) focuses on the end user of information, and queries how the diverse interests of information users are best accommodated in information law.
The user of information products and services plays an increasingly prominent and influential role as consumer, as creator/ producer and as distributor of information. This is due not only to new technical and economic opportunities, but also to a change of mentality in businesses, policy makers and, last but not least, users themselves, which now takes the user as an active actor in the information society more seriously. Accordingly, the call for more accountability and 'user rights' - in media law, copyright law or telecommunications law - is getting louder, challenging many established paradigms. At the same time, to the extent that users switch roles with producers, distributors or data controllers, the question as to the proper responsibilities and legal and societal obligations of users also arises. Some areas of law, such as traditional consumer law, seem to be unprepared to serve the user of information products and services, even though many of these services are purchased in a commercial setting. How to update these laws while taking into account the particularities of information (content) markets, the specific rights and freedoms that users may enjoy with respect to certain content (e.g. freedom of expression, rights to privacy), and the multiple public policy objectives that underlie regulation of the information society? To the extent that existing laws actually address the needs of users, these norms tend to be based on differing, formalized roles of the user (user, consumer, citizen, audience, etc.) each with their own normative ramifications. To the extent that these different areas of law need to interact in order to fully accommodate the activities of the user, this situation challenges the comprehensive information law paradigm and inspires the need to find ways of integrating a more inclusive notion of the user into information law.

4. Quality and originality

Innovative character

As the VSNU already recognized in its evaluations of 1996 and 2001, the Institute's early choice to focus on information (law) rather than on information technology (law) distinguishes its research program from comparable programs.[3] By focusing on general normative principles rather than on the state of technology, formerly distinct issues such as copyright, media regulation, data protection, competition law and consumer protection can be treated in context. This may lead to valuable new perspectives and enrich both scholarly and political discourse. For example, whereas intellectual property law deals with user freedoms solely within the context of statutory IP law (e.g. by way of statutory limitations to property rights), the comprehensive information law paradigm teaches that similar freedoms may be achieved through application of media regulation or consumer protection. Another example concerns liability of intermediaries. Whereas a traditional private law approach would focus on identifying possible 'duties of care' on the part of intermediaries, applying insights from competition law and telecommunications regulation could lead to the conclusion that imposing liability will create 'bottlenecks' that negatively affect innovation.

Coherence

The research program's technology-neutral approach also directly contributes to its coherency, by preserving a historical connection between issues raised by 'old' media, such as the printing press, and the myriad novel legal issues raised by the internet. The Institute's research program is coherent in several respects. Common denominators include: the legal status of 'information' (e.g. as property or public good), questions of public access to and usage of information goods and services, the role of intermediaries, et cetera. Moreover, much of IViR research is related to the convergence processes between the different media and distribution functions and their repercussions on law and policy.

Quality control

The Institute's research output is subjected to various means of quality control at different stages of its research activity. Research carried out by all Institute staff, both junior and senior, is monitored on a monthly basis by the Institute Board of Directors, taking into account the performance criteria set by the Faculty of Law. In addition, all ongoing research projects are carried out and/or are directly supervised by either a member of the Board or other senior staff member. Progress is reported and discussed during bi-monthly meetings of the Institute Staff (i.e. the Board of Directors enlarged with senior staff members).
In addition, ongoing research projects are presented and critically discussed at regular meetings of the entire Institute staff during so-called 'leestafels' (lunchtime meetings) and 'spreektafels' (institute seminars). Furthermore, IViR strongly encourages junior and senior staff members to give seminars and presentations at national and international conferences, symposia, seminars, etc. All research projects are conducted under the direct supervision of a

[3] *VSNU / Onderzoeksbeoordeling Rechtsgeleerdheid 244*: 'Het programma *Informatierecht* van het *Instituut voor Informatierecht* van de UvA heeft in zoverre een eigen karakter, dat het niet de technologie als ordenend principe heeft genomen, maar informatie als beschermwaardig goed. Door deze "technologieonafhankelijke benadering" heeft het programma zich al in de vorige beoordelingsperiode (VSNU 1996, p. 126) onderscheiden van ander, ook buitenlands onderzoek.'

member of the management team in order to guarantee first line responsibility. PhD candidates are constantly supervised by teams of two senior staff members: the PhD supervisor and a PhD manager ('begeleider'). Scientific staff members' research output is regularly monitored during annual oral work assessments ('jaargesprekken'), by the Institute's directors or senior staff members.

Academic independence and sustainability

As a rule, all research activities by IViR staff are directed towards publication of the results thereof in peer-reviewed journals or similar publications (research reports with review committees or reviewed book chapters). This rule applies to all forms of research carried out under the name of IViR, including commissioned studies ('derde geldstroom'). Prospective commissioners are informed that commissioned research is undertaken in complete academic independence, and that studies will eventually be published and converted into peer-reviewed publications. IViR does not engage in paid consultancy. In its 2009 assessment of legal research programs in the Netherlands, the Evaluation Committee ('Visitatiecommisssie') warned against IViR becoming overly dependent on 'derde geldstroom' funding. It is the aim of the current research program to reduce this dependency, and enhance sustainability by securing more funding from primary and secondary sources.

International orientation and ambition

By its very nature, information easily traverses borders, making the field of information law international almost by definition. In information law national, European and international legal orders are increasingly intertwined. National legislators gradually become final stages of international and European decision-making processes. Furthermore, new international forms of authority with a public/private character arise, as is evident from the organization of the internet. As a consequence, large parts of the present research program will relate to European and international legal issues, rather than focus solely on national developments.

Reflecting the information society's international ambit, IViR's ambitions have a strong international orientation and ambition. IViR's scientific staff are increasingly recruited from its vast international network, and at present roughly 50% of its scientific staff are non-native Dutch citizens. International collaborative research projects and networks provide opportunities for researcher exchanges, enabling IViR researchers to spend time at academic centers abroad, and bringing visiting researchers to Amsterdam. The Institute's ambitions for the future are to further enhance and intensify its international orientation, inter alia by conducting internationally significant research at the highest quality level, as proven by publications in international journals; acquisition of internationally recognized scholars and 'top talent'; acquisition of 2nd en 3rd 'geldstroom' (external funding) from European and international sources; high rankings in (preferably international) external research evaluations; providing high-level expertise to governments, European institutions and international organizations; playing a leading role in the European and international debate on current and future issues of information law, and remaining one of the world's leading research centres in this field.

5. Organization and infrastructure

Although part of the Faculty of Law, due to its size the Institute has been located in separate premises away from the Oudemanhuispoort, since 1993. In May 2009 the Institute was relocated to the Oostindisch Huis, where it now occupies two-and-a half floors in the B-wing. The Institute is managed by a Board of Directors consisting of Prof. P. Bernt Hugenholtz (Scientific Director), Prof. Nico van Eijk (Co-Director) and Prof. Mireille van Eechoud. Ms Anja Dobbelsteen is executive manager of the Institute. The Board of Directors is supported by a senior staff team composed of senior staff members: Dr. Lucie Guibault, Dr. Natali Helberger, Dr. Tarlach McGonagle, Dr. Stef van Gompel and Drs Joost Poort.[4]

In 2012 over 30 researchers were connected to the Institute, either on a full-time or on a part-time basis. Approximately 5.5 fte are funded directly by the University (1st 'geldstroom'); the remaining funding is secured from external sources, both 2nd and 3rd 'geldstroom'. In the 2011-2016 period any further growth of the Institute will be made contingent upon restoring the balance between internal and external sources of funding.

The Board of Directors is responsible for the daily management of IViR. The members have clearly divided tasks. Hugenholtz has primary responsibility for the Institute's research program and scientific output, and represents IViR at the national and international levels on general matters relating to research (policy development, accountability and acquisition). Van Eijk represents IViR at the managerial level, both at Faculty/University level and externally, and is a member of the VADO (Vergadering van Afdelingsvoorzitters en Directeuren van Onderzoeksinstituten) that advises the Dean on policy matters. Van Eechoud is responsible for the Institute's master program and for the management of the Documentation Centre.

The Board of Directors receives regular advice from its Scientific Advisory Board, which advises on the Institute's research program and on matters of strategy and policy, and regularly suggests new topics or lines of research. The Board of Directors of the Institute regularly consults its Scientific Advisory Board[5] to discuss the annual research output of the Institute, offer advice on its research programme and suggest new avenues of research, taking into account the realities of the emerging information society. Interim changes may be made to individual parts of the programme in response to technological, economic, social and cultural developments. In addition, the overall research programme of the Institute is reviewed in its entirety and adapted in order for it to reflect new insights gained in past research and trends signalled for the future.

As one of the faculty's main research institutes, the Institute plays a large part in the Faculty's PhD program. On average, four to six PhD students (AIO-promovendi) are employed at IViR at any given time, resulting in (on average) at least one successful PhD defence per year. In addition, the Institute regularly employs (junior) project researchers to carry out commissioned research under the supervision of senior staff. Furthermore, students admitted to the research master program in information law regularly participate in distinct research projects.

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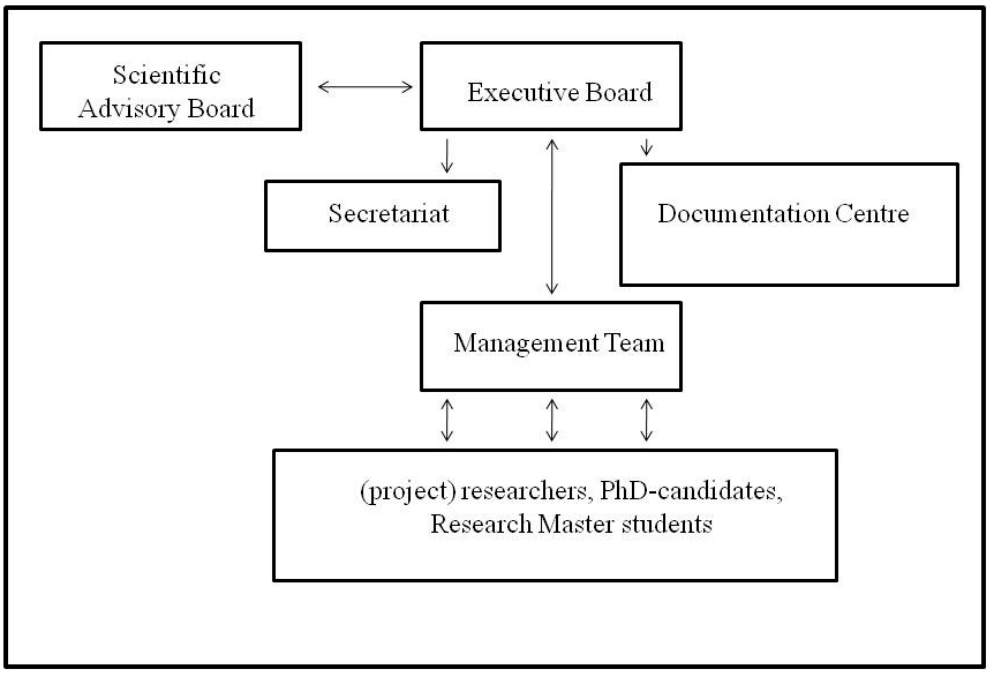
4 Dr. Joris van Hoboken will join the senior staff team as from January 1, 2013.

5 The Board consists of members with high-ranking positions in ministries, agencies, NGO's, cultural institutions and other organisations or companies operating in the information market.



Documentation Centre and website

In view of the dynamics of the information society and the evolving information markets it is of paramount importance to closely monitor new developments and trends in the information society, to constantly explore new developments in the light of information law theory and information law, and to remain open to new research lines while abandoning 'older', less fruitful lines. To this end IViR maintains a Documentation Centre containing a specialised collection of books, law journals, grey literature and electronic resources in the field of information law that is unique in Europe. The Documentation Centre specialises in (often hard-to-find) European and international periodicals and unpublished reports in the field of information law. The entire collection of the centre is searchable in two languages on an article-by-article basis through an electronic catalogue that is publicly available on the Institute's website, and provides a unique resource on information law literature. The website (www.ivir.nl, generating about 10-12k hits per day) also contains nearly all the scientific output published by IViR staff, as well as a collection of basic legal resources, making it an invaluable resource of information law literature and one of the most frequently consulted websites in the field of information law in the world.

National and international cooperation and partnerships

IViR has a strong presence in European and international academic networks through a broad array of activities. IViR leads and/or participates in a large number of international projects and networks. Staff members regularly co-author publications with foreign academics, and are on the editorial boards of various journals and book series. Each year IViR hosts a number of international symposia and other meetings for high level discussions on current research projects. IViR scholars are regularly invited as (keynote) speakers at conferences at home and abroad, and are executive members of various national and international associations

IViR has institutional co-operations with the following research institutes: Center for Law and Technology (UC Berkeley), the Center for Intellectual Property and Information Law of the University of Cambridge (CIPIL), Berkman Center for Internet and Society (Harvard University), Max Planck Institute for Intellectual Property and Competition Law, Institute for Information Science and Media Studies (University of Bergen), University of Haifa Law School (Israel), Hans-Bredow-Institut (Hamburg University), and the Tilburg Institute for Law, Technology and Society (TILT). In addition, individual members of the Institute maintain extensive national and international networks and contacts with researchers in their own specialised fields. Prof. Pamela Samuelson, a world-renowned expert in the field of intellectual property and technology law, was appointed honorary professor by the University of Amsterdam in 2002 and cooperates with IViR both in its research and teaching activities. Within the University of Amsterdam IViR regularly cooperates with the Amsterdam Centre for International Law (ACIL), the Amsterdam Centre for Law & Economics (ACLE), the economic research centre SEO (linked to the Faculty of Economics and Business), Centre for the Study of European Contract Law (CSECL), the Amsterdam Centre for European Law and Governance (ACELG), the Amsterdam School of Communications Research (ASCOR), and others. Outside the academic field, IViR has a longstanding partnership with the European Audiovisual Observatory, which is affiliated to the Council of Europe. This collaboration entails, inter alia, the joint publication of IRIS (the leading monthly newsletter on developments in audiovisual law in Europe), regular workshops and symposia, and a large number of substantive publications. Another long-term non-academic partnership concerns Creative Commons Nederland, in which IViR collaborates with Kennisland and Waag Society with the joint aim of developing, studying and promoting open content models.

6. Relevance

Societal relevance

The importance of information law for society is almost self-evident. The media and networks that are regulated by information law form the backbone of modern societies and are a sine qua non for cultural development. Information law enhances the creation of all the 'content' (literature, music, film and art) that enriches our daily lives and national culture. The global economy increasingly relies on information-based goods and services. Information law's normative aim, i.e. to contribute to the optimal functioning of the information society, demonstrates the societal relevance of this research program almost by definition.

While contributing to the advance of legal scholarship this research program, therefore, also seeks to have a direct impact on the actual regulation of the information society. As past experience reveals, studies and reports by IViR staff often serve as input to the political process, both at the national (Dutch) level and at the European (EU) or international level, and are thereby directly relevant to society. Studies carried out by IViR are frequently commissioned by lawmakers or public authorities as a first step towards regulatory initiatives. The direct influence of IViR research on recent legislation in the field of copyright, telecommunications, broadcasting and data protection can easily be traced.

The links with society and the political process are deepened through regular offerings of post-academic legal education for lawyers, judges, ministerial employees and practitioners in the entertainment industry. IViR's annual Summer Course on International Copyright Law, which is taught by internationally renowned experts and attracts academics, government officials and practitioners from all over the world, has gained a strong international reputation. IViR researchers are frequently asked to share their expertise with national and international policymakers. In addition, various staff members sit on advisory bodies to the Dutch government or the European Commission. IViR staff also contributes to public consultations concerning future policies relating to the information society.

Educational programs

Although formally a research institute, the Institute's name and much of its staff are directly connected to two master's programmes offered by the UvA Faculty of Law. Since the introduction of the bachelor/master structure, a one-year master program on Information Law has been attracting on average 45-50 students per year (some of the master courses are also open to other master students). On many occasions master theses supervised by IViR staff have been awarded national prizes; in 2010 an 'IViR' thesis was judged best master thesis of the entire University of Amsterdam (in all faculties).[6] Moreover, IViR supervisors are instrumental in helping students to convert excellent master into scholarly publications. IViR also offers a two-year research master program in information law, the only program of its kind in Europe. Students selected for this programme have their own work spaces inside the Institute and participate in a range of research-related activities.

[6] See http://www.jur.uva.nl/actueel/nieuws.cfm/56C9A867-7E57-4D13-ABEC06B8902DBD5C.