Question 1: What can be done to reinforce the right to seek and receive information in the online environment?

In June of 2012 the Human Rights Council framed issues related to human rights and the Internet with the adoption of its Resolution affirming “that the same rights people have offline must also be protected online.” This tenet rightfully has become the organizing principle for Internet policy making and dialogue, including, for example, in the May 2014 NETmundial principles.

The right to seek and receive information online can be reinforced by creating an enabling environment for two critical facets of a robust Internet ecosystem: (1) ubiquitous and affordable Internet access, and (2) content creation in all forms. The availability of relevant, usable content clearly promotes advancing ubiquitous and affordable Internet access, as discussed below in Question 4.

The enabling environment for relevant, usable content presupposes that there is a social and economic environment, supported by an appropriate public policy regime, which encourages its creation and distribution. A primary component of this enabling environment is support for freedom of expression in all its forms - creative, political, social and economic expression. Expression allows people to connect and to build communities. It drives political movements, creative endeavors, economic growth and social discourse. It builds both social values and economic value, as commerce resulting from expression fosters innovation and creates jobs and economic growth. At Disney, we see this first hand in a wide variety of ways, including as an entertainment company creating and sharing stories for the world’s families, as a news organization accurately reporting on the daily, real life stories impacting people and communities, and as a technology innovator creating new products and services designed to bring stories and useful information to our customers in highly creative and innovative ways.

An enabling environment for content creation also entails the removal of Internet architecture barriers that have traditionally made it difficult for the proliferation of non-English content. Important progress has been made with the approval by ICANN of International domain names that accommodate non-Latin characters and diacritical markings such as accent marks. Since that action, 34 countries and territories have completed two of the three steps in the ICANN process, and those countries are free to delegate internationalized domain names. Further progress can be made with support from ISPs and domain name registrars and improved capabilities of browsers, email and account creation practices to be compatible with non-Latin characters. These technical barriers should continue to be identified and efforts to eliminate them encouraged.

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1 See Internationalized Domain Names, ICANN (2014), https://www.icann.org/resources/pages/idn-2012-02-25-en (describing that in 2009, ICANN approved a measure that allowed countries and territories to submit requests for Internationalized Domain Name country code Top-Level Domains (IDN ccTLDs) using non-Latin characters, and that in 2011, ICANN approved a generic TLD program that allows internationalized domain names into the root zone).

The development of trusted Internet infrastructure and services that encourage users to engage in e-Commerce will enable the creation of additional locally relevant content. A trusted environment includes appropriate privacy protections for users and creators, consumer protection infrastructure, secure payment platforms and intellectual property protection.

Consumer protection and the availability of secure payment mechanisms together with secure distribution platforms are critically important enablers for content creation. Although certainly not all online content is or should be commercial endeavors, there is no question that the infrastructure to allow users to easily purchase digital products, and responsible business practices protecting them when they do, spurs the availability of digital content. Viruses, malware and credit card fraud continue to threaten consumers, often as a result of visiting sites that pose as legitimate e-commerce sites. These enablers are necessary to support expansion of existing business models and encourage new, innovative ones. Indeed, the experimentation regarding content distribution models is virtually exploding – leading to dramatically more content available online in a wide variety of languages.

Intellectual property protection also is an important element of the enabling environment for content creation. In fact, effective protection of intellectual property supports greater content creation. In an August 2014 study of Bollywood, the authors compared the output of Bollywood in a period of high piracy with a period of a lower level of piracy. The period of high theft greatly reduced the number of Bollywood movie releases, as their ability to finance productions was reduced by the theft. The study concluded that “piracy can undermine the creation of new products.” A similar phenomenon also appeared in Korea. Supported, in part, by high penetration of broadband and fast connection speeds, piracy had a marked effect on the digital content market in South Korea where CD sales decreased by 71% from 2000 to 2007. Several studios withdrew from selling physical digital video locally at all. In 2009, the South Korean government approved pioneering anti-piracy legislation which encouraged and supported the music industry in South Korea and has given rise to a strong domestic content market. Since the enactment of that law, the OTT digital video market has grown from virtually nothing in 2009 to $26 million in 2013, with a projection of $45 million for 2014. In addition, Korean pop, or K-pop, music has its own YouTube channel which had more than 60 Million views in 2012.

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3 Consumer Policy Guidance on Mobile and Online Payments, OECD Digital Economy Papers, No. 236, at 4–5 (2014), available at http://www.oecd-ilibrary.org/science-and-technology/consumer-policy-guidance-on-mobile-and-online-payments_5jz432c1ms7-en;jsessionid=3gpp0afrrsem7.x-oecd-live-01 (reporting that “the development of innovative and easy-to-use mobile and online payment systems . . . has helped to support rapid growth in e-commerce,” and reitering the principle that “consumers who participate in electronic commerce should be afforded transparent and effective consumer protection that is not less than the level of protection afforded in other forms of commerce”).

4 http://www.industrytrust.co.uk/press-releases/the-bogus-features-lurking-behind-pirate-film-and-tv-sites/ (identifies the security threats to consumers from the most visited illegal film and TV sites)


Without the incentives for content creation created by an effective intellectual property framework, digital content creation will flag or -- worse for less connected countries -- never materialize.

Content production also requires creators with the necessary skills for digital content development and distribution. Adequate skills was identified as the number one barrier to local content creation by a panel of entrepreneurs from emerging markets that was organized by Disney and UNESCO at the Ninth Annual IGF Meeting in Istanbul in 2014. Those panelists spoke at a workshop entitled Building Local Content Creation Capacity: Lessons Learned and identified the ability to find, train and keep quality employees as the most critical issue in building a content creation business in developing economies. The issue is not limited to small entrepreneurs. Disney invests considerable resources in finding and developing digital content creators, and has even developed a state of the art training school in Singapore to support our need for highly skilled digital artists.

Question 4: How can accessibility be facilitated through increases in locally produced and relevant content in different languages?

A key to facilitating Internet accessibility, and thereby enabling global expansion of the Internet’s benefits, is encouraging the production of locally relevant content. Disney agrees with UNESCO and with the emerging consensus that the production of locally relevant content is part of a “virtuous cycle” that fuels increased access to the Internet. Specifically, people will increase substantially their use of the Internet if it contains content that they find relevant and accessible and, as more people adopt broadband, content creators will have greater incentives to deliver even more digital content. Demand for and adoption of broadband services drives investment in broadband infrastructure and results in lower prices, which then facilitates even greater adoption.

Beyond supporting development of and access to the Internet, policies which encourage the creation of locally relevant content support other societal benefits including the right to seek and receive information, and the right to participate in culture. Disney is committed to investing in and promoting locally relevant content, and it encourages a greater focus on the enabling environment for content creation so that the Internet, and the Information and Knowledge Society it enables, can be advanced.

To help people globally, UNESCO should adopt a broad view of “local content” which encompasses all content that local audiences and creators consider meaningful, interesting and

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relevant to their communities. In order to address the imbalance of digital content available online, this approach should include a focus on content in languages other than English and other languages well established on the Internet, regardless of where the content is produced or consumed. It should also include the encouragement of local creative industries that produce content irrespective if they are producing content targeted to local markets or for other markets.

For example, at the panel Disney and UNESCO organized at the Ninth Annual IGF Meeting in Istanbul in 2014 entitled Building Local Content Creation Capacity: Lessons Learned,9 entrepreneurs from emerging markets described their efforts building sustainable companies that produce content not just for local markets, but also for export. One panelist is building a company in Guatemala that creates app-based and social media content for Central American and US audiences. Another operates a company in South Africa that creates content for both Kenyan and South African audiences. In the global, mobile society we live in today, local language content can be produced anywhere in the world and serve a diaspora of speakers of any given language.10 In fact, access to the worldwide community of speakers of a language may be one of the economic keys to building sustainable, long term incentives for continued production of content in many of the world’s languages. These efforts to harness the Internet’s potential to access global markets should be encouraged as part of a local content development strategy.

The analysis also should encompass the range of types of content that make up a robust Internet ecosystem: professional content, including the full range of business models used to support content development from subscription services for feature films to supported creators on YouTube to webpages for small businesses; user generated content for which the creators choose not to be compensated; publically supported educational and cultural heritage content; and e-government related content. There are few clear lines between the various approaches content creators use to finance content creation in a fast-moving global economy where experimentation and partnerships are the norm. The “virtuous cycle” and wider society benefits are fed by each type of content, all of which helps to drive Internet accessibility.

To illustrate the various approaches that result in content creation in many languages, Disney can offer some examples relevant to our business. In fact, Disney contributes to the digital content ecosystem with content in about 75 different languages. We create movies, TV programming, games and e-books. The content is made all over the world and consumed by people all over the world. We bring the content to market through a variety of products, digital platforms and business arrangements, many tailored to the unique needs and tastes of local audiences.

9 Building Local Content Creation Capacity: Lessons Learned Workshop.
10 For example, iRokoTV is a subscription service for streaming Nigeria’s Nollywood films. It is often referred to as the “Netflix of Africa.” See iROKOTV Launches Subscription Service, BizCommunity.com (July 3, 2012), http://www.bizcommunity.com/Article/410/23/77895.html. The company was founded by Jason Njoku, who at the time was living in the United Kingdom. Ben Rooney, Nokia Signs Lumia Deal with Nigerian Movie Service, Wall Street Journal (Jan. 29, 2013), http://blogs.wsj.com/tech-europe/2013/01/29/nokia-signs-lumia-deal-with-nigerian-movie-service/. iRokoTV has offices in London and New York, and it recently partnered with the Finnish Nokia to launch a mobile app. Id.
Perhaps the most obvious example is the production of major feature length films that are usually first released in theaters and then made available on various online platforms. These movies’ international appeal relies heavily on investment in language localization. At Disney, we have invested in the in-house capability to provide authentic local language voices in films through a division called Disney Character Voices International. For example, the movie Frozen has been voiced in 41 languages -- often with star talent from the target markets such as Spanish pop singer Gisela, who voices the Castilian and Catalan versions, Naples-born singer and actress Serena Autieri (Italian), Netherlands musical theater star Willemijn Verkaik (German, Dutch), actress and pop singer Takako Matsu (Japanese), Mexican actress and singer Carmen Sarahi (Latin American Spanish), Malaysian reality TV star Marsha Milan Londoh (Malay) and Moscow jazz vocalist Anna Buturlina (Russian). Not all of Disney’s films are created in the United States. We participate and invest directly in creative industries in many markets. For example, we have invested in the ownership of UTV, a major studio in India dedicated to making video content for the Indian market. We have made the recent Book of Masters, a Russian-language, live-action movie with a Russian cast and Russian writers, directors, and producers. We have created live action films in China with Chinese talent for the Chinese market. Notably, both these films were subsequently brought to the US market. We also take shows successful in one market and license the story line and characters for re-versioning in other markets. For example, we have licensed Turkish versions of Desperate Housewives (Umutsuz Ev Kadınları), Private Practice (Merhaba Hayat), Revenge (Intikam). These shows are produced in Turkey, in Turkish, and with Turkish actors. Similarly, Disney’s ABC is currently adapting for the US market a version of a hit show from Korea, My Love from Another Star.

We create app based games for many markets. Club Penguin, our virtual world for kids, is available as a direct to consumer offering online and as an app. It is available in 6 languages.11 There are about 7 million active users on Club Penguin, half of which are outside the US.

Since Disney’s groundbreaking deal with iTunes in 2005 to offer audiovisual content online in the United States, there has been significant expansion in the global availability of online platforms. There are now over 400 unique online services around the world delivering full length films and TV shows.12

Question 6: What are the current and emerging challenges relevant to freedom of expression online?

There are serious threats to expression online. Challenges to online expression are linked to challenges offline, and often offline tools are employed to restrict expression online. Perhaps the most comprehensive assessment of threats to political expression online is compiled annually by Freedom House in its Freedom on the Net report which documents the expanding

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11 English, French, German, Portuguese, Russian, and Spanish.
12 Technology & Innovation, Motion Picture Association of America (2014), http://www.mpaa.org/technology-and-innovation/ (noting that “there are now over 400 unique online services around the world delivering full length films and TV shows”).
ways governments censor political speech online. The 2013 report highlights 60 countries, researching laws and practices related to digital media, testing the accessibility of websites from within the country and conducting individual interviews. The study documents that censorship efforts include not just laws, regulations and directives designed to restrict speech, but also arrests of individuals for something posted online; legal cases, harsh sentences and intimidation of social media users; misuse of laws designed for non-censorship purposes, such as child protection; service interruptions; and wholesale blocking of access to major content or communication platforms. These activities often are targeted towards expression criticizing sitting governments, but also include matters such as reporting on environmental pollution or corruption. Additional threats to expression are embodied through censorship of creative expression.

Theft of intellectual property also acts as a threat to expression by constraining creators’ ability to produce content. Intellectual property theft deprives content creators of the ability to make a living and the capital needed to invest in the creation of their content. In a developed economy such as the economy in the United States, the toll is significant: $58 billion in total output annually, more than 373,000 jobs, $16.3 billion in lost wages, and more than $2.6 billion in lost taxes. In a developing economy the toll is even greater - it means that content creators and a creative industry never get an effective foot hold to begin the virtuous cycle identified in UNESCO’s study. For example, in Nigeria, rampant piracy has effectively imposed a ceiling on Nollywood film production quality.

Without protection against censorship and other threats to free expression, local content providers will be less likely to use the Internet to produce, among many things, news reporting and creative content. Indeed, content creators must have freedom of expression to be encouraged to create; they must have a safe legal space to protect their work.

**Question 8: Is there a need for specific protections for freedom of expression for the Internet?**


15 The typical Nollywood movie has a very small production budget: from $25,000 to $50,000. See Andrew Rice, *A Scorsese in Lagos: The Making of Nigeria’s Film Industry*, New York Times Magazine (Feb. 23, 2012), available at [http://www.nytimes.com/2012/02/26/magazine/nollywood-movies.html](http://www.nytimes.com/2012/02/26/magazine/nollywood-movies.html). Therefore, even though Nigeria produces more than a thousand movies each year, they are seldom seen outside of Africa. *Id.* One reason for the low production quality of Nollywood films is rampant piracy. *Id.* (reporting that “[i]n Nigeria, an estimated 5 to 10 illegal VCDs are sold for every legitimate one, and the police make no serious effort to deter the trade”). *Id.* “In Nigeria, moviemakers must sell a huge volume of discs, very quickly, in order to turn a profit. Pirates . . . almost immediately rip off any popular new release. So the black market effectively sets everyone’s prices.” *Id.* In fact, piracy and inexpensive duplication cost the Nigerian film industry an estimated $20 million a year. John O. Ogbor, *Entrepreneurship in Sub-Saharan Africa: A Strategic Management Perspective* 243 (AuthorHouse 2009) (“This kind of revenue loss stifles innovation, frustrates creativity, and above all, denies local entrepreneurs, producers, artists and writers the revenue needed to meet international standards.”).
Although rights online are the same as rights offline, the way those rights are executed and protected online may require different measures. A particular area of challenge with respect to the protection of expression online is the implementation of the legitimate limits on expression and protection against limits that lack such legitimacy. There are longstanding legitimate limits to expression when the expression in question infringes on the rights of others. If online and offline rights are the same, it stands to reason that the limitations on rights consistent with the international human rights regime offline are appropriate online as well. There has been thoughtful discussion regarding the criteria for implementing those limits online including that restrictions be based in law, be consistent with international human rights standards, be narrowly tailored and proportionate, and be transparent. Restrictions should never be applied to political speech.

In developing policies or practices for the Internet, all stakeholders should support the basic rights and protections that are expected in the physical world and promote the Internet as a tool to advance fundamental human rights. The digital space should be a safe one, where users and content producers alike are confident in basic principles of freedom of expression and rule of law. Having a safe digital space—like having a safe offline space—is critical.

Questions 10 and 11: What are the optimum ways to deal with online hate speech? How can Media and Information Literacy empower users to understand and exercise freedom of expression on the Internet? What are the optimum systems for independent self-regulation by journalistic actors and intermediaries in cyberspace?

Dealing with hate speech is an excellent example of where an ethic of accountability, implemented through responsible practices of intermediaries, can advance a global Internet that benefits all. Building a strong, safe and sustainable Internet requires active participation in promoting the trust, safety and security of all users. The Internet’s positive potential will be realized fully when stakeholders in its success make efforts to understand predictable harms and take reasonable steps to avoid or mitigate them.

Vint Cerf calls it a fundamental issue that “technology creators” have a responsibility “themselves to support human and civil rights.” He argues that “engineers have not only a tremendous obligation to empower users, but also an obligation to ensure the safety of users online . . . [and] [a]s we seek to advance the state of the art in technology and its use in society,

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we must be conscious of our civil responsibilities in addition to our engineering expertise.”

Cerf articulates well a principle of accountability that calls on innovators to embrace the responsibility to optimize economic and social good while mitigating destructive impacts.

Intermediaries have a critical role in addressing hate speech and other threats to expression by prohibiting them on their platforms and establishing practices for reporting and removal of violations. As is the case with other practices that implement legitimate limits on expression, intermediaries’ practices should be consistent with international human rights standards, narrowly tailored and proportionate, transparent.

UNESCO is correct in also identifying the important role of Media and Information Literacy in addressing hate speech and other ethical dimensions of online behavior. At Disney we hold ourselves accountable for building user trust and safety into the products we create. For example, we attribute a considerable part of the success of the Club Penguin service to the ethic of “fun for everyone” that is built into the service. Club Penguin is focused on 6-11 year olds and incorporates a strong commitment to implementing a responsible code of behavior into the virtual world. Players are given simple rules upon joining the world, e.g., “treat people how you want to be treated,” and the mechanics of the virtual world reinforce those rules with practical consequences. Technical filters filter out inappropriate communication, human moderators complement the technical filters, players can report behavior and a built-in ignore feature allows players to completely disengage with any player at any time. Players who are abusive or upsetting can have their play restricted for periods of time. We believe this approach not only keeps Club Penguin fun for everyone, but also establishes behavioral norms that the young players can take with them as they age and move to the wider Internet.

We, and many other industry players, partner with organizations all around the world to promote this kind of digital citizenship. Disney partners with Chicos.net in Latin America, for example, to provide school based and online training to teachers, parents and kids on a range of issues related to media literacy including online safety, bullying and protecting privacy. Through other partners we support digital citizenship training and materials for kids, parents and teachers in North America and Europe.

Questions 28 and 29: What might be the options for the role of UNESCO within the wider UN system in regard to the distinct issues of online access to information and knowledge,

freedom of expression, privacy and ethical dimensions of the information society? What might be options for the role of UNESCO in relation to stakeholders outside the UN system such as individual governments, Internet companies, civil society and individual users, in regard to the distinct issues of online Access to information and knowledge, Freedom of Expression, Privacy and Ethical dimensions of the information society?

UNESCO is in a unique position to understand the barriers to and build capacity for content creation on the Internet, particularly as it relates to linguistic diversity, the preservation of cultural heritage, media literacy, and digital citizenship. The benefits of robust content creation capabilities for expanded access to the Internet are clear and important, but they are not the only benefits. Increased abilities to create content will advance UNESCO’s broader goals for the “wide diffusion of culture” and progress towards the Knowledge Society. Increased abilities to create content also will increase the likelihood of documenting cultural heritage, through commercial endeavors or should countries wish to publicize such cultural heritage to scholars or to the public at large. UNESCO can make a major contribution by encouraging creativity and creative industries, and working with creative industries in skills development. Disney, as do other companies, academic and civil society organizations, conducts many efforts to identify and encourage emerging content creators. For example, Disney conducts a Disney Accelerator program that selects promising early stage entertainment and media technology companies through a global application process to participate in a 15-week immersive program that gives these companies senior Disney Executives as mentors, investment capital and access to Disney resources. Disney has also conducted an app contest in Indonesia in conjunction with Badung University to encourage content development in Indonesia. UNESCO can identify and leverage these kinds of efforts.

UNESCO should consider continuing its academic work by pursuing some additional questions. Specifically it could expand its 2011 study, The relationship between local content, Internet development and access prices,” to understand the role of professionally produced content, that is content for which the creator seeks to be compensated in some manner, on the virtuous cycle identified in the report. The study could be further expanded to explore the relationship between content availability and additional aspects of the Internet ecosystem such as device and distribution platform availability and prices. It would be particularly interesting to look at the role of video content, which drives so much of the device innovation and broadband investment. UNESCO also could look at the availability of e-commerce infrastructure, such as payment systems and the availability of distribution platforms, and its impact on the creation and linguistic diversity of content. Disney encourages UNESCO to further study the relationship between content creation and freedom of expression in order to gain a deeper understanding of the importance of policies and practices that promote free expression.

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22 Disney Accelerator, Disney, http://disneyaccelerator.com/ (explaining that the Disney Accelerator “help[s] today’s technology innovators turn their dreams for new media and entertainment experiences into reality”).
23 ITB Apprentice Awards, The Badung Institute of Technology, http://www.itb-apprentice-awards.com/ (announcing a competition for the best mobile application developed by a student in Indonesia aged 18-25 to “celebrate[] the creative works of aspiring animators and digital innovators”).
Finally, UNESCO can support these critically important policies and endeavors by continuing to be a strong voice within the United Nations system in support of continuing the Internet Governance Forum where all of these policies can be discussed and understood by virtually all of the people of the world.