

The Information Policy Lab Syllabus - Fall 2022

August 23 - Mapping the Digital Information Ecosystem

This class will include an overview of the syllabus, course expectations, class structure and deliverables, and a general introduction to the problem students will be working on, followed by an introductory overview of the role of the news media in a democracy, the platform governance space, the platformization of journalism and the challenges and opportunities that emerged amid the spread of the Internet and social media platforms. Students will learn key concepts and players and gain familiarity with the technological aspects that impact the viability and visibility of news online, including algorithmic design, artificial intelligence and network effects. In addition to equipping students with the tools to develop their project ideas, and to engage with external stakeholders, this class will provide an introduction to the life-cycle of a policy-centric advocacy campaign, including the role that civil society, private sector actors, government regulators, and other institutions play in determining how the digital space is governed.

Readings: [70 pages]

- Paul Starr, *An Unexpected Crisis: The News Media in Postindustrial Democracies*, 17:2 Int. J. Press Polit. 234, <https://journals.sagepub.com/doi/10.1177/1940161211434422> [8 pages]
- OECD, *Competition Issues Concerning News Media and Digital Platforms*, (Dec., 2021), <https://www.oecd.org/daf/competition/competition-issues-concerning-news-media-and-digital-platforms-2021.pdf> [6-13, 27-37; 16 pages]
- Kate Klonick, *The New Governors: The People, Rules, and Processes Governing Online Speech*, 131 Harv. L. Rev. 1598, 1616-1662, (2018), https://harvardlawreview.org/wp-content/uploads/2018/04/1598-1670_Online.pdf [46 pages]
- Skim Nic Newman et al., *Digital News Report*, Reuters Institute (2022). <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2022>

August 30 - The Platform/Information Economy

This class will begin with a discussion of the platform economy, the role of algorithms and platform law, and an overview of the advertising and surveillance ecosystem and geopolitical dynamics. Students will then learn about how this economic logic impacts news media in different countries, and social media's broader impact on journalism, as well as presenting contrasting approaches for interpreting the networked society.

Readings: [70 pages]

- Emily Bell & Taylor Owen, *The Platform Press: How Silicon Valley Reengineered Journalism*, Tow Center for Digital Journalism (2017), https://www.cjr.org/tow_center_reports/platform-press-how-silicon-valley-reengineered-journalism.php. [approx 30 pages]

- Fiona S. Morton et al., *Protecting Journalism in the Age of Digital Platforms: Committee for the Study of Digital Platforms Market Structure and Antitrust Subcommittee*, George J. Stigler Center for the Study of the Economy and the State, 11-34, (Jul. 1, 2019), <https://research.chicagobooth.edu/-/media/research/stigler/pdfs/market-structure-report.pdf?la=en&hash=E08C7C9AA7367F2D612DE24F814074BA43CAED8C>. [23 pages]
- Courtney Radsch, *Making Platforms Pay for the News they Use*, Center for International Media Assistance (Jul., 2022), <https://www.cima.ned.org/publication/making-big-tech-pay-for-the-news-they-use/> [17 pages].

OPTIONAL

- Tech For Good, *The Platform Economy: Southeast Asia's Digital Growth Catalyst*, (2021), https://techforgoodinstitute.org/wp-content/uploads/2021/10/UPDATED_TFGI-Bain_Full-Report.pdf

Week of September 6 - News media perspectives on platformization / Group Meeting 1

This class will take place in two parts. Students will attend a mandatory, one-hour panel session, currently scheduled for Wednesday September 7 from 12 pm - 1 pm, featuring three external stakeholders who are on the front lines of emerging law and policy debates related to the platformization of journalism. Separately, the instructors will schedule a meeting with each research team to map out their assignment for the course.

Speaker 1- Dave Chavern, News Media Alliance

Speaker 2 - Mathew Ingram, CJR

Speaker 3 - Julia Angwin, The Markup

Readings: [57 pages]

- Ethan Zuckerman, *The Case for Digital Public Infrastructure. The Tech Giants, Monopoly Power, and Public Discourse.*, Knight First Amendment Institute at Columbia University, (2020), <https://s3.amazonaws.com/kfai-documents/documents/7f5fdaa8d0/Zuckerman-1.17.19-FINAL-.pdf>. [34 pages]
- Julian Thomas, *Programming, Filtering, Adblocking: Advertising and Media Automation*, 166:1 Media Int. Aust. 34, (Feb. 2018), <https://doi.org/10.1177/1329878X17738787>. [8 pages]
- James Meese & Edward Hurcombe, *Facebook, News Media and Platform Dependency: The Institutional Impacts of News Distribution on Social Platforms*, 23:8 New Media & Soc. 2367, (August 2021), <https://doi.org/10.1177/1461444820926472>. [15 pages]

September 13 - Assessing government responses #1 [Licensing and copyright; Antitrust/collective bargaining for media outlets]

In this class, we will analyze different regulatory approaches worldwide aimed at adjusting the relationship between the news and tech industries through licensing and copyright. We will also discuss new legal regulatory approaches in the EU, Australia, and Canada, with a particular focus on how competition and intellectual property law are harnessed, as well as redistributive actions relying on new taxation regimes. We will analyze each of these approaches, including jurisdictional challenges, key contextual factors, and evidence of their immediate impacts. The class will also include consideration of what type of data and transparency are needed to craft such regulations effectively.

Readings: [45 pages]

Copyright:

- Silvia Scalzini, *The New Related Right for Press Publishers: What Way Forward?*, in Handbook of European Copyright Law (Eleonora Rosati ed., Forthcoming), <http://dx.doi.org/10.2139/ssrn.3664847> [18 pages]
 - AND EU, Directive 2019/790 on copyright and related rights in the Digital Single Market (2019), arts 15-17 <https://eur-lex.europa.eu/legal-content/en/TXT/HTML/?uri=CELEX:32019L0790#d1e1371-92-1> [1 page]

Taxation

- Bill C-18, *An Act respecting online communications platforms that make news content available to persons in Canada*, 1st Sess., 44th Parl., 2022, s. 1-44, <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-18/first-reading> [7 pages]

Collective Bargaining:

- Katharine Trendacosta & Danny O'Brien, *An Antitrust Exemption for News Media Won't Take Us Back to the Time Before Big Tech*, EFF (Mar. 17, 2021), <https://www.eff.org/deeplinks/2021/03/antitrust-exemption-news-media-wont-take-us-back-time-big-tech> [approx 3 pages]
- Mark Scott, *Coronavirus Crisis Shows Big Tech for What It Is — a 21st Century Public Utility*, Politico (Mar. 25, 2020, 6:30 AM), <https://www.politico.eu/article/coronavirus-big-tech-utility-google-facebook/> [1 page]
- Australian Competition Commission, *Mandatory news media bargaining code Concepts paper*, 3-4, 7-15 (May 19, 2020), <https://www.accc.gov.au/system/files/ACCC%20-%20Mandatory%20news%20media%20bargaining%20code%20-%20concepts%20paper%20-%202019%20May%202020.pdf> [9 pages]
- Nic Fildes, *Australia's media thrives after forcing Big Tech to pay for content*, (Mar. 10, 2022), <https://www.ft.com/content/80db14de-8268-4356-b7fe-a184f319f331> [1 page]
- Bill Grueskin, *Millions of Dollars for News, Shrouded in Mysterious Deals*, The Judith Neilson Institute, (Mar. 10, 2022), <https://jninstitute.org/news/millions-of-dollars-for-news-shrouded-in-mysterious-deals/>

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- Michael Geist, *Episode 127: Lucie Guibault on Canada's Approach to Copyright Term Extension*, Law Bytes, (Mar. 2, 2022), <https://lawbytes.castos.com/podcasts/1553/episodes/episode-127-lucie-guibault-on-canada39s-approach-to-copyright-term-extension> [26min];

- Taylor Owen, *Rod Sims on Australia's New Law to Rebalance Media Power - Centre for International Governance Innovation*, Big Tech, (Mar. 1, 2021), <https://www.cigionline.org/big-tech/rod-sims-australias-new-law-rebalance-media-power/> [30 mn].
- Rod Sims, *The logic behind Australia's News Bargaining Code*, VOX EU (Jun. 24, 2022), <https://voxeu.org/article/logic-behind-australia-s-news-media-bargaining-code#:~:text=Australia's%20news%20media%20bargaining%20code%20has%20been%20successful%20in%20achieving,digital%20platforms%20of%20Big%20Tech>
- Cory Doctorow, *A Cycle of Renewal, Broken: How Big Tech and Big Media Abuse Copyright Law to Slay Competition*, EFF (Aug. 19, 2019), <https://www.eff.org/deeplinks/2019/08/cycle-renewal-broken-how-big-tech-and-big-media-abuse-copyright-law-slay>
- Mark MacCarthy, *Two ways to improve Senator Klobuchar's needed antitrust legislation*, Brookings (Feb. 8, 2022), <https://www.brookings.edu/blog/techtank/2022/02/08/two-ways-to-improve-senator-klobuchars-needed-antitrust-legislation/>
- Lionel Bently et al., *Strengthening the Position of Press Publishers and Authors and Performers in the Copyright Directive*, EU PE 596.810, (Sep., 2017), https://www.europarl.europa.eu/RegData/etudes/STUD/2017/596810/IPOL_STU%282017%29596810_EN.pdf
- Timothy Karr & Craig Aaron, *Beyond Fixing Facebook*, Free Press (Feb. 2019), <https://www.freepress.net/sites/default/files/2019-02/Beyond-Fixing-Facebook-Final.pdf>
- Amanda Meade, Josh Taylor & Daniel Hurst, *Facebook reverses Australia news ban after government makes media code amendments*, (Feb. 23, 2021), <https://www.theguardian.com/media/2021/feb/23/facebook-reverses-australia-news-ban-after-government-makes-media-code-amendments> [on the bargaining power of platforms] [approx 3 pages]

September 20 - Assessing Platform Responses

This class will explore platform-centric programs to support news media, such as the Google News Initiative and the Meta Journalism Project. We will discuss the role of platforms in supporting quality information, how this varies globally, and the conflicting interests at stake, particularly in light of the expanding resource demands related to resolving content challenges, and the concomitant growth of calls for transparency and accountability mechanisms.

Readings: [23 pages]

- Google, *How Google supports journalism and the news industry*, (2022), <https://blog.google/supportingnews/#overview> [approx 1 page]; and Google, *Google News Initiative 2021 Impact Report*, (2022), <https://newsinitiative.withgoogle.com/impact2021/> [approx 3 pages]
- Fidji Simo, *Introducing the Facebook Journalism Project*, Meta for Media (Jan. 11, 2017), <https://www.facebook.com/journalismproject/introducing-facebook-journalism-project> [approx 2 pages]
- Adam Satariano, *France fines Google \$593 million for not negotiating 'in good faith' with news publishers*, N.Y. Times (Jul. 13, 2021)

<https://www.nytimes.com/2021/07/13/business/media/google-france-news-content-fine.html> [1 page]

- Stephanie Valencia, *Social media misinformation is bad in English. But it's far worse in Spanish.*, Wash. Post (28 October 2021), <https://www.washingtonpost.com/outlook/2021/10/28/misinformation-spanish-facebook-social-media/> [2 pages]
- Casey Newton, *The Tier List: How Facebook Decides Which Countries Need Protection*, The Verge (25 October 2021), <https://www.theverge.com/22743753/facebook-tier-list-countries-leaked-documents-content-moderation> [2 pages]
- Courtney C. Radsch, *The Politics of Labels: How Tech Platforms Regulate State Media*, in 2020 Annual Report: Dynamic Coalition on the Sustainability of Journalism and News Media, (Daniel O'Maley et al. eds., 2020), <https://gfmd.info/h-content/uploads/2021/11/DC-Sustainability-Annual-Report-2020-FINAL-gfmd.pdf>. [12 pages]

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- Annenberg School of Communication, *Ukraine and Content Moderation for News Media Sustainability*, YouTube, (Mar. 24, 2022), https://www.youtube.com/watch?v=YD2EB7rAUvU&list=PLQIZwllJ41_Dc5DS-tUBUP1ckSA3M3Cj_W&index=3&t=41s [1 hour]

September 27 - Assessing Government Responses #2 [The advertising economy: antitrust and transparency-based solutions]

This class will be devoted to analyzing proposed government responses aimed at market imbalances in the advertising economy through antitrust law as well as through improving transparency in this sector.

Readings: [58 pages]

- Will Oremus, *The Big Lie behind the 'Pivot to Video*, Slate, (Oct. 18, 2018) <https://slate.com/technology/2018/10/facebook-online-video-pivot-metrics-false.html> [approx 2 pages]
- EU, Digital Services Act, (2022), arts 24, 26-27, 30-31, https://www.europarl.europa.eu/doceo/document/TA-9-2022-0269_EN.pdf ; AND EU, Code of Practice on Disinformation, (2022), 4-9, <https://digital-strategy.ec.europa.eu/en/policies/code-practice-disinformation> ; *SKIM* EU, *Digital Markets Act (Adopted Version)* arts 5-7; [approx 5 pages]
- Laura Edelson et al., *A Standard for Universal Digital Ad Transparency*, Knight First Amendment Institute at Columbia University, 37-42, (Dec 9th, 2021) <http://kfai-documents.s3.amazonaws.com/documents/68412d1a86/12.8.21-Edelson.pdf> [5 pages].
- Cory Doctorow, *Newspapers vs Big Tech: Antitrust Tackles the Problems That Copyright Just Can't Fix*, EFF (Dec 9th, 2021), <https://www.eff.org/deeplinks/2021/12/newspapers-vs-big-tech-antitrust-tackles-problems-copyright-just-cant-fix>. [Aprox 2 pages]
- UK Competition & Markets Authority, *Online platforms and digital advertising*, 21-30, (Jul. 1, 2020),

https://assets.publishing.service.gov.uk/media/5fa557668fa8f5788db46efc/Final_report_Digital_ALT_TEXT.pdf [9 pages]

- *SKIM* Australian Competition & Consumer Commission, *Digital advertising services inquiry - Final report*, 143-176, (Aug 2021), <https://www.accc.gov.au/system/files/Digital%20advertising%20services%20inquiry%20-%20final%20report.pdf> [33 pages]
- *Draft US, Competition and Transparency in Digital Advertising Act*, 2nd Sess. 117th Congr., [10 pages], <https://www.lee.senate.gov/services/files/7384B096-04C3-4A3A-9796-80D22483026F>
- Courtney Radsch, *Technology is Not Neutral. The Russian Invasion of Ukraine Made That Clear*, Newsweek (Mar. 14, 2022), <https://www.newsweek.com/technology-not-neutral-russian-invasion-ukraine-made-that-clear-opinion-1687385> [approx 2 pages]
- Heidi Tworek & Alicia Wanless, *Time for Transparency From Digital Platforms, But What Does That Really Mean?*, Lawfare, (Jan. 20, 2022), <https://www.lawfareblog.com/time-transparency-digital-platforms-what-does-really-mean>. [2 pages].
- Eric Goldman, *The Constitutionality of Mandating Editorial Transparency*, 73 Hastings L.J. 1203, 2022, <https://papers.ssrn.com/abstract=4005647>. [26 pages]

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- Corbin Barthold, #296 *The Antitrust Crusade Against Big Tech*, Tech Policy Podcast, <http://podcast.techfreedom.org/e/296-the-antitrust-crusade-against-big-tech/> [37 min];
- Mathias Vermeulen, *The Digital Services Act: How is Europe Planning to Regulate Tech?*, Tech Policy Press (Apr. 23, 2022), <https://techpolicy.press/the-digital-services-act-how-is-europe-planning-to-regulate-tech/>
- Max Van Drunen et al., *New actors and risks in online advertising*, Council of Europe (2022), <https://rm.coe.int/iris-special-1-2022en-online-advertising/1680a744d7>
- Ivar A. Hartmann, *Combining Ad Libraries with Fact Checking to Increase Transparency of Misinformation*, in *Tackling the “Fake” Without Harming the “News”* (Michael Karanicolas ed., 2021), https://law.yale.edu/sites/default/files/area/center/isp/documents/yalelawschool_whitepaper_misinformation_v4.pdf
- Tim Hwang & Moira Weigel, *Databite No. 137: Adtech and the Attention Economy*, Data & Soc., (Oct. 15, 2022), <https://datasociety.net/library/adtech-and-the-attention-economy/>

Week of October 5 - Companies’ Stakeholder Panel

This class will also include both a mandatory, one-hour panel session, currently scheduled for Wednesday October 6 from 12 pm - 1 pm, featuring three stakeholders from online platforms, as well as a second set of individual meetings with each research teams.

In this second stakeholder discussion session, we will feature 2-3 guest speakers who work within the tech sector on information integrity, trust and safety, public policy, and stakeholder engagement teams at platforms. The speakers will provide an introduction to the public policy challenges that they grapple with, as well as insight into how they navigate national and

international legal regulatory regimes and values systems values and tensions are balanced. in addressing these problems, and, including how they engage with the public and civil society. In addition to providing students with a practical introduction to the policy challenges in this space, the session will provide practical guidance on law and policy advocacy in a private sector context. It will also introduce students to the practical tensions and tradeoffs involved with approaching tech policy challenges from a private sector perspective which, unlike working in civil society, may require advocates to represent perspectives or priorities which differ from their own.

Speaker 1 Sarah Shirayzan (Facebook)

Speaker 2 Richard Gringas (Google) (Kate Sheerin??)

Speaker 3 Yoel Roth or Nick Pickles (Twitter)

Readings:

- Patricia Campos Mello, *An Unholy Coalition Torpedoes Social Media Reform Legislation in Brazil*, Poynter, (May 17, 2022), <https://www.poynter.org/business-work/2022/an-unholy-coalition-torpedoes-social-media-reform-legislation-in-brazil/>. [approx 4 pages]
- Upadhyay, Payaswini. “Google Vs Digital News Publishers: Competition Regulator Directs Investigation.” BloombergQuint, January 8, 2022. <https://www.bloombergquint.com/law-and-policy/google-vs-digital-news-publishers-competition-regulator-directs-investigation>. (Approx 2 pgs]

October 11 - External Stakeholder Panel #3

This class will also include both a mandatory, one-hour panel session, currently scheduled for Wednesday October 12 from 12 pm - 1 pm, featuring three stakeholders from regulatory agencies considering this problem, and a third set of individual meetings with each research team.

The third stakeholder discussion session will introduce various approaches to regulation by featuring 3 guest speakers from government regulatory or self/co-regulatory bodies such as the CRTC. The conversation will revolve around the specific thematic policy challenges that these institutions engage with, as well as practical information on tech policy lawyering in different regulatory contexts.

Speaker 1 - Someone from Canadian government (Melanie Jolie? Philippe Rodriguez?)

Speaker 2 - Rep Cicilline or FTC , Sen Klobuchar

Speaker 3 EU

October 18 - Drafting Workshop 1

The first half of this class will consist of short presentations, where students will lead a discussion of their early findings and conclusions for peer feedback. The second half of this class will consist of a drafting workshop, helping students to refine and improve their messaging and policy direction to maximize potential impact.

Readings: [54 pages]

- Deborah Stone, *Causal Stories and the Formation of Policy Agendas*, 104:2 Polit. Sci. Q. 281 (1989), <https://www.uvm.edu/~dguber/POLS293/articles/stone.pdf>. [18 pages]
- Eugene Bardach, *Assembling Evidence*, in *A Practical Guide for Policy Analysis*, 11-16 (6th ed., 2011), <https://us.sagepub.com/en-us/nam/a-practical-guide-for-policy-analysis/book255357#contents> [5 pages].
- Yana Breindl, *Assessing Success In Internet Campaigning*, 16 Inf. Commun. Soc. 1419 (2013), <https://www.tandfonline.com/doi/full/10.1080/1369118X.2012.707673> [17 pages].
- João Tiago Silveira & Diana Ettner, *Legislative drafting tools preventing arbitrariness in discretionary powers*, 7:2 Theory Pract. Legis. 153 (2019), <https://www.tandfonline.com/doi/full/10.1080/20508840.2020.1729552> [14 pages].

October 25 - Drafting Workshop 2

This class will continue the discussion of effective policy and advocacy writing, and guide students towards how to ensure their recommendations are clear, concise, and actionable, as well as how to consider possible stakeholder responses to different recommendations, and avenues to nullify objections and balance competing priorities.

November 1 - Introduction to Effective Policy Advocacy

This class will introduce students to the basics of tech policy campaigning, including the relationship between policy and communication, how to craft an effective message, and the development of realistic and defined advocacy goals.

Readings: [27 pages]

- Sarah Stachowiak, *Pathways for change: 6 Theories about How Policy Change Happens*, ORS, www.pointk.org/resources/files/pathways_for_change_6_theories_about_how_policy_change_happens.pdf. [14 pages]
- Meg Young, Lassana Magassa & Batya Friedmann, *Toward inclusive tech policy design: a method for underrepresented voices to strengthen tech policy documents*, 21:89 Ethics and Information Technology 103, <https://link.springer.com/content/pdf/10.1007/s10676-019-09497-z.pdf> [13 pages]
- News Media Alliance, *The Effects of the Ancillary Right for News Publishers in Spain and the Resulting Google News Closure*, (Nov., 2019), https://www.newsmediaalliance.org/wp-content/uploads/2019/10/Final-Revised-Spain-Report_11-7-19.pdf. [3 pages]

EXAMPLES OF POLICY BRIEFS/ADVOCACY PAPERS:

- Article 19, *Response to the European Commission's public consultation for European Media Freedom Act*, (Mar. 20, 2022), https://www.article19.org/wp-content/uploads/2022/03/A19_MFA-submission_March-2022_Final.pdf [13 pages]

November 15: Charting a Path Forward

The purpose of this class will be to revisit key concepts in light of what the students have learned from their work over the term. In particular, it will allow space for discussion of how to connect their policy ideas to the various stakeholders that they have been introduced to over the term, and developing an avenue for continued engagement in this space, and to provide an opportunity for learning and reflection on the analytical, communications, and advocacy skills developed throughout the class. Students will have the opportunity to discuss their ideas in view of the final term project presentations.

November 22: Final Term Project Presentations

At the end of the term, students will lead a project presentation on their work, to solicit peer and instructor feedback before finalization. It will also include a mock-interview component, designed to allow students to practice how to present their ideas in a media-friendly way.