

Beyond Borders

Implications of ICT evolution on trade

Peter Lovelock

Director, TRPC

HCM City, Vietnam

June 2011

Trade Issues

Digitization & web boom in the past two decades led to the evolution of IP issues

Challenge of digitised media, Internet distribution

Internet has generally enjoyed “light touch”

What about Internet content?

New business models gaining strength

Cloud computing

Streaming music & video, e-books, online storage

Social media: recommendations, sharing, re-mixing

Impact upon developer communities and local adoption?

Cloud Computing: Key Attributes

Key attributes that distinguish cloud computing from conventional computing

Abstracted and offered as a service

Built on a massively scalable infrastructure

Based on dynamic, elastic, flexibly configurable resources that enables rapid provisioning

Shared and multi-tenanted resources (hardware, memory, database)

Easily purchased and billed by consumption

Self-service based usage model

Accessible over the Internet by any device

Cloud Computing, Why Now?

Commoditized Bandwidth, Commoditized Access, Commoditized Storage

Trade Issues

Issues of flexibility and relevance of IP regimes are well covered?

Safe harbour and fair dealing provisions.

Secondary liability, etc.

Issues of interoperability, standards, portability

Cloud computing, in part, has implications for the way agreements are applied and enforced

For innovation and national development

For companies operating regionally and exploiting economies of scale to move up the value chain

For inward foreign investment

Within the border

Applicability of regs on *new and emerging biz models* brought by ICT advancements.

How to regulate next-gen IT services?

Eg, data sovereignty and security, privacy and IP issues.

Impact on national development

Cloud as future of IT and as driver of business development

Utilizing cloud to climb value chain and leapfrogging traditional IT infra in growth of business; great for SMEs

Flexibility on investment provisions incl. tech transfer & local content requirements to attract investments in the ICT sector

Cloud Computing: Benefits

Microeconomic

Choice and Flexibility

Cost Savings and Efficiencies

Greater Computing Power and Latest Technologies

New Platforms for Innovation

Macroeconomic

Wealth Creation

Innovation

Jobs

Address societal challenges

Beyond the border

More legal certainty req'd for next gen IT services

Within economies and *between* economies.

It's often unclear whose law applies at any given moment.

The degree of flexibility of IP regimes

Transparency and equivalency of standards relating to IP and even data protection.

How to balance interest of rights holders and consumers; technology importing countries and tech exporting countries?

Policy/Regulatory Interoperability

Internet has enjoyed 'light touch' regulation

Data is becoming 'stateless':

- Cross platforms

- Cross providers

- Cross borders

Increasing 'control' over data means more clarity is needed:

- Developers need certainty to build globally relevant applications

- Customers need confidence that their data – and identity – is protected

- Service providers need clarity to build the platform & infra for the cloud

How reg & legal frameworks 'interoperate' becomes critical

Questions?

Contact: peter@trpc.biz