

# Berlusconi moves to impose Internet regulation

22 January 2010, By COLLEEN BARRY , AP Business Writer

(AP) -- Silvio Berlusconi is moving to extend his grip on Italy's media to the freewheeling Internet world of Google and YouTube.

Going beyond other European countries, the premier's government has drafted a decree that would mandate the vetting of videos for pornographic or violent content uploaded by users onto such sites as [YouTube](#), owned by [Google](#), and the France-based Dailymotion, as well as blogs and online newsmedia.

Google, press freedom watchdogs and telecom providers are among those pressing for changes in the draft to prevent the fast-track legislation from taking effect as early as Feb. 4. They say the decree would erode freedom of expression and mandate the technically burdensome - maybe even impossible - task of monitoring what individuals put on the Internet.

Reporters Without Borders Media says the measures could force Web sites to obtain licenses to operate in Italy.

The 34-page decree mandates vetting of any content harmful to minors, specifically pornography or excessive violence, and would require telecoms providers to shut down any Internet site not in compliance, or face fines ranging from euro150 to euro150,000 (\$210 to \$210,960).

The draft says it would be handled by "an authority," without elaborating, raising questions about among media freedom advocates about how it could be implemented.

Reporters Without Borders said in a statement this week that the draft proposal as written "pose yet another threat to freedom of expression in Italy."

The draft was written in mid-December, just around the same time the media empire founded by Berlusconi announced it was seeking at least

euro500 million (US\$779 million) in damages against YouTube and Google for allegedly misusing video it produced. The move is in response to a 2007 [European Union](#) directive to set up media rules, but only Italy has taken the directive to mean putting Internet companies in the hotseat.

The decree also inherently challenges the YouTube business model, shared by other hosting platforms, of allowing users to upload video without being controlled - the principle at the center of the Milan trial of four Google executives charged with defamation and violating privacy for allowing a video to be posted online showing an autistic youth being abused. Google says it removed the video as quickly as it could. A verdict is expected in the coming weeks, with the executives facing possible jail sentences.

The decree could also provide a tool to swiftly deal with hate groups, like those praising Berlusconi's attacker that mushroomed on Facebook after Berlusconi was struck by a man wielding a statue of Milan's cathedral.

Carlo Carnevale Maffe, an Internet economist at Milan's Bocconi University, argues that Internet must be regulated like other economic platforms or big companies will retain a monopolistic grip and keep getting bigger and more powerful.

"I cannot consider YouTube as a benefactor of mankind. I must consider YouTube as a company," Maffe said. "Google and the Internet live without regulation worldwide. This is impossible and we need to clear what are the limits of this new platform. We need to upgrade the legal platform to make sure the Internet is not blocked from innovation, but to give fair competition to the Internet."

Google's concern is that the decree takes aim at user-generated content, which drives YouTube, that is by its nature not managed in the same way

as TV network content is. That was not the intention, Google argues, of the EU directive that Italy has taken to include Internet controls.

"If I am the BBC and I am using the web to broadcast my IPTV (Internet protocol TV), I am in the scope of the directive. If I am a user posting on YouTube video of my son's birthday, I am not under the scope of the directive," Marco Pancini, European senior policy counsel of Google Italia, said in an interview Friday before testifying on the decree before an Italian parliamentary committee.

Pancini was quoted earlier this week as telling Italian media that it would "destroy the Internet," but he said Friday that after meeting with drafters this week that he was convinced they were open to amending the decree.

Pancini was testifying along with the Italian associations for Internet and telecommunication providers as well as the national press and music federations. Pancini said he expected parliament to return the draft with changes next week, delaying implementation.

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