Beyond Borders
Implications of ICT evolution on trade

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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 partic, 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

Impacts both consumers and businesses
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?
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?
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