

INDEX

- abbreviations list, xvi–xviii
- access to information
 - as fundamental right, 19–21, 196–199, 201
 - search engine facilitation, 199, 202–203
 - user’s rights as, 200–201
- accountability
 - corporate social responsibility, 77
 - Internet Watch Foundation, 132, 158–161
 - private governance, 40
- ACLU v. Reno*, 3
- Africa blocking access, 5
- Afrimex vs. Global Witness, 272
- Agha-Soltan, Neda, 26
- Ahmet Yildirim v. Turkey*, 21–22, 120, 144–145, 186, 199, 201, 282–283
- Amazon and Wikileaks, 58–59
- Amnesty International, 79–80, 107
- Annan, Kofi, 1
- appeals. *See* remediation
- Appleby v. United Kingdom*, 156–157, 204
- Arab Spring
 - action-oriented public sphere, 17
 - democratic culture, 26–27
 - face of, 26
 - social media vs. gatekeepers, 26–27
 - Vodafone and, 58
- Article 10 (ECHR)
 - Guiding Principles and, 111–114, 136
 - HRA binding public authorities, 136
 - human rights compliance, 111–114, 123–124
 - IIG regulation, 232
 - IWF as pure-CSR body, 157–158
 - IWF compliance, 142
 - media and freedom of expression, 201–202
 - right to receive information, 200
 - search engine governance, 212
 - search engines and accessibility, 196–197, 199
 - search engines and free speech, 180–181, 195, 211–213
- articulated regulation, 75, 82–83, 251
- assessment
 - gatekeeper identification, 47
 - IWF human rights compliance, 118, 136–137
 - IWF image assessment process, 152
 - of compliance via E-Commerce Directive, 128
 - of transnational corporations, 60
 - via voluntary codes, 79
- Australia, 105, 120
- authority sites, 53
- Baidu results as opinion, 209–211
- Balkin, Jack
 - democratic culture, 1, 17, 18
 - First Amendment irrelevance, 233
- Barzilai-Nahon, Karine
 - gated definition, 41
 - Network Gatekeeper Theory, 44–46
- Bing market share, 173
- BIS. *See* Business, Innovation & Skills
- blocking content. *See* filtering content
- blogs
 - as gatekeepers, 36, 43, 46, 51, 54
 - Google blog, 216, 217–218, 219, 224
 - human rights framework, 56

- BT
 Cleanfeed, 132–133, 151, 153–154
 filters as parental controls, 6, 243
 ISPA membership, 134
 Telecommunications Industry
 Dialogue, 110
- Business, Innovation & Skills (BIS)
 Digital Rights Commission versus,
 270, 271–272
 Internet Watch Foundation, 132
 National Contact Point (NCP),
 94–95, 100, 101
 UK CSR as voluntary, 75–76
- Campbell, Tom, 69
- Canada
 CSR and corporate legislation, 81
 filtering content, 120, 148
 Five Eyes alliance, 105
 human rights abuse case, 79–80
 Information Commissioner's Office,
 272–273
- case law table, xx–xxiii
- censorship privatisation
 E-Commerce Directive safe harbour,
 127, 128
 filtering content, 121–123, 148
 Google apolitical, 218
 Google rankings, 182
 IWF blacklist, 128, 147–148,
 149–150, 151, 154, 156, 163–165
- child abuse
 BT filtering practices, 136
 Convention on the Rights of the
 Child, 88
 ISPA mandate, 134, 135
 IWF as failure of state, 154–157
 IWF remit, 140, 143, 144, 153–154,
 165–166
- Chilling Effects, 223
- China
 great firewall of, 4
 ICT human rights, 104
 search results in US, 209–211
- Choc v. Hudbay Minerals Inc.* 79–80
- chokepoint
 filtering content, 119, 136
 macro-gatekeepers as, 52, 253–254
 search engines as, 176–177
- Cleanfeed, 132–133, 151, 153–154
- communication. *See also* freedom of
 expression
 as human right, 19–22
 decentralisation as freedom, 9
 deliberative democracy, 11
 democracy embodied in, 46
 democratic culture, 17, 18
 democratic rules of, 250
 internet history, 3
 non-political protected speech, 50
 opinion exchange, 12–13
 public sphere, 14–17, 22
- Communications Decency Act (CDA;
 US)
 gatekeeping, 42, 244
 neutrality of automation, 185
 search engine liability exemption,
 192
- communities
 Internet discourse, 15
 non-political protected speech, 50
- complaints. *See* remediation
- corporate governance model
 as interactive voluntarism, 234
 as Internet Rights Governance
 Model, 234–235
 codes of conduct, 257–258, 267, 268
 Commission and remediation, 262,
 263–265, 267–268
 Commission funding, 255
 Commission market disruption,
 254–255
 Commission model, 253–254
 Commission needed, 234, 251, 253,
 257, 270–279
 CSR as market disruption, 242–243,
 254–255
 CSR frameworks, 230–231, 232–233,
 243–244
 education of public, 260–261
 Governance Model, 259–270
 Governance Model framework,
 259–262, 285
 governance of ISPs, 237–238, 240
 governance of search engines,
 236–237, 240–241

- corporate governance model (cont.)
 Internet Information Gatekeepers,
 231–232
 operationalising human rights. *See*
 operationalising human rights
 recognizing human rights, 269–270
 regulatory frameworks, 232–233
 remediation, 244–246, 260–265
 remediation due process, 258
 remediation judgment standards,
 267–269
 remediation models, 265–267
 scale of responsibility, 255–257
 theoretical basis, 250–258
 voluntariness, 246–249
- corporate social responsibility (CSR)
 Article 10 analysis, 111–114
 as insufficient, 2, 241–242
 as voluntary, 74–79, 246–249, *See*
also voluntary codes
 concept of, 61–70
 critiques of, 70–74
 definition, 59, 65–66, 67
 explicit, negative, tacit,
 propositional, 84
 Global Network Initiative, 58, *See*
also Global Network Initiative
 globalisation and, 65
 history of, 62–65
 human rights framework, 69, 76,
 83–98
 ICTs. *See* information and commu-
 nication technologies
 information sharing as, 68
 international frameworks, 98–111,
 230–231, 232–233, 243–244
 Internet Information Gatekeepers,
 70, 89–90, 93–94, 243–244
 IWF as tool for, 131
 Kimberly Process, 230
 law and, 74–83, *See also* regulatory
 framework
 market disruption by, 242–243,
 254–255
 meta-regulation, 81–83
 need for, 60–61, 232–233
 responsibility to respect, 92–93, 96,
 97, 99, 102
 search engines, 93–94, 111–114, 172,
 195, 212, 225–227, 236–237
 self-regulation, 67–68, 79
 sphere of influence responsibilities,
 47–48
 UDHR basis, 69, 87
 UK Companies Act, 248
 UN Guiding Principles, 76, 91, 92,
 94–98
Costello-Roberts v. United Kingdom,
 156
- Council of Europe
 filtering regulation, 123–125
 search engine remediation, 219
 search engines and human rights,
 195, 220
 search engines and information
 access, 177–178
- Court of Justice of the European Union
 (CJEU). *See also* European Court
 of Human Rights
 filtering content legality, 120–121
 hosting safe harbour, 192, 193–194
 ICT activity judgments, 282–283
 search results and privacy, 186–188
 creative commons licensing, 78
 Criado-Perez, Caroline, 25
 CSR. *See* corporate social responsibility
- daily me, 30, 32
 Deep Web, 175
Delfi AS v. Estonia, 121
- deliberative democracy
 definition, 11
 democratic culture versus, 13, 28, 29
 opinion exchange, 12–13
 participation facilitation, 11
 public sphere, 14–17
- democracy
 as semiotic, 18, 46
 control versus, 1, 3–6
 defining, 8–9
 filtering and, 119–123
 freedom of expression as heart, 19,
 46, *See also* freedom of expression
 internet democratising, 2, 9–10
 ‘necessary in a democratic society’
 term, 146–147

- network model, 17
- participation vs. governance, 17
- search engines and free speech, 172, 174–190, 211–212
- traditional media demise, 29–34
- types of, 10–11
- democratic culture
 - appropriative aspect, 28–29
 - authority sites, 53
 - daily me, 30–31, 32
 - deliberative democracy versus, 13, 28, 29
 - ‘democratic public interest’ institutions, 243
 - freedom of expression as human right, 19–22
 - freedom of expression as participatory, 18–19
 - gatekeeper impact, 48–49, 172, 231–232
 - information access, 23–29
 - internet as democratizing, 17–18
 - macro-gatekeepers, 52–53, 172
 - micro-gatekeepers, 54
 - participation online, 23, 25–27, 172
 - public sphere, 16–17, 22
 - search engines, 176–179
 - social/political networking, 27–28, 32
 - theory origins, 17
- Dialogue. *See* Telecommunications Industry Dialogue on Freedom of Expression and Privacy
- Digital Millennium Copyright Act (DMCA)
 - human rights framework, 56
 - search engine safe harbour, 192, 194
 - secondary liability roots, 39
- Digital Rights Commission. *See also* corporate governance model
 Commission model, 253–254
 funding, 255
 market disruption by, 254–255
 need for, 234, 251, 253, 257, 270–279
 open-ended regulations, 255
 remediation, 262, 263–265, 267–268
- due process. *See* remediation
- duty of care, 79–80
- ECHR. *See* European Convention on Human Rights
- E-Commerce Directive
 - filtered content by ISPs, 125–128
 - gatekeeping, 42
 - IWF blacklists as voluntary, 148
 - search engines and, 191–194
 - secondary liability roots, 39
- e-commerce sector as remediation model, 265–266
- e-government, 10–11
- Egypt, 26–27, 58
- electoral democracy, 10–11
- Electronic Commerce Directive. *See* E-Commerce Directive
- Electronic Frontier Foundation (EFF), 106, 224
- Electronic Industry Code of Conduct (EICC), 98–99, 103–104
- Enron CSR, 71
- Equality and Human Rights Commission (EHRC), 95, 257, 270–271, 274–277
- Europe. *See also* Germany; United Kingdom
 - CSR as voluntary, 74–75
 - filtering content, 5, 123–125
 - Google removal of content, 218
 - ICT activity judgments, 282–283
 - ICT human rights guidance, 98–99, 101–103, 123
 - IIG regulation, 232–233, 244
 - right to be forgotten, 186–188
 - search engines and free speech, 180–181, 211–213
- European Commission
 - filtering regulation, 123–125
 - Google anti-competitive, 189–190
 - ICT human rights guidance, 98–99, 101–103, 123
- European Convention on Human Rights (ECHR)
 - Article 10. *See* Article 10 (ECHR)
 - IIG regulation, 232
 - right to receive information, 20
 - search engine governance, 212–213

- European Court of Human Rights (ECtHR). *See also* Court of Justice of the European Union
 access to a forum, 156–157, 204
 access to broadcasting, 205, 207
 filtering content legality, 120–121
 freedom of expression, 155, 201
 ICT activity judgments, 282–283
 remediation, 263–264
- Facebook
 democratic culture, 27–28
 filtering content, 122
 Global Network Initiative, 105–106, 223–224
 ICT human rights, 105–106
Fair Housing Council of San Fernando Valley v. Roommates.com, 185
 file sharing. *See* peer-to-peer file sharing
 filtering content. *See also* Internet Information Gatekeepers
 as parental controls, 6, 243
 Cleanfeed, 132–133, 151, 153–154
 daily me, 30
 democracy and, 119–123
 explanation of, 119
 Google blog, 217–218
 Google Removal Policies, 216–218
 Google ToS, 214–216
 human rights issues, 121–123
 identifying gatekeepers, 55–56
 impetus sources, 119–120
 improvement of, 163–165
 internet as fundamental right, 19–22
 internet history, 4–6
 IWF Wikipedia block, 116–117, *See also* Internet Watch Foundation
 public awareness duty, 124, 133–134, 135, 148–149, 218
 regulation overview, 123–129
 search engines, 172, 195
- First Amendment (US)
 irrelevance of, 233
 rights of provider over users, 208
 search engines as media, 206
 search rankings as opinion, 188–189, 209
 search results as opinion, 209–211
 US negative approach, 121–122, 179
- Fiske, John, 18
- Five Eyes alliance, 105
- fragmentation of discourse, 30–31
- freedom of expression
 accountability for, 40
 administrative structure of, 30, 85, 285
 Article 10 and, 111–114, 201–202, *See also* Article 10 (ECHR)
 as democracy foundation, 19, 46
 as duty, 30–31
 as human right, 19–22, 48, 147
 as network of interaction, 17, 18, 49
 as participatory, 18–19
 authority sites, 53
 corporate responsibilities, 58–59, 70, 71, 99
 corporations as advocates, 25–26
 Council of Europe
 Recommendation, 123–125
 Electronic Industry Code of Conduct, 103
 filtering content, 121–123
 Global e-Sustainability Initiative, 104
 Global Network Initiative, 104, 106, 109–110, 220–225
 Guiding Principles, 110–111, *See also* Guiding Principles (UN)
 ICT Guidance, 102
 International Covenant on Civil and Political Rights, 196
 international issues, 241
 macro-gatekeepers, 52–53
 media responsibilities, 201–202
 micro-gatekeepers, 53–54
 non-political protected speech, 50
 rights of users, 199–203
 search engines and, 174–190
 Telecommunications Industry Dialogue, 98–99
 Universal Declaration of Human Rights, 112, 196
Fressoz v. France, 202
Fuentes Bobo v. Spain, 156

- 'gated' definition, 41
 gatekeepers. *See* internet gatekeepers;
 Internet Information Gatekeepers;
 involuntary gatekeepers; regula-
 tory framework
 generativity and gatekeeper
 identification, 43–44
 Germany. *See also* Europe
 filtering content, 5
 offensive search results, 181
 search provider code of conduct,
 219–220
 Global Compact (UN)
 corporate social responsibility, 65,
 69, 73, 86
 Google as not, 220
 ICTs and, 99
 Global e-Sustainability Initiative
 (GeSI), 98–99, 104
 Global Network Initiative (GNI)
 as governance framework, 106–110,
 238–240
 Electronic Frontier Foundation, 106,
 224
 freedom of expression, 104, 106,
 109–110
 Google indexing/ranking, 220–225,
 236
 human rights audits, 107, 220–223
 ICT CSR instrument, 98–99,
 104–105
 ICT human rights, 104
 membership, 58, 104–106, 107, 110,
 220, 223–224, 239
 remediation, 109
 Snowden leak effects, 105–106,
 108–109, 224
 Vodafone and, 58, 104
 Global Witness vs. Afrimex, 272
 globalisation, 64–65
 GNI. *See* Global Network Initiative
 Google
 accessibility of information,
 175–176, 177–179, 180–181, 191,
 196–199, 202–203
 as creators of content, 174, 191, 202
 as information society service (ISS),
 125–126, 192
 as Internet Information Gatekeeper
 (IIG), 175–176, 212
 as IWF member, 217
 as media-like, 178, 191, 194, 198, 210
 as neutral, 184–185, 188–190
 as private, for-profit, 190, 194
 Authorship, 182
 autocomplete function, 183–184
 censorship privitisation, 182, 218
 Chilling Effects, 223
 code of conduct, 219–220
 CSR and, 72, 195, 212, 225–227,
 236–237
 CSR as philanthropy, 226
 democracy and, 172, 174–190
 diversification of, 173
 E-Commerce Directive and, 191–194
 GNI and ranking, 220–225, 236
 GNI assessment of, 220–223
 GNI membership, 104, 105–106, 107
 Google bombing, 182–183
Google Spain case, 186–188, 204,
 282–283
 Google's blog, 216, 217–218, 219, 224
 governance of, 191–196, 214–227,
 236–237, 240–241
 Guiding Principles, 212, 219
 human rights and, 194–195, 196–199
 Hummingbird, 182
 ICT human rights, 104
 indexing, 173, 174, 176
 information shaping by, 176–177,
 178, 185–186, 191, 241
 ISPA membership, 134
 market share, 173
 music blog deletion, 56
 must carry obligations, 206–207, 210
 public authority lack, 190, 194
 ranking, 173–174, 176–177, 179
 ranking and GNI, 220–225, 236
 ranking as opinion, 188–189, 209
 ranking as self-promotion, 188–190
 ranking disputes, 218–219, 261
 ranking issues, 181, 182–183,
 185–186
 remediation, 195, 219, 245, 261
 results as opinion, 209–211
 right to be forgotten, 186–188, 216

- Google (cont.)
 rights of content providers, 203–207
 rights of search providers, 208–213
 rights of users, 199–203
 search operation description,
 173–174
 search result disputes, 218–219
 search result removal, 216–217, 218,
 219
 Street View, 185, 273–274
 ToS, 213, 214–216, 224, 225
 Transparency Reporter, 223, 224
 Google bombing, 182–183
*Google France, Google Inc. v. Louis
 Vuitton Malletier*, 192, 193–194
*Google Spain SL, Google Inc. v. Agencia
 Espanola de Proeccion de Datos,
 Marios Costeja Gonzalez*, 186–188,
 204, 282–283
 governance. *See* corporate governance
 model; regulatory framework
 grievance. *See* remediation
 Guiding Principles (UN)
 Article 10 analysis and, 111–114, 136,
 142, 157–158
 duty of care, 79–80
 for SMEs, 257
 history of, 91, 283
 human rights audit, 107
 human rights basis, 76, 110–111,
 251–252
 IWF compliance with, 160–161
 responsibility to respect, 92,
 94–98, 99
 scale of responsibility, 256
 search engine governance, 212, 219
 Habermas, Jürgen
 deliberative democracy definition, 11
 democracy and human rights, 19
 opinion exchange, 12–13
 public sphere, 14–17
Haider v. Austria, 207
Handyside v. United Kingdom, 146–147
 hosts
 IWF blacklists as voluntary, 148
 safe harbour per CJEU, 192, 193–194
 safe harbour under Directive, 126
 human rights. *See also* freedom of
 expression; privacy
 access to information, 19–21,
 196–199, 201
 Article 10 analysis, 111–114, 136
 as troubleshooting, 218
 as workplace issue, 261
 corporate social responsibility, 69,
 76, 83–98
 corporations as advocates, 25–26
 duty of care, 79–80
 freedom of expression as, 19–22, 48,
 147
 gated rights, 45–46
 gatekeeper responsibilities, 56
 GNI human rights audits, 107,
 220–223
 Guiding Principles. *See* Guiding
 Principles (UN)
 Human Rights Act. *See* Human
 Rights Act
 internet access as, 20–22, 197–199,
 201, 282
 Internet Information Gatekeeper
 definition, 48, 50–51
 Internet Information Gatekeepers
 and, 89–90, 284–286
 IWF audit, 118, 136–137, 165–169
 macro-gatekeepers, 52–53
 operationalising. *See* operationalis-
 ing human rights
 paradigm shift, 282
 recognizing, 269–270
 remediation, 94–95
 right to be forgotten, 186–188, 216
 right to receive information, 20,
 199–200
 scale of responsibility, 255–257
 search engines and, 194–195
 Universal Declaration of Human
 Rights, 20, 69, 87
 Human Rights Act (HRA)
 hybrid public authorities, 137
 IIG regulation, 232
 IWF as hybrid public authority,
 137–140
 public authorities bound by, 129,
 136, 137

- ICO. *See* Information Commissioner's Office
- ICTs. *See* information and communication technologies
- IIGs. *See* Internet Information Gatekeepers
- information and communication technologies (ICTs)
- Article 10 and Guiding Principles, 111–114
- as information society service (ISS), 125–126
- democratic culture, 18–19
- E-Commerce Directive, 125–128
- Electronic Industry Code of Conduct, 98–99, 103–104
- European Commission, 98–99, 101–103, 123, 257
- Global e-Sustainability Initiative, 98–99, 103, 104
- Global Network Initiative, 98–99, 104–111
- ISPA, 134–136
- Telecommunications Industry Dialogue, 98–99, 103, 110–111
- Information Commissioner's Office (ICO), 253–254, 260, 264, 270, 271, 272–274
- information guidance. *See* search engines
- information society
- accessibility of information, 177–179, 180–181, 191, 196–199
- communication rights, 19–20
- definition, 9
- information sharing as CSR, 68
- internet importance, 23–25
- right to be forgotten, 186–188, 216
- right to receive information, 20, 199–200
- shaping of information, 176–177, 178, 185–186, 191, 241
- information society service (ISS), 125–126, 192
- INHOPE (International Association of Internet Hotlines), 131
- Institute for Human Rights and Business, 101–102, 260
- interactive voluntarism, 234
- International Covenant on Civil and Political Rights (ICCPR), 88, 196
- international treaties table, xviii–xx
- internet
- access data, 23–24, 130, 173
- as fundamental right, 20–22, 197–199, 201, 282
- communication facilitation, 3
- daily me, 30, 32
- democracy vs. control, 1, 3–6
- democratising effect, 2, 9–10, 11, 14, 18
- filtering and blocking, 4–6, *See also* filtering content
- fragmenting discourse, 30–33
- history of, 3–8
- importance of, 23–25
- number of websites, 175
- opinion exchange, 12–13
- perfect remembering, 186
- public sphere, 11, 14–17, 22
- public using. *See* internet-using public
- regulation of. *See* regulatory framework
- internet gatekeepers. *See also* information and communication technologies (ICTs); Internet Information Gatekeepers (IIGs)
- corporate social responsibility, 93–94
- definition, 36, 44
- gatekeeper model flaws, 40–44
- gatekeepers as regulators, 37–40
- Internet Information Gatekeepers versus, 44, 47
- law and social responsibility, 59
- macro-gatekeepers, 52–53
- Network Gatekeeper Theory, 44–46, 47
- public remediation. *See* remediation
- Internet Information Gatekeepers (IIGs). *See also* information and communication technologies (ICTs); internet gatekeepers
- Arab Spring, 26–27
- as democratic public interest institutions, 243

- Internet Information (cont.)
 authority sites, 53
 characteristics of, 49–51
 corporate social responsibility, 70, 89–90, 93–95
 definition, 2, 36, 44, 48, 231
 democratic culture, 23, 29
 filtering by, 55–56. *See also* filtering content
 gatekeeper model flaws, 40–44
 gatekeepers as regulators, 37–40, 243–244
 human rights laws and, 89–90, 284–286
 identifying, 55–56
 internet gatekeepers versus, 44, 47
 involuntary gatekeepers versus, 44–45, 46, 47
 macro-gatekeepers, 52–53, 93–94, 243, 255–256
 micro-gatekeepers, 53–54
 Network Gatekeeper Theory, 44–46, 47, 231
 remediation, 244–246, 261–265. *See also* remediation
 search engines as, 175–176, 212
- Internet Rights Governance Model. *See also* corporate governance model as template, 234–235, 255
 codes of conduct, 257–258, 267, 268
 education of public, 260–261
 Governance Model, 259–270
 Governance Model framework, 259–262, 285
 remediation, 244–246, 260–265
 remediation due process, 258
 remediation judgment standards, 267–269
 remediation models, 265–267
 scale of responsibility, 255–257
 theoretical basis, 250–258
- internet service providers (ISPs). *See also* information and communication technologies
 as information society service (ISS), 125–126
 as macro-gatekeepers, 52–53
 China, 4
 corporate social responsibility, 93–94, 111–114
 E-Commerce Directive, 125–126, 127–128
 filtering and democracy, 119–123
 filtering content, 6, 119, 148
 governance of, 237–238, 240
 internal codes of conduct, 135–136
 ISPA, 134–136
 IWF cooperation, 134–135, 237–238
 IWF Wikipedia block, 116–117
 regulation overview, 123–129
 remediation, 245–246
 top, 10 (2014), 135
- Internet Watch Foundation (IWF)
 accountability, 132, 158–161
 Article 10 compliance, 142
 as failure of state, 154–157
 as hybrid public authority, 137–139
 as public authority, 137, 139–140, 142, 166
 as pure-CSR body, 157–165
 as self-regulatory, 140–141, 144–146
 as tool for CSR, 131
 blacklist as ‘voluntary,’ 202.70–203.40, 147–148
 censorship privatisation, 128, 147–148, 149–150, 151, 154, 156, 163–165
 child abuse remit, 140, 143, 144, 153–154
 Cleanfeed, 132–134, 151, 153–154
 Code of Practice, 151–152, 158
 description of, 129–134
 funding of, 141–142, 167
 Google as member, 217
 Governance Model, 265
 human rights audit, 118, 136–137, 165–169
 image assessment process, 152
 ISPA co-operation with, 134–135, 237–238
 legitimate aim of, 142–146
 necessary in a democratic society, 147–154
 newsgroup policy, 153
 origins of, 132–133

- peer-to-peer file sharing, 131–132, 150, 153–154, 167–168
 remediation, 161–163, 166, 245–246
 Wikipedia block, 116–117, 147–149, 163
- internet-using public. *See also* freedom of expression; human rights; information society; privacy; remediation
 education of, 260–261
 EHRC public awareness duty, 276
 filtering as censorship, 147
 filtering awareness, 124, 133–134, 135, 148–149, 218
 remediation awareness, 95, 124, 260–261
 search engine use, 173, 176–179
 search ranking dispute, 218–219
 search result dispute, 218–219
 search result removal, 216–217, 218, 219
- involuntary gatekeepers
 Internet Information Gatekeepers versus, 44–45, 46, 47
 micro-gatekeepers versus, 53–54
- ISO, 2600 Guidance Standard on Social Responsibility, 73
- ISPA (Internet Service Providers Association), 134–136, 148, 161
- ISS (information society service), 125–126, 192
- IWF. *See* Internet Watch Foundation
- Jian Zhang et al. v. Baidu.com Inc.*
 209–211
- Kimberly Process, 230
- Kinderstart.com LLC et al. v. Google Inc.*
 209
- La Rue, Frank
 censorship privitisation, 127
 child pornography blocking, 155
 GNI good CSR, 224
 internet access as right, 21, 282
 search engine remediation, 219
- Langdon v. Google*, 206–207
- laws, xviii–xx, *See also* regulatory framework
Leander v. Sweden, 200
 legislation table, xviii–xx
 ‘legitimate aim’ definition, 142–143
 Lessig, Lawrence, 3–4
LICRA et UEJF v. Yahoo! Inc. 204
 limitation of liability. *See* safe harbour
Lingens v. Austria, 19
 Lord Justice Leveson, 254, 260, 274
 Lord Macdonald, 118, 165–169
- macro-gatekeepers
 as democratic public interest institutions, 243
 corporate social responsibility, 93–94
 definition, 52–53
 scale of responsibility, 255–256
 market disruption by CSR, 242–243, 254–255
- media. *See also* internet
 demise of traditional, 31–34
 freedom of expression, 201–202
 Press Complaints Commission, 254, 271
 public sphere shift, 15, 32–33
 search engine similarity to, 178, 191, 194, 198, 210
 viral stories, 24–25
Metropolitan International Schools v. Designtechnica Corporation and Others, 193
- micro-gatekeepers, 53–54
- Microsoft
 discussion group hosting, 242–243
 Global Networking Initiative, 104, 105–106, 107
- Middle East blocking access, 5
- mobile network providers, 52–53
- mobilising online
 action-oriented public sphere, 17
 as democratic culture, 25–27
 monitorial democracy, 11
Müller v. Switzerland, 143
- multinational corporations. *See* transnational corporations
 must carry and search engines, 206–207, 210

- National Contact Point (NCP)
 insufficient for IIGs, 249
 OECD, 100, 101, 270, 271–272
 via BIS, 94–95, 100
- National Human Rights Institutions (NHRI), 94–95
- National Security Agency (NSA), 105–106, 108–109
- NCP. *See* National Contact Point
- ‘necessary in a democratic society’
 definition, 146–147
- Negroponte, Nicholas, 30
- Network Gatekeeper Theory (NGT), 44–46, 47, 231
- New Zealand in Five Eyes, 105
- newsgroups, 132, 134, 153
- norms
 CSR as social expectation, 96
 mainstreaming of human rights codes, 250
Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights (UN), 90
- Norway filtering content, 151
- Obama, Barack, 24–25
- obscenity. *See* child abuse; pornography
- occupy movement, 25
- OECD. *See* Organisation for Economic Co-operation and Development
- Ofcom (Office of Communication), 130, 263–264, 270, 271, 277–279
- operationalising human rights
 codes of conduct, 257–258, 267, 268
 CSR framework formalisation, 238
 Government-led partnership, 238
- Organisation for Economic Co-operation and Development (OECD)
 corporate social responsibility, 65, 86
 duty of care, 79–80
 freedom of expression, 100–101
 National Contact Point (NCP), 94–95, 100, 270, 271–272
- Peck v. United Kingdom*, 263–264
- peer-to-peer file sharing
 Cleanfeed, 133, 153–154
 Internet Watch Foundation, 131–132, 150, 153–154, 167–168
 Norway filtering content, 151
 perfect remembering, 186–188
- Pool, Ithiel de Sola, 9
- pornography. *See also* child abuse
 Convention on the Rights of the Child, 88
 filtering against, 4, 5–6, 120, 151
 Internet Watch Foundation, 130, 131–132, 133
 IWF remit, 144, 165–166
- Press Complaints Commission (PCC), 254, 263–264, 271
- privacy
 as human right, 48
 corporate responsibilities, 99
 filtering content, 121–123
 Global Network Initiative, 104, 106
 Guiding Principles, 110–111
 ICT Guidance, 102
 search engine results, 186–187
 Stop Online Privacy Act (SOPA), 25–26
 Telecommunications Industry Dialogue, 98–99
- Privacy International, 260
- private ownership. *See also* Internet Information Gatekeepers
 as regulators, 39–40, 244
 public sphere participation, 23, 172
 search engines, 23, 33–34, 181, 198, 204, *See also* Google
- privatisation of censorship. *See* censorship privatisation
- PROTECT IP Act (PIPA), 25–26
- public. *See* internet-using public
- public authorities
 bound by Human Rights Act, 129, 136, 137
 definition, 137
 Google as not, 190, 194
 hybrid public authorities, 137, 138–140

- IWF as hybrid public authority, 137–139
- IWF as public authority, 137, 139–140, 142, 166
- ‘public function’ interpretation, 138–139
- public sphere
 - deliberative democracy, 11, 14–17, 22
 - modern public sphere, 50–51
 - participation in. *See* public sphere participation
 - search engine space for speech, 211–212
 - search engines, 198
 - traditional media shift, 15, 32–33
- public sphere participation
 - deliberative democracy, 11
 - democratic culture, 28–29, 32
 - freedom of expression duty, 30–31
 - gatekeeper impact, 48–49, 172
 - internet contribution, 11, 14–17, 22
 - mobilising via internet, 25–27
 - political campaigns on internet, 24
 - search engine speech, 179
 - via privately owned technologies, 23
 - viral stories, 24–25
- regulatory framework
 - articulated regulation, 75, 82–83, 251
 - CSR concepts, 66–68, 72–73
 - CSR relationship with, 74–83
 - duty of care, 79–80
 - evolution of, 6–7, 62
 - filtering content, 123–129
 - gatekeepers as regulators, 37–40
 - Governance Model, 250, 255
 - IIG governance need, 232–233
 - interactive voluntarism, 234
 - internet history, 3–6, 283–284
 - IWF remit, 144–146
 - meta-regulation, 81–83
 - search content provider rights, 203–207
 - search engine governance, 191–196, 214–227
 - search engines and ECHR, 212–213
 - search engines and free speech, 179–190
 - search engines and human rights law, 194–195
 - search provider rights, 208–213
 - search user rights, 199–203
 - self-regulation, 67–68, 79
 - shift from state to private, 39–40, 232–233, 236–237, 244, 250
 - tort law, 38–39, 79–81
- Reidenberg, Joel, 3
- relative accessibility of information, 179
- remediation
 - as powerless, 101
 - concerns about, 262–263
 - Digital Rights Commission, 271
 - e-commerce sector as model, 265–266
 - for filtering of content, 124
 - Global Network Initiative, 109
 - Governance Model, 244–246, 260–265
 - Guiding Principles and Article 10, 112–114
 - ICT Sector Guidance, 102
 - Internet Information Gatekeepers, 244–246, 261–265
 - Internet Watch Foundation, 161–163, 166
 - National Human Rights Institutions, 94–95
 - OECD, 101
 - search engines, 195, 219, 245
 - search ranking dispute, 218–219, 261
 - search result removal, 216–217, 218, 219
- Republic.com* (Sunstein), 30–31
- responsibility to respect
 - Guiding Principles, 92–93, 96, 97
 - ICT Sector Guidance, 102
 - international initiatives, 99
- rights. *See* human rights
- Ruggie, John
 - business and human rights, 90–91
 - democratic public interest institutions, 243
 - remedial mechanisms, 244–245, 258
 - responsibility to respect, 92–93, 96, 97
 - sphere of influence approach, 47–48

- Ruggie, John (cont.)
 UN Guiding Principles, 76, 91, 92,
 94–98, 283
 voluntary approaches, 247
 Russia blocking access, 5
- S. Louis Martin v. Google Inc.* 211
Sabam v. Netlog, 120–121, 282–283
 safe harbour
 DMCA and search engines, 192, 194
 E-Commerce Directive and hosts,
 126
 E-Commerce Directive and ISSs,
 125–126, 127
 E-Commerce Directive and search
 engines, 191–194
 Saudi Arabia blocking access, 5
Scarlet v. SABAM, 120–121, 282–283
 search engine optimisation (SEO),
 182–183
 search engines
 accessibility of information,
 175–176, 177–179, 180–181, 191,
 196–199, 202–203
 as creators of content, 174, 191, 202
 as information society service (ISS),
 125–126, 192
 as Internet Information Gatekeepers
 (IIGs), 175–176, 212
 as macro-gatekeepers, 52–53, 172
 as media-like, 178, 191, 194, 198, 210
 as privately owned, 23, 33–34, 181,
 198, 204. *See also* Google
 code of conduct, 219–220
 corporate social responsibility,
 93–94, 111–114, 172, 195, 212,
 225–227, 236–237
 democracy and, 172, 174–190
 diversification of, 173
 ECHR regulation, 212–213
 E-Commerce Directive, 125–126,
 191–194
 filtering content, 172, 191–194
 freedom of expression, 172, 174–190
 Google and IWF, 217
Google Spain case, 186–188, 282–283
 Google's blog, 216, 217–218, 219, 224
 Google's ToS, 213, 214–216, 224, 225
 governance of, 191–196, 214–227,
 236–237, 240–241
 Guiding Principles, 212, 219
 human rights and, 194–195, 196–199
 indexing, 173, 174, 176
 information shaping by, 176–177,
 178, 185–186, 191, 241
 market share, 173
 must carry obligations, 206–207, 210
 Network Gatekeeping Theory, 45
 neutrality of, 184–185, 188–190,
 210–211
 privacy and, 186–187
 process description, 173–174
 ranking and GNI, 220–225, 236
 ranking as opinion, 188–189, 209
 ranking as self-promotion, 188–190
 ranking basics, 173–174, 176–177,
 179
 ranking disputes, 218–219, 261
 ranking issues, 181, 182–183,
 185–186
 remediation, 195, 219, 245, 261
 results as opinion, 209–211
 right to be forgotten, 186–188, 216
 rights of content providers, 203–207
 rights of search providers, 208–213
 rights of users, 199–203
 search engine optimisation, 182–183
 search result disputes, 218–219
 search result removal, 216–217, 218,
 219
 self-regulation of, 194
Search King Inc. v. Google Technology,
 208–209
 self-regulation
 corporate social responsibility, 67–68
 Google and GNI, 220–225
 IWF as self-regulatory, 140–141,
 144–146
 Press Complaints Commission, 254
 search engines, 194
 search provider code of conduct,
 219–220
 types of, 79
 UK advertising industry, 82
 semantic web, 7–8
 semiotic democracy, 18, 46

- SLAPP (strategic lawsuit against public participation), 211
- small and medium sized enterprises (SMEs), 256–257
- Snowden, Edward, 105–106, 108–109, 224
- social branding as CSR, 71–72
- speech. *See* communication; freedom of expression; privacy
- sphere of influence responsibilities, 47–48
- Stop Online Privacy Act (SOPA), 25–26
- Structural Transformation of the Public Sphere, The* (Habermas), 14
- Sunday Times v. United Kingdom* (No. 1), 143, 201, 202
- Sunstein, Cass, 30–31
- Syria blocking access, 4
- Technologies of Freedom* (Pool), 9
- telecommunications industry. *See* information and communication technologies (ICTs)
- Telecommunications Industry Dialogue on Freedom of Expression and Privacy, 98–99, 110–111
- television and semiotic democracy, 18
- Thorgeirson v. Iceland*, 202
- Thornton v. Shoe Lane Parking Limited*, 213
- tort law, 38–39, 79–81, *See also* regulatory framework
- ToS (Terms of Service)
 Google ToS, 214–216, 224, 225
 legal aspects of, 213
- traditional media
 demise of, 31–34
 Press Complaints Commission, 254
 public sphere shift, 15, 32–33
 viral stories, 24–25
- transnational corporations (TNCs)
 corporate social responsibility, 64–65
 foreign-based liability, 79–80
 Guiding Principles, 76, 91, 92, 94–98
 scale of responsibility, 256
 search engine providers, 240–241
 UN Global Compact, 73
- Transparency Reporter, 223, 224
- treaties table, xviii–xx
- TRIPS (trade-related aspects of intellectual property rights), 60
- Turkey blocking access, 4–5
- Twitter
 democratic culture, 27
 Global Network Initiative, 224
- UDHR. *See* Universal Declaration of Human Rights
- Unfair Terms in Consumer Contracts Regulations, 1999 (UTCCR), 213
- United Kingdom (UK). *See also* Europe
 access to broadcast, 205
 blocking access, 5–6
 Companies Act, 248
 CSR and corporate legislation, 80–81
 CSR and human rights, 76
 CSR as voluntary, 75–76, 77
 E-Commerce Directive, 125–128
 e-petition website, 11
 Equality and Human Rights Commission, 95, 257, 270–271, 274–277
 filtering content, 120, 125–129
 Five Eyes alliance, 105
 Governance Model focus, 234–235,
See also corporate governance model
 IIG regulation, 232–233
 Information Commissioner's Office, 253–254, 260, 264, 270, 271, 272–274
 internet access data, 23, 130, 173
 Internet Watch Foundation. *See* Internet Watch Foundation
 ISPA, 134–136
 offensive search results, 181
 right of freedom of information, 200
 search engine liability exemption, 192–193
 search engines and speech, 207
 SME percentage, 257
- United Nations (UN). *See also* La Rue, Frank; Ruggie, John
 Convention on the Rights of the Child, 88

- United Nations (UN) (cont.)
 Global Compact, 65, 69, 73, 86, 220
 Guiding Principles. *See* Guiding Principles (UN)
 internet as fundamental right, 21
 Universal Declaration of Human Rights, 20, 69, 87, 112, 196
- United States (US)
 Communications Decency Act. *See* Communications Decency Act
 content liability shield, 42
 ethical and legal conduct, 81
 filtering content, 120, 121–122
 First Amendment irrelevance, 233,
See also First Amendment
 Five Eyes alliance, 105
 ‘Global Internet Freedom’ hearings, 103–104
 Google anti-trust investigation, 189
 hate speech, 241
 internet access data, 23–24, 173
 internet and politics, 24–25
 internet as democratising force, 3
 internet as mobilising force, 25–26
 search engine liability exemption, 192
 search engine provider rights, 208–211
 search engines and broadcast laws, 206–207
 search engines and free speech, 180, 188–189, 204, 206–207, 208–211
 Snowden leak effects on GNI, 105–106, 108–109, 224–225
 Supreme Court, 3
- Universal Declaration of Human Rights (UDHR)
 corporate social responsibility, 69, 87
 freedom of expression, 112, 196
 right to receive information, 20
- Vereinigung Demokratischer Soldaten Österreichs and Gubi v. Austria*, 207
Vgt Verein gegen Tiefabriken v. Switzerland, 205
 visible Web, 175
 Vodafone
 Global Network Initiative, 58, 104
 ISPA membership, 134
- voluntary codes
 Article 10 and, 114
 CSR and, 77–79, 246–249
 E-Commerce Directive, 126–127
 insufficiency of, 233
 interactive voluntarism, 234
 scale of responsibility, 285
 search engine governance, 226–227
 voluntariness as problem, 246–249
- Voluntary Codes* (Webb), 78
- Web. *See also* internet
 Deep Web, 175
 visible Web, 175
- Webb, Kernaghan, 78
- Wikileaks Saga
 CSR and, 58–59
 effect on GNI, 105–106, 108–109, 224
- Wikimedia Foundation, 116
- Wikipedia block by IWF, 116–117, 147–149, 163
- Yahoo!
 filtering content, 122
 Global Networking Initiative, 104, 105–106, 107
 ICT human rights, 104
 ISPA membership, 134
 market share, 173
- Yildirim. Ahmet Yildirim entries*
YL v. Birmingham City Council, 138–139