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# The battle against Internet blocking in Swiss laws



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# Issues with Network blocking (1/3)

- Network blocking undermines the world wide efforts to make the Internet a safer place (e.g. DNSSEC)
  - Network blocking uses the same “tricks” as used by cyber-criminals attacking e.g. your Internet banking
    - i.e. intercept Internet traffic and tamper with
  - Users install all kinds of software to get rid of blocking
    - Such software often contains Malware
- Network blocking can be circumvented easily
  - Two clicks, no specific know-how needed (Opera Browser)
  - VPN, Tor, DNS config, Apps from service provider, ...



# Issues with Network blocking (2/3)

- Network blocking affects also uninvolved parties and services (over-blocking or mistakes)
  - Severe consequences e.g. for an Internet shop
  - also email, chat and other services in the same domain are blocked (although not intended)
  - Several examples of such over-blocking in the past
    - even in Switzerland (as result of “voluntary” blocking activities)

# Issues with Network blocking (3/3)

- Introduce network blocking to Swiss law constitutes a precedent
  - Other parties demanding network blocking, e.g.
    - Copyright Industry
    - Hotels against Airbnb
    - Taxis against Uber
    - “Moralists” to suppress any “unwanted” content in the Internet

# Alternatives to Network Blocking

- There are alternatives to network blocking; those depend on the object, e.g.
  - Child-porn
    - take down sites / international cooperation as proven to work by e.g. Germany [[Zensursula](#)]
  - Gambling
    - follow the money (as applied e.g. in the U.S.)
    - liberal legislation (as applied e.g. in Denmark)
    - restrict advertisement
  - Copyright
    - international collaboration / take-down of commercial offers
    - provide more easy to use (legal) offers
    - alternative compensation models for artists
    - in the longer run: adjust world-wide copyright treaties

# Summary on Issues

- Network blocking
  - Undermines the efforts make the Internet a safer place
  - Causes collateral damage to the open Internet
  - Is ineffective (can be easily circumvented)
  - Requires Internet access providers to operate censorship infrastructure
  - Constitutes a precedent

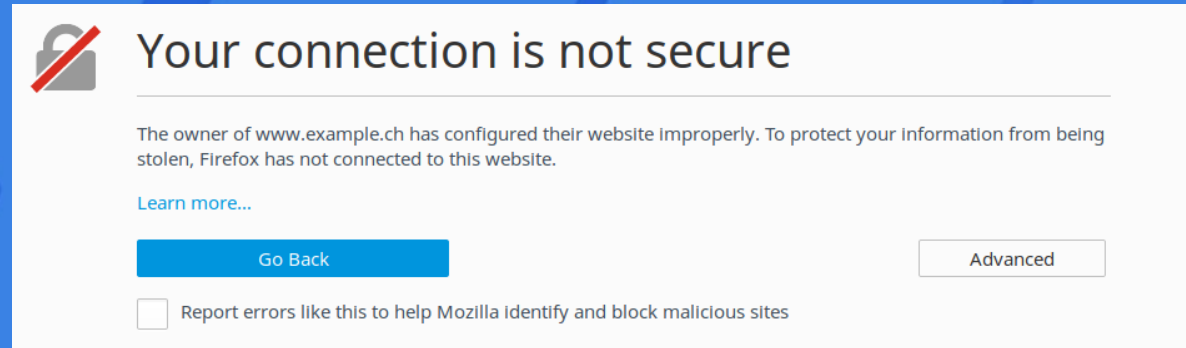


# Redirection / Stop-Signs (1/2)

- Many politicians and government agents believe in the informational effect of “Stop-Signs”
- Redirection to information page (or stop-sign) does not work with “https:” in place (secure browsing)
  - User sees a confusing error message generated locally by his browser instead of information page or stop-sign (see next slide)
    - The same message appears, if cyber-criminals try to attack the user (e.g. in an attempt to empty his bank account via fake e-banking website)



# Redirection / Stop-Signs (2/2)



- Gambling sites normally protect their services with “https:” (encryption and server authentication via digital certificate)
- If domain of website is secured by DNSSEC, redirection to information page / “stop-sign” does not work either
  - Request results in a similar strange error message as with “https:”

# Network blocking proposed / applied

- The following revisions of law proposed network blocking
  - BGS (Gambling Act)
  - URG (Copyright Act)
  - FMG (Telecommunications Act)
- Network blocking in use (though not based on law)
  - “Closed environments” (e.g. companies, universities, etc.)
  - Voluntary measures against Child Porn (agreement between government and access providers)
- Foreign countries enforcing network blocking
  - China, North-Korea, Saudi Arabia, Turkey, etc.



# Chronology of political process (1/2)

- 20.08.2014 (Gambling Act)
  - End of Public Consultation [Vernehmlassung]
- 21.10.2015 (Gambling Act)
  - BGS dispatch [Botschaft] to parliament
- 31.03.2016 (Copyright & Telecommunications Act)
  - End of URG & FMG Public Consultations [Vernehmlassungen]
- 22.04.2016 (Gambling Act)
  - BGS (incl. Network blocking) approved by Legal Affairs Committee of the Council of States [Rechtskommission Ständerat/RK-S]
- 13.06.2016 (Gambling Act)
  - BGS (incl. Network blocking) approved by Council of States [Ständerat/SR]
- 14.12.2016 (Gambling Act)
  - Open Hearing of ParIDigi [Parlamentarische Gruppe Digitale Nachhaltigkeit] focussed on Network Blocking in BGS

# Chronology of political process (2/2)

- 13.01.2017 (Gambling Act)
  - BGS **without Network blocking provisions** approved by Legal Affairs Committee of the National Council [Rechtskommission Nationalrat/RK-N]
    - **Success!**
- 01./15.03.2017 (Gambling Act)
  - BGS (incl. Network blocking) approved by National Council [Nationalrat/NR]
    - i.e. they reverted the decision of their expertise committee (i.e. RK-N)
    - However, a new provision to compensate of access providers was inserted
    - **Setback**
- 02.03.2017 (Copyright Act)
  - **press release of IGE** stating intension to drop Network Blocking from URG
    - **Hope?**
- 27.03.2017 (Gambling Act)
  - BGS (incl. Network blocking) again approved by RK-S
    - The recently inserted provision to compensate of access providers was removed

# Our fight so far consisted of...

- ISOC-CH presentation at KfV-N Parliamentary Hearing (27.04.2015) on Telecommunications Report 2014 focused on Network Blocking (Bernie)
- ISOC-CH answer to Public Consultations on Copyright and Telecommunications Acts (Bernie)
- Panelist in Open Hearing of ParIDigi (Michael)
- Explain issues to politicians and government agents
- Several News Items and press releases
- Social media work

# Actions together with partners...

- Together with Digitale Gesellschaft and Pirate Party
  - Send fact sheets and explanatory documents to members of:
    - Legal Affairs Committees of the Council of States (RK-S)
    - Council of States (SR)
    - Legal Affairs Committees of the National Council (RK-N)
    - National Council (NR)
  - Several conversations (face2face / phone / email / chat) with members of the parliament and allied organizations
    - Including several visits to the parliament (Wandelhalle) to directly discuss the matter with politicians ( Bernie / Jorgo / Michael )



# More actions together with partners

- Submitted two alternative proposals to RK-N
  - 1) Search-Engine De-Listing instead of Network-Blocking
    - As a compromise to meet the demands of the “Law & Order” focused members believing: *We have to do “something”...*
    - Google was not particularly happy with this proposal
    - Later it was withdrawn in favor of 2)
  - 2) Observe market and decide on measures only if problems really occur
    - Another compromise, worked out together with Economiesuisse, Swico, Asut, Google and Digitale Gesellschaft
    - **Accepted by RK-N**
- Follow the debate closely and provide members of parliament with technical know-how and relevant questions to be asked (Bernie / Jorgo / Simon G.)

# Reasons for unfortunate outcome

- Limited resources and access to members of the parliament
- Difficult to explain how the Internet works
  - Most of politicians have rather limited understanding on the “innards” of the Internet
    - But many do understand how walls and fences (used to) work
  - Most members of the parliament are of “Generation X”
    - They did not grow up with the Internet





# Reasons for unfortunate outcome

- Massive lobbying in favor of network blocking, e.g.
  - Cantonal governments
  - Swisslos / Loterie Romande / Swiss Casinos
  - Several further organizations directly or indirectly benefit from the money distribution machine, e.g.
    - Swiss Olympic
    - FC Nationalrat (parliamentary football team)
- Lobbying of the foreign on-line gambling industry was not particularly helpful
  - Also against network blocking, but not really welcome by most of politicians
  - We were perceived as coming from the same crowd as them

# Prevailing arguments

As a consequence monetary arguments (such as)

- Protect rights of Switzerland-based casinos
- Secure funds for old age insurance (AHV)
- Not jeopardize source of income for those organizations that benefit from the money distribution machine

as well as “law & order” arguments

- Need means to enforce the new law
  - *We have to do “something”...*

prevailed the debate



# Next Steps

- BGS (Gambling Act) will be debated again in the SR (in summer session)
- BGS may get back to RK-N and NR for differences clean-up
- BGS will most likely pass the final vote this year
  - Maybe already in June 2017
- First meeting of opponents regarding referendum is taking place on April, 10<sup>th</sup> 2017
  - Referendum: collect 50K citizens' signatures to enforce a popular vote

# Lessons learned

- Need strong partners with good reputation
- Most politicians and government agents do not understand the innards of the Internet at all
  - Good relationships and constant education on Internet issues with simple messages is a key factor
  - Work needs to start long before a law is dispatched to the parliament
- In politics monetary arguments are stronger than technical
- You also need to work on the lobbyists of “the other side”
  - Cantonal Governments played a deciding role
  - Addiction prevention organizations
- More resources and networking is needed to succeed



# Vita

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