

The Future of Cybertravel

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Recently a number of disputes have arisen that involve the legality of place-shifting services; these services either retransmit television programs themselves (e.g., ivi in the U.S., TV Catch UP in the U.K., and ManekiTV in Japan), or enable users to share retransmission of television programs (e.g., Justin.tv and WorldTV). This paper analyzes the internet activity that will be at the center of the next generation of disputes concerning place-shifting: cybertravel. Cybertravel permits users to access content on the internet that is normally not available when they connect to the internet from their geographical location. By utilizing an internet protocol address that does not correspond to their physical location, but to a location from which access to the content is permitted, users may view or use content that is otherwise unavailable to them. Although cybertravel is not novel (some cybertravel tools have been available for a number of years), recently the tools allowing it have proliferated and become sufficiently user-friendly to allow even average internet users to use them. There is an increasing interest in cybertravel among the general internet public as more and more website operators employ geolocation tools to limit access to content on their websites from certain countries or regions.

This paper analyzes the current legal status of cybertravel and explores how the law may treat cybertravel in the future. The analysis of the current legal framework is not limited to copyright but considers other legal doctrines and the laws of multiple countries. Cybertravel is strongly affected by three current developments that tend to support the argument that it should be illegal: the desire of countries and many actors on the internet to erect borders on the internet to facilitate compliance with territorially-defined regulation, the need for attribution of acts on the internet to particular actors, and the ongoing transition from the IPv4 to IPv6 protocol that is promising permanently assigned or embedded internet protocol addresses. This paper makes an attempt to identify arguments for legalizing certain types of cybertravel and proposes legal, technical and business solutions for any cybertravel that may be permitted.