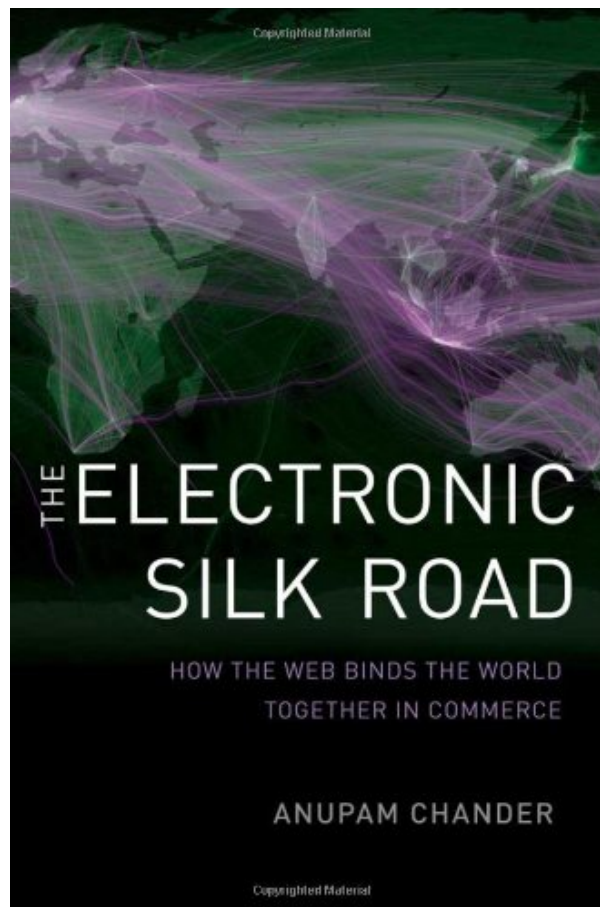
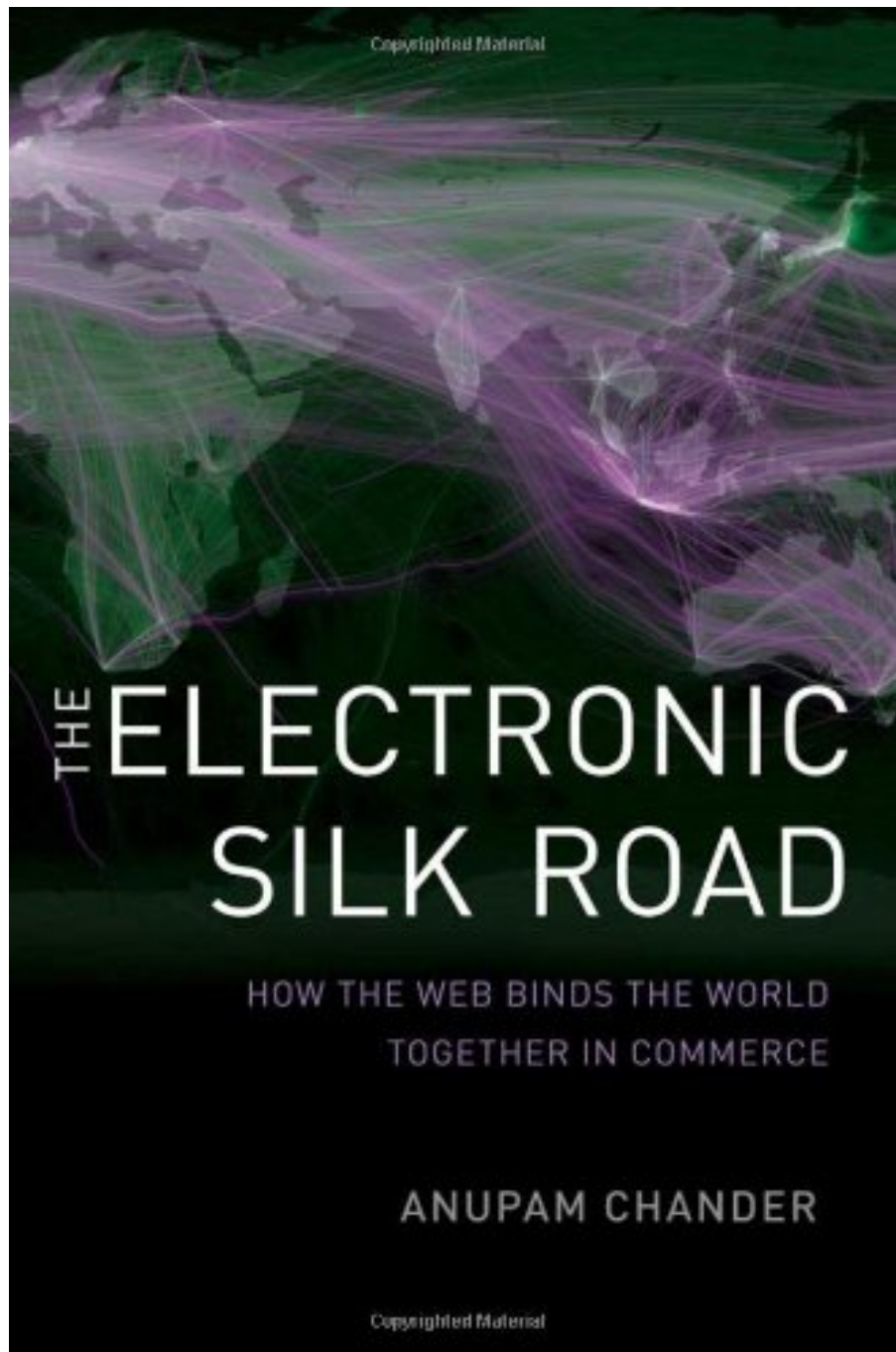


THE ELECTRONIC SILK ROAD: HOW THE WEB BINDS THE WORLD TOGETHER IN COMMERCE BY ANUPAM CHANDER



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On the ancient Silk Road, treasure-laden caravans made their arduous way through deserts and mountain passes, establishing trade between Asia and the civilizations of Europe and the Mediterranean. Today's electronic Silk Roads ferry information across continents, enabling individuals and corporations anywhere to provide or receive services without obtaining a visa. But the legal infrastructure for such trade is yet rudimentary and uncertain. If an event in cyberspace occurs at once everywhere and nowhere, what law applies? How can consumers be protected when engaging with companies across the world? In this accessible book, cyber-law expert Anupam Chander provides the first thorough discussion of the law that relates to global Internet commerce. Addressing up-to-the-minute examples, such as Google's struggles with China, the Pirate Bay's skirmishes with Hollywood, and the outsourcing of services to India, the author insightfully analyzes the difficulties of regulating Internet trade. Chander then lays out a framework for future policies, showing how countries can dismantle barriers while still protecting consumer interests.

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Most helpful customer reviews

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The path to the future.

By Ron Glick

In a world where everything you do on the internet is etched in the cloud forever what should be the rules? Anupam Chander's book "The Electronic Silk Road" sets the stage for an inevitable world wide discussion of how the internet should be governed. His suggested course, guided by his humanity and appreciation for the rule of law, provides the reader with a road map to an internet that is fairer to the user, facilitates better commerce and protects human rights from

authoritarian abuses.

Chander takes us on a survey of the critical conflicts in privacy, speech and commerce that the internet has created and the current state of affairs in how these conflicts have been addressed. He then suggests thoughtful solutions to address the issues of our times that have evolved through the application of this new borderless frontier we call the world wide web.

My only regret about "The Electronic Silk Road" is that it went to press before the revelations of the lack of privacy revealed by the Snowden Affair made us aware of how completely compromised our privacy is on the internet. Chander does however provide a glimpse into the Orwellian present, in a Chapter titled Facebookistan, where he demonstrates the power to recover every keystroke ever uploaded by a click of your computer.

On issues ranging from gambling to outsourcing and from free speech to authoritarian repression Chander has ruminated about the best path forward. For serious thinkers about the role of technology in our lives and how it should be governed "The Electronic Silk Road" is a book that should not be overlooked.

2 of 2 people found the following review helpful.

connects the dots between international trade theory & Internet policy / ecommerce

By Adam Thierer

I enjoyed Anupam Chander's Electronic Silk Road and can recommend it to anyone who is looking to connect the dots between international trade theory and Internet policy / ecommerce developments. It is an extremely accessible text such that either a trade policy guru or a Net policy wonk could pick it up and learn a lot about the opposing issues they may not have heard of before.

Chander's over-arching goal is to sketch out and defend "a middle ground between isolation and unregulated trade, embracing free trade and also its regulation." In a writing style that is clear and direct, Chander explores the competing forces that facilitate and threaten what he refers to as "Trade 2.0."

At the heart of the book is an old tension that has long haunted trade policy: How do you achieve the benefits of free trade through greater liberalization without completely undermining the sovereign authority of nation-states to continue enforcing their preferred socio-political legal and cultural norms? After all, as Chander notes, "States will be loathe to abandon their law in the face of the offerings mediated by the Internet." "If crossborder flows of information grossly undermine our privacy, security, or the standards of locally delivered services, they will not long be tolerated," he notes. These are just a few of the reasons that barriers to trade remain and why, as Chander explains, "the flat world of global business and the self-regulating world of cyberspace remain distant ideals."

Chander wants to counter that impulse to expand the horizons of Trade 2.0, but he argues that, to some extent, nation-states will always need to be appeased along the way. Consequently, he argues that "we must dismantle the logistical and regulatory barriers to net-work trade while at the same time ensuring that public policy objectives cannot easily be evaded through simple jurisdictional sleight of hand or keystroke." Again, this reflects his desire for both greater liberalization of markets as well as the preservation of a residual role

for states in shaping online commerce and activities.

He says we can achieve this Goldilocks-like balance through several key principles. The first is harmonization of laws and policies, preferably through multinational accords. The second principle is "glocalization," or "the creation or distribution of products or services intended for a global market but customized to conform to local laws -- within the bounds of international law." The final key principle is more self-regulatory in character. It is the operational norm of "do no evil" as it pertains to requests from repressive states to have Internet intermediaries to crack down on free speech or privacy. "[W]e must seek to nurture a corporate consciousness among information providers of their role in liberation or oppression," Chander argues.

In a sense, what Chander is recommending here is largely the way global information markets already work. Thus, instead of being aspirational, Chander's book is actually just more descriptive of the reality we see on the ground today.

Chander also highlights the specific U.S. policies that have fostered the growth of electronic trade, including the First Amendment guarantee of freedom of speech; the Communications Decency Act's Section 230, granting immunity to web hosts for user-generated information; Title II of the Digital Millennium Copyright Act (DMCA), granting immunity to web hosts for copyright infringement; and weak consumer privacy regulations [which have] created breathing room for the rise of Web 2.0." "This permissive legal framework offers the United States as a sort of export-processing zone in which Internet entrepreneurs can experiment and establish services." Chander gets it exactly right here. Legally speaking, this is the secret sauce that continues to power the Net.

Surprisingly, the book doesn't spend much time discussing "multi-stakeholderism." It is getting hard to pick up any Internet policy tract these days and not find reference to multi-stakeholder processes of one sort or another. In particular, I expected to see more linkages to broader "Net freedom" fights in the text. But don't let that fact detract from this otherwise excellent book.

[Note: The review condensed from longer review posted at the Technology Liberation Front blog.]

2 of 2 people found the following review helpful.

Modern Silk Road - Center of Global Commerce

By Dallas

Modern Silk Road - Center of Global Commerce, if you don't want to know what make the modern global economy go around, don't blame Anupam Chander if you are left behind. Having spent some time in Xi'an this summer (the old capital of China and terminus of the silk road), the wealth left behind as a consequence of the last silk road is awe inspiring. Don't be left out on the wealth created by the new silk road.

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