CHAPTER 1

Introduction

What is Web 2.0?
There are many varied definitions and descriptions of Web 2.0, but the text provided by Wikipedia and adapted below provides an overview.

Web 2.0 provides the user with more user-interface, software and storage facilities. Users can provide the data that is on a Web 2.0 site and exercise some control over that data. These sites may have an ‘architecture of participation’, which encourages users to add value to the application as they use it.

Web 2.0 offers all users the same freedom to contribute, for good or bad. Characteristics of Web 2.0 are: rich user experience, user participation, dynamic content, metadata, web standards and scalability. Further characteristics, such as openness, freedom and collective intelligence, also known as ‘the wisdom of the crowds’ by way of user participation, can also be viewed as essential attributes of Web 2.0.

Web 2.0 websites include the following features and techniques:

• search – finding information through keyword search
• links – connect information together into a meaningful information ecosystem using the model of the web, and provide low-barrier social tools
• authoring – the ability to create and update content leads to the collaborative work of many rather than just a few web authors; in wikis, users may extend, undo and redo each other’s work; in blogs, posts and the comments of individuals build up over time
• tags – categorization of content by users adding ‘tags’ – short, usually one-word descriptions – to facilitate searching, without dependence on pre-made categories; collections of tags created by many users within a single system are called folksonomies
• extensions – software that make the web an application platform as well as a document server; extensions include software like Adobe Reader, Adobe Flash player, Microsoft Silverlight, ActiveX, Oracle Java, Quicktime, Windows Media, and so on
• signals – the use of syndication technology such as RSS to notify users of content changes.

A third important part of Web 2.0 is the social web, which is a fundamental shift in the way people communicate. The social web consists of a number of online tools and platforms where people share their perspectives, opinions, thoughts and experiences. Web 2.0 applications tend to interact much more with the user, so the user is not only a user of the application but also a participant by:

• podcasting
• blogging
• tagging
• contributing to RSS
• social bookmarking
• social networking.

The popularity of the term Web 2.0, along with the increasing use of blogs, wikis and social networking technologies, has led many in academia and business to coin a flurry of 2.0s, including Library 2.0, Classroom 2.0, Publishing 2.0 and Government 2.0. Many of these 2.0s refer to Web 2.0 technologies as the source of the new version in their respective disciplines and areas. For example, in the 2006 Talis white paper ‘Library 2.0: the challenge of disruptive innovation’, Paul Miller argues: ‘Blogs, wikis and RSS are often held up as exemplary manifestations of Web 2.0. A reader of a blog or a wiki is provided with tools to add a comment or even, in the case of the wiki, to edit the content. This is what we call the Read/Write web.’ (www.capita-libraries.co.uk/resources/documents/447_Library_2_prf1.pdf). Talis believes that Library 2.0 means harnessing this type of participation so that libraries can benefit from increasingly rich collaborative cataloguing efforts, such as including contributions from partner libraries as well as adding rich enhancements, such as book jackets or movie files, to records from publishers and others.

Here, Miller links Web 2.0 technologies and the culture of participation that they engender to the field of library and information management, supporting his claim that there is now a ‘Library 2.0’. Many of the other proponents of new 2.0s mentioned here use similar methods.

Web 2.0 offers an opportunity to engage consumers. A growing number of marketers are using Web 2.0 tools to collaborate with consumers on product development, service enhancement and promotion. Companies can use Web 2.0 tools to improve collaboration with their business partners and consumers. Among other things, company employees have created wikis – websites that allow users to add, delete and edit content – to list answers to frequently asked
questions about each product, and consumers have added significant contributions. Another marketing Web 2.0 lure is to make sure consumers can use the online community to network among themselves on topics of their own choosing.

Small businesses use Web 2.0 marketing strategies to compete with larger companies. Web 2.0 technologies are used to decrease the gap between businesses and customers. Social networks have become more intuitive and user-friendly. For example, some companies use Twitter to offer customers coupons and discounts for products and services.

Critics of the term claim that ‘Web 2.0’ does not represent a new version of the web at all, but merely continues to use established web technologies and concepts. They say the technology is not novel, and that many of the ideas of Web 2.0 had already been featured in implementations on networked systems well before the term emerged. Amazon, for instance, has allowed users to write reviews since 1995. Amazon also opened its application programming interface to outside developers in 2002. The most common criticism is that the term is unclear or simply a buzzword. For example, in a podcast interview in 2006, Tim Berners-Lee described the term ‘Web 2.0’ as a ‘piece of jargon’: ‘Nobody really knows what it means. . . . If Web 2.0 for you is blogs and wikis, then that is people to people. But that was what the Web was supposed to be all along.’ (www.ibm.com/developerworks/podcast/dwi/cm-int082206txt.html).

Web 2.0 allows anybody, anywhere, to share and, by implication, place undue value on their own opinions about any subject and post any kind of content, regardless of their knowledge, credentials, biases or hidden agendas. The core assumption of Web 2.0, that all opinions and user-generated content are equally valuable and relevant, is arguably misguided. *Sunday Times* reviewer John Flintoff has (2007) characterized Web 2.0 as ‘creating an endless digital forest of mediocrity: uninformed political commentary, unseemly home videos, embarrassingly amateurish music, unreadable poems, essays and novels’, and also asserted that Wikipedia is full of ‘mistakes, half truths and misunderstandings’ (http://technology.timesonline.co.uk/tol/news/tech_and_web/personal_tech/article1874668.ece). Michael Gorman, former president of the American Library Association and a well known critic of some modern computerized retrieval systems, has been particularly vocal in his opposition to Web 2.0. He argues (2007) that the lack of expertise of those who contribute damages the usefulness of, for example, social networking sites. However, he believes that there is some hope for the future: ‘The task before us is to extend into the digital world the virtues of authenticity, expertise, and scholarly apparatus that have evolved over the 500 years of print, virtues often absent in the manuscript age that preceded print.’ (www.britannica.com/blogs/2007/06/web-20-the-sleep-of-reason-part-i/).

But despite the apparent decline in the use of the term in recent years, ‘Web
2.0' has become a convenient and widely applied term for all applications on the web that involve user participation, as opposed to simply users sucking information out.

**Legal issues of Web 2.0**

Library and information professionals already have many sources of information about Web 2.0 applications through books (there are dozens listed on the Amazon bookstore), professional and scholarly publications, and conferences. The legal issues associated with library and information work are well known and well served by books. So why yet another book on Web 2.0, but this time focusing on legal issues? Surely Web 2.0 applications do not alter the legal landscape? Well, not quite. There are numerous reasons why library and information professionals need to be aware of the novel legal issues associated with Web 2.0:

1. Web 2.0 is international. Unlike traditional library and information management operations, which tend to be conducted within a single country, and are therefore subject to the laws of that one country, with Web 2.0, contributors of materials potentially come from all over the world, and the materials resulting from the Web 2.0 application tend to get distributed all over the world. This book is primarily focused on UK law, and to a lesser extent, European Union (EU) and US law. Although many of the broad principles apply in other countries as well, there will always be a nagging worry that something on a Web 2.0 service that is perfectly legal in one country will break another country’s laws. Unfortunately, this book cannot give authoritative advice on the information-related laws of countries around the world, but it can remind you of the issues that are likely to arise.

2. Anyone can contribute – unlike most library and information technical applications, in Web 2.0 the range of people able to contribute is much wider than just a group of professionals with all the high standards one associates with that term. Many of those contributing to a Web 2.0 service are either ignorant of, or contemptuous of, established laws, and so the chances of something illegal being disseminated on a Web 2.0 service are that much higher.

3. The lines of responsibility are blurred – whereas in the past, it was clear who was responsible for creating and disseminating particular data or information, that distinction is less clear when the people contributing may be using pseudonyms or become totally anonymous, and where it is unclear who or what helped the illegal material (if it is illegal) be spread to all the readers. Furthermore, in many cases, what is posted is the product of
collaboration between several contributors, and it might be difficult or impossible to tease out who was responsible for what bit.

4. New legal issues arise in Web 2.0 that one does not associate with traditional library technologies. To give one example, those who contribute to Twitter or to Facebook may well be putting their own jobs or careers at risk by posting material that brings their employer or themselves into disrepute. There are issues to do with contract formation, stalking and harassment, gambling, advertising, VAT, liability and other legal problems, which can arise in Web 2.0 and which the library and information manager may never have encountered before.

5. Although the technology of Web 2.0 is well established, the law has yet to catch up – contract law, liability law, defamation law, internet scams law and copyright law are all struggling to keep up with the activities and norms of Web 2.0 users. This leads to uncertainty and/or a black hole because the law cannot cope (see for example the laws on spamming) and/or laws are over-zealous (see for example the attempts by legislators to cut copyright infringement with more and more draconian laws – which are either ignored, or bypassed with technical fixes by those determined to keep on infringing, or who object in principle to any kind of censorship).

6. There are also numerous extra problems thrown up by cloud computing. Many Web 2.0 applications run on cloud computing facilities; of course, there are many ‘Web 1.0’ applications running on cloud computing as well. In this book, two particular issues relevant to cloud computing are highlighted: the diffuse geographical basis of cloud computing, and the one-sided nature of the contracts imposed by cloud computing services; both cause potential problems. These are explored more fully in Chapter 7.

The structure of this book

This book comprises eight chapters (including this one). They cover copyright, other intellectual property rights (IPRs), data protection and privacy, freedom of information, defamation, liability issues and cloud computing. There is a brief annotated bibliography of works and websites that I have found useful. The list in the bibliography is not intended to be comprehensive.

Readers will find case studies and exercises scattered in many of the chapters. Generally, the case studies relate to real events, though sometimes they are hypothetical. The questions in the exercises are designed to help you think through the issues raised. Suggested answers can be found towards the end of each chapter, but it is worth stressing that many legal scenarios are open to different interpretations and conclusions. If you disagree with the answers provided, e-mail me at c.oppenheim@btinternet.com!
The text represents my understanding of the law at the middle of 2012. Obviously the law constantly changes, as does the interpretation of the law by courts. Readers should bear this in mind when considering the implications of the advice provided in this book. This leads on to the disclaimer already mentioned in the Preface that all readers should bear in mind: I am not a lawyer, and I can accept no responsibility for any actions you choose to take (or not take) as a result of reading this book. If you are in any doubt at all about a legal matter, my advice is simple – talk to a lawyer!