FRONTIERS OF LAW IN CHINA
VOL. 14 JUNE 2019 NO. 2
DOI 10.3868/s050-008-019-0014-8

ACADEMIC NEWS

BOOK LAUNCH OF AND CONFERENCE ON PARADIGMS OF INTERNET REGULATION IN THE EUROPEAN UNION AND CHINA

On March 26, 2019, the book launch of and a conference on the "Paradigms of Internet Regulation in the European Union and China" were convened at Renmin University of China Law School, Beijing, China. The conference was jointly conducted by Renmin Law School and LMU Munich Faculty of Law and coorganized by the Law and Technology Institute of Renmin University of China. The objective of the conference was to present the research outcome of the young scholar joint research project of Renmin Law School and LMU Munich Faculty of Law and discuss topical issues pertaining to internet regulation, particularly emphasizing internet-sharing economy regulation, internet content control, personal data protection, liability of internet intermediaries, and cybersecurity regulation. The conference attracted a large number of participants, including representatives of regulators and internet companies, as well as leading scholars in the field of internet regulation and cybersecurity from Renmin University of China, LMU Munich, Max Planck Institute for Innovation and Competition, Chinese Academy of Social Sciences, Shanghai Academy of Social Sciences, Peking University, China University of Political Science and Law, and so on.

The book launch conducted at 9:00 a.m. marked the official beginning of the event. It was moderated by Associate Professor ZHANG Jiyu, executive director of the Law and Technology Institute, together with Dr. Michael Müller, LMU Munich. In this session, Associate Professor CHENG Lei, deputy dean of Renmin Law School, warmly congratulated the researchers involved in the joint project and expressed his appreciation for the remarkable academic significance of the research result. On behalf of LMU, Prof. Dr. Christian Walter, representative for Academic Exchange of the Law Faculty, praised the joint project and its achievement. He considered it a symbol of both academic cooperation and institutional partnership between the two law schools.

Once the opening remarks were concluded, Mr. TIAN Wei and Dr. Walther Michl, representatives of project members from Renmin Law School and LMU Munich Faculty of Law correspondingly gave an overview of the project and its research outcome, respectively. In his presentation, Mr. TIAN Wei first reflected on the initiation of the project. He emphasized the following two features of the project: choosing the topic of internet regulation to promote joint research, and building a team of young scholars to strengthen exchange among junior researchers. Subsequently, he reviewed the

implementation of the project over the past two years, particularly emphasizing the two seminars conducted in Beijing and Munich, as well as the publication process. While concluding his presentation, on behalf of all the project members (Renmin University of China team: YU Wenguang, CHEN Xuan, DING Xiaodong, XIONG Bingwan, and TIAN Wei; LMU Munich team: Christoph Krönke, Michael W. Müller, Laura Münkler, Walther Michl, and Daniel Wolff), Mr. TIAN expressed his gratitude to the two law schools and the two publishers, Nomos Press and the *Frontiers of Law in China* journal. Subsequently, Dr. Walther Michl briefly introduced the outcome of the joint research project, which comprises one editors' note and nine papers. The introduction comprehensively overviews the paradigms of internet regulation in the European Union and China, whereas the nine papers discuss issues such as internet content regulation, liability of internet intermediaries, criminal responsibility of internet service providers, data regulation pertaining to the internet of things, personal data protection, regulatory penalties against nonprofessional taxis, space as a paradigm of internet regulation, digital border control, and fundamental rights in the digital era.

In the second session, the conference participants were divided into four panels. In each panel, two or three scholars delivered thought-provoking presentations, which were followed by the comments of three panelists and a lively discussion.

The first panel focused on "internet-sharing economy regulation." Dr. Heiko Richter from Max Planck Institute for Innovation and Competition offered his insights regarding the propertization of data in a data-driven economy. He argued against the trend of propertization of data, considering the data property right to be unjustifiable, regardless of whether it is normative or based on a cost–benefit analysis. Instead, he proposed a new regulatory paradigm that targets access. Further, Associate Professor CHEN Lixing from Shanghai Academy of Social Sciences delivered a speech on the digital trade provisions of the US Free Trade Agreement, in which he compared the similarities and differences of the provisions with the relevant Chinese standpoints and practices. By identifying the challenges caused by the international trade pattern and the responses of different countries, he suggested a more refined and multidisciplinary approach to enhancing the trade pattern and satisfying the requirements of various countries. Finally, Dr. XIONG Bingwan from Renmin University of China, the panel's last speaker, presented his recent research on the distribution of regulatory power in the context of China's sharing economy. Considering the regulation on nonprofessional taxis as an example, he proved that under the same regulatory framework implemented by the central government, significant divergences in concrete regulatory policies exist among different local governments. He concluded with an analysis on the probable causes and motives of such discrepancies. The three presentations were followed by the comments of Associate Professor ZHAO Peng, vice dean of School of Law-Based Government, China University of Political Science and Law; Ms. XIE Xiaoling, deputy director of Development

Research Center at Research Institute of Highway, Ministry of Transport of China; and Mr. ZHANG Teng, dean of Policy Research Institute of Meituan Company.

In the second panel, Dr. Michael W. Müller from LMU Munich examined the methods to identify internet regulatory paradigms and analyzed the history of European internet content control as an example. Further, he proved, from both comparative and historical perspectives, the high methodological importance of mapping paradigms for future research on internet regulation. Subsequently, Associate Professor DING Xiaodong examined personal data protection and algorithm regulation. Through many discussions on recent cases and debates, he argued that personal data protection is interwoven with issues such as property, privacy, and speech. He particularly analyzed the nature of and, thereby, the appropriate regulations on user profiles. All the three panelists, Professor LI Xin, director of Department of Law at Capital Normal University; Dr. LIU Xiaochun, executive director of Internet and Law Center at University of Chinese Academy of Social Sciences; and Mr. CHANG Yujie, director of Department of Law and Policy Research at Bytedance Company, considered the two presentations to be praiseworthy and offered thought-provoking questions for further research.

In the third panel, both the speakers discussed the liability of internet intermediaries from their own fields. Associate Professor CHEN Xuan from Renmin University of China talked about the boundary of criminal regulation in cyberspace. While examining recent developments pertaining to the criminal responsibility of internet service providers, he identified the probable side effects of an excessively general regulative policy, particularly the risk of over-expansion of the crime scope. The second speaker in the panel, Mr. CAO Jianfeng, who is a senior researcher at Tencent Research Institute, analyzed the liability of internet intermediaries in the field of copyright law. He examined the test for hyperlink infringement established in the case law of European courts and evaluated the relevant provisions of the Proposal for a Directive on Copyright in the Digital Single Market. In his opinion, although the safe harbor principle was appropriate as a legal rule during the early phase of the internet, the regulation of intermediaries in the future must be co-driven by law and technology. During the conclusion of this panel, Associate Professor WANG Ying, deputy director of the Law and Technology Institute; Professor WAN Yong, director of Research Center for Technology Transfer and Investment of the Law and Technology Institute; and Mrs. LI Li, director of JD Legal Research Institute offered comments on the presentations. They shared the opinion expressed by the two speakers and contributed to the discussion based on their own research interests.

In the final panel, Dr. Walther Michl from LMU Munich presented the territorial approaches to internet regulation. In his opinion, the traditional international order based on national territories and borders is facing a tough challenge in the internet era, that is, the boundless exchange of all types of resources and the shifts in resource burden to huge,

multinational companies. Therefore, the traditional territory approaches continues to have considerable practical significance in the field of internet regulation. Dr. HONG Yanqing, senior fellow at Law and Development Academy of Peking University, introduced the regulatory regimes of China for the cross-border data flow. First, he listed the four main concerns of cross-border data flow: data security, individual protection, public policy, and national security. In practice, among most of the countries, consensus is reached with respect to privacy protection alone, whereas other regulatory objectives remain contentious. Subsequently, he elaborated on China's current regulatory system for data flow under the Cybersecurity Law. Following the two presentations, Dr. XU Ke, executive director of Digital Economy and Law Innovation Research Center at University of International Business and Economics; Mr. FANG Yu, director of Internet and Law Research Center at China Academy of Information and Communications Technology; and Dr. LIU Jinrui, associate researcher at Center of the Rule of Law, China Law Society, offered relevant comments.

At the end of the conference, Professor ZHU Jingwen from Renmin University of China, editor-in-chief of *Frontiers of Law in China*, delivered the closing remarks. By specifying the challenges to the global rule of law caused by the internet and other recent technological breakthroughs, Professor ZHU emphasized the theoretical and practical significance of research in the field internet regulation and cybersecurity. The *Frontiers of Law in China* looks forward to publishing more studies addressing such important questions of our time.

TIAN Wei[*], *ZHENG Zixuan*[**]

[*] (田伟) LL.M., School of Law, Renmin University of China, Beijing, China; Ph.D. candidate, School of Law, Renmin University of China, Beijing 100872, China. Contact: tianwei0318@sina.com

[**] (郑子璇) Juris Master Student, School of Law, Renmin University of China, Beijing 100872, China. Contact: zzheng_0609@ruc.edu.cn