

# The Governance of Data in Trade Agreements: Design, Diffusion and Implications

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NRP

Big Data  
National Research Programme

## Objectives:

- map all existing rules for data and Big Data in all trade agreements
- map existing regulatory space left for any new national rules on data
- explore diffusion of regulatory models with regard to data (e.g. the language of 'free flow of data')
- explore impact of trade agreements on national data-relevant rules
- suggest trade governance models that enable global data-driven innovation, while safeguarding public interests

## Methodology:

- data-gathering, analytical and normative parts
  - through a combination of methods of law and political science
- + digital linguistics for the treaty analyses

## Impact:

- fill a sizeable research gap by offering comprehensive, up-to-date, unbiased dataset and research on the data governance in trade agreements
- enable informed and future-oriented policy-making
- significant policy impact expected, as most countries, incl. Switzerland, do not have distinct digital trade strategies

## Impact: data localization / privacy legislation

**Impact on GDP:** Brazil (-0.2%), China (-1.1%), EU (-0.4%), India (-0.1%), Indonesia (-0.5%), Korea (-0.4%); Vietnam (-1.7%).

**Impact on overall domestic investment:** Brazil (-4.2%), China (-1.8%), EU (-3.9%), India (-1.4%), Indonesia (-2.3%), Korea (-0.5%), Vietnam (-3.1).

Welfare losses amount to \$63 bn for China and \$193 bn for the EU.

### Areas of data relevance:

- > business mobility
- > competition policy
- > content access
- > data policies
- > intellectual property
- > intermediary liability
- > investment
- > online sales
- > public procurement
- > tariffs / quantitative restrictions
- > standards
- > taxation and subsidies

ECIPE

## Highlighting governance dilemmas: free data flow vs. privacy

### Extracting information

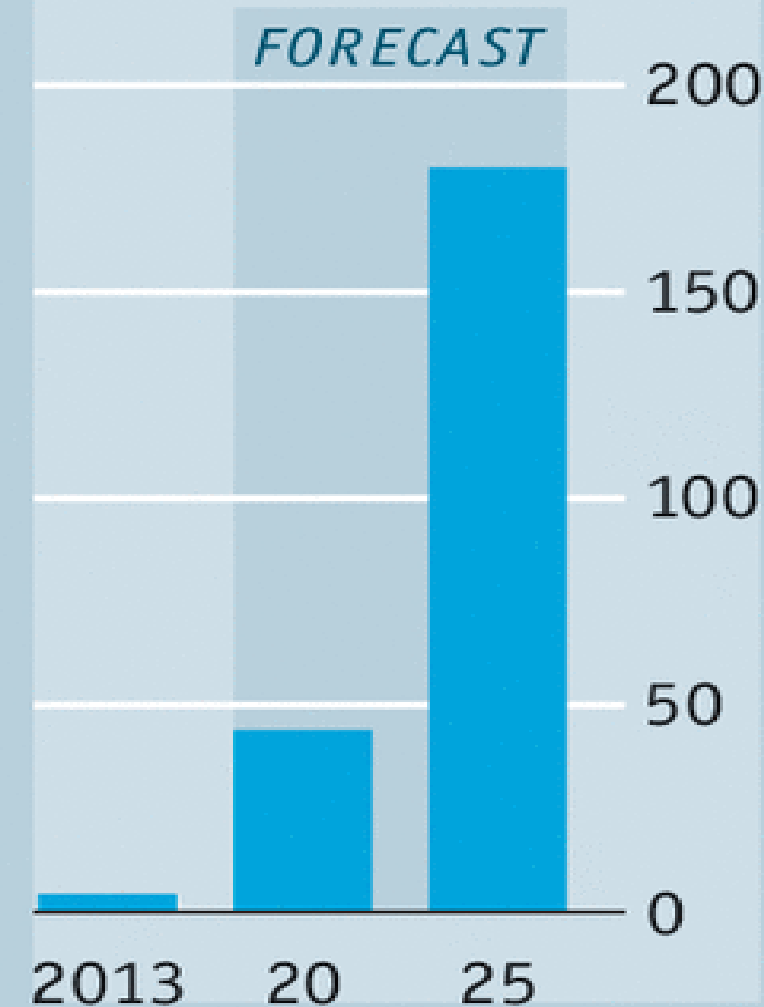
Data-driven deals, selected

	Target company (Date)	Value of deal, \$bn	Business
facebook	Instagram (2012)	1.0	Photo sharing
	WhatsApp (2014)	22.0	Text/photo messaging
Alphabet	Waze (2013)	1.2	Mapping and navigation
IBM	The Weather Company (2015)	2.0	Meteorology
	Truven Health Analytics (2016)	2.6	Health care
intel	Mobileye (2017)	15.3	Self-driving cars
Microsoft	SwiftKey (2016)	0.25	Keyboard/artificial intelligence
	LinkedIn (2016)	26.2	Business networking
ORACLE	BlueKai (2014)	0.4	Cloud data platform
	Datalogix (2014)	1.0	Marketing

Source: Company reports, estimates

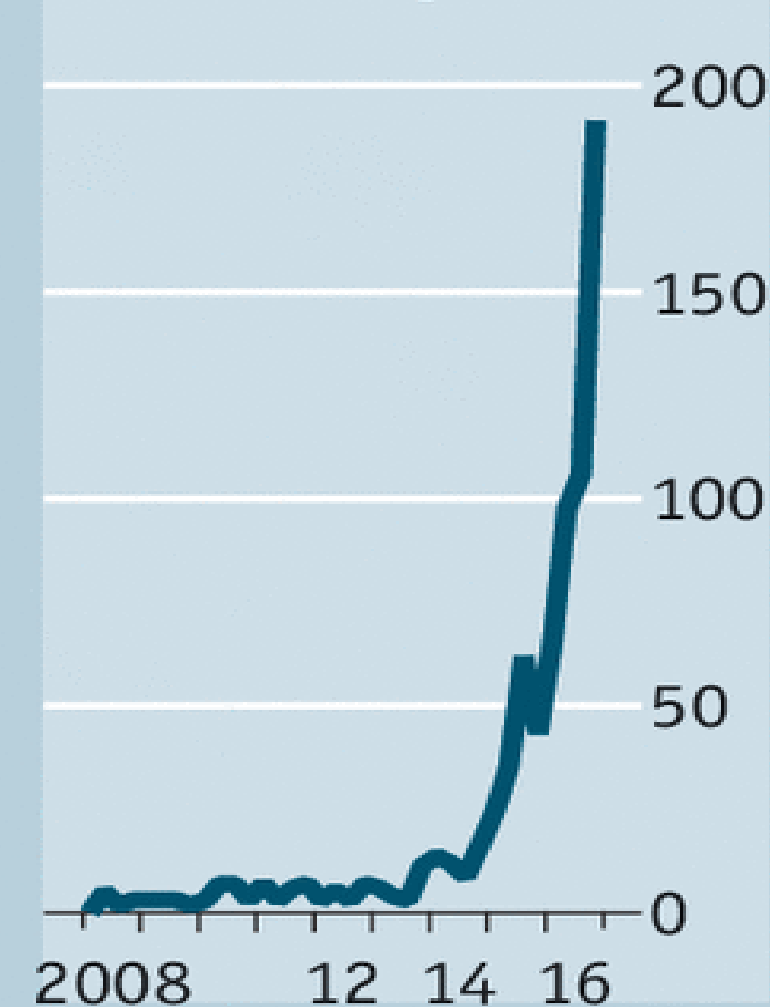
### Byte marks

#### The digital universe Zettabytes



Sources: IDC; Bloomberg

#### Companies mentioning AI in earnings calls



PI: Mira Burri, University of Lucerne  
Manfred Elsig, University of Bern

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