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Note by the Secretary-General

CONTRIBUTION FROM THE REPUBLIC OF INDIA

Topic for Public Consultation – Public Policy Considerations for OTTs

I have the honour to transmit to the Member States of the Council a contribution submitted by **the Republic of India**.

 Houlin ZHAO
 Secretary-General

India (Republic of)

Topic for Public Consultation – Public Policy Considerations for OTTs

1. **Introduction**

1 The Indian Administration acknowledges the efforts of Member States, ITU and other international organizations for their collaborative efforts in development of Internet and measures taken to bridge digital divide. The report[[1]](#footnote-1) of the CWG[[2]](#footnote-2) – Internet vide the document C17/51 has succinctly captured the deliberations of its meetings during October 2016 and February 2017. The deliberations and inputs received on topics “Building an enabling environment for access to the Internet”, “Developmental Aspects of the Internet” have highlighted important aspects to foster the growth of Internet. Vide the report, the CWG-Internet has referred to Council 17 to provide guidance on the topic of the next consultation between “Bridging the Digital Gender Divide” and “Public Policy considerations for OTTs[[3]](#footnote-3)”.

**B. Discussion**

2 Both the topics “Bridging the Digital Gender Divide” and “Public Policy considerations for OTTs”, are very relevant in the current times. The SDGs[[4]](#footnote-4) have appropriately identified the goal 5 – Achieve gender equality and empower all women and girls. In this context, efforts to bridge the digital gender divide is important as an ongoing exercise in equitable development of Internet. The issue is appropriately flagged in the previous consultations as well. At the same time, technology is making services delivery agnostic of platforms creating new regulatory challenges and opportunities. The Public Policy consideration for OTTs is very important as services provided through OTTs and social media are playing a critical role of engagement contributing for the multifaceted development of internet including in bridging digital gender divide.

3 While acknowledging the yeomen role played by the internet in building an information and knowledge society, there is a widespread concern about misuse of internet and social media for criminal, antinational and terror activities disturbing peace and harmony. There is no country as an exception, which is not impacted by the misuse of internet and social media in some degree or other. The Indian Administration shares its concerns along with many others who have seen the gory impact of terrorism through the misuse of ICTs. This highlights the urgency and importance of the issue for the attention of distinguished Member States, ITU and other international organizations that a collective action is the need of the hour. A widespread consultation and deliberations on OTTs is critical to address the challenges of privacy, security and measures to prevent their misuse.

4 Some of the valuable inputs[[5]](#footnote-5) during the Open consultation on Developmental Aspects of the Internet are:

* connectivity as the foundational aspect of digital economy,
* addressing shortfalls in rural service, gender divide,
* share knowledge & discuss issues related to personal data protection,
* cross-border transfer of personal data for global internet services,
* equitable internet infrastructure development,
* open, inclusive and transparent internet-related policy-making process,
* Internet is not, of course, a panacea in itself, but the innovative and socially and economic beneficial services that can run on it can benefit all societies, whatever their state of development, and
* access to new technologies, including the broadband, as a right

5 We strongly believe that Public policy consideration for OTTs have an important role in building trust framework and to ensure they are not misused by becoming global crowdsourcing platform of terror by terror outfits threatening national and global peace and harmony.

**C Proposal**

6 In view of above, while acknowledging the significant role played by the OTT services in socio economic development and engagement, there is an urgent need to evolve a framework balancing privacy, user rights, security needs, infrastructure development and most importantly challenges of misuse of internet and social media leading to acts of crime and terror. It is pertinent to invite the stakeholders to urgently deliberate on public policy consideration for OTTs.

7 The Indian Administration encourages the Council to take up the topic of public policy consideration for OTTs for the next open house consultation as an urgent need while acknowledging the need for deliberations on bridging the digital gender divide as a priority area. Additional text is proposed to the terms of reference[[6]](#footnote-6) for the topic - Public policy consideration for OTTs, as presented in the Annex (in clear and track mode) to this document reflecting current challenges and issues as presented above.

**Annex (Clear version)**

**Public Policy considerations for OTTs**

“Considering the rapid development of information and communications technology (ICT) which led to the advent of Internet-based services commonly known as “over-the-top” (hereafter: OTT), all stakeholders are invited to submit their inputs on the following key aspects from policy perspective:

* What are the opportunities and implications associated with OTT?
* What are the policy and regulatory matters associated with OTT in general and personal authentication in particular?
* How do OTT players address the concerns related to abuse in OTT services including the need for maintaining data records, logs etc., and compliance to the regulations if such OTT players reside outside the country?
* How do the OTT players and other stakeholders offering app services contribute in aspects related to security, safety and privacy of the consumer and consumer data? How could the terms of services, privacy policy and license conditions set by the OTT player for the use by the consumer be simplified bringing in transparency and ensuring informed decision making by the consumer?
* What regulatory approaches which might be considered regarding OTTs to help the creation of environment in which all stakeholders are able to prosper and thrive? What public policies regarding OTTs are needed to protect consumer privacy, prevent abuse in OTT services due to lack of sufficient authentication and challenges in attribution, and facilitate law enforcement to fight crime and terror?
* How could the OTT players and stakeholders address the challenge of misuse of its services as global crowdsourcing platform of terror by terror outfits threatening national and global peace and harmony?
* How can OTT players and operators best cooperate at local and international level? Are there model partnership agreements that could be developed?

**Annex (with track changes)**

**Public Policy considerations for OTTs**

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1. CWG internet S17-CL-C-0051!!MSW-E [↑](#footnote-ref-1)
2. CWG: Council Working Group [↑](#footnote-ref-2)
3. OTT: Over The Top (service providers or applications) [↑](#footnote-ref-3)
4. A/RES/70/1 Transforming our world: the 2030 Agenda for Sustainable Development [↑](#footnote-ref-4)
5. OPEN CONSULTATIONS on Developmental Aspects of the Internet- Document OPCWGINT4/3-E (Rev.1) [↑](#footnote-ref-5)
6. CWG internet S17-CL-C-0051!!MSW-E [↑](#footnote-ref-6)