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| **Physical Open Consultations of the  Council Working Group on International Internet-related Public Policy Issues** |  |
| **Geneva, 18 September 2017** |  |
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PHYSICAL OPEN CONSULTATIONS OF THE COUNCIL WORKING GROUP ON INTERNATIONAL INTERNET-RELATED PUBLIC POLICY ISSUES

**Compilation of responses to the Online Open Consultation   
(June- September 2017)**

The Plenipotentiary Conference 2014 instructed the ITU Council to revise its Resolution 1344 to direct the Council Working Group on international Internet-related public policy issues (CWG-Internet), limited to Member States, with open consultation to all stakeholders, and to conduct such open consultation according to specific guidelines. As a result the ITU Council at its 2015 session resolved that the CWG-Internet should hold both online open consultations and physical open consultation meetings, with remote participation, within a defined period prior to each CWG-Internet meeting.

ITU Council also resolved that all relevant inputs received in the open consultation will be available to the CWG-Internet and all other stakeholders on a dedicated publicly accessible webpage of the CWG-Internet website. Relevant inputs from the open online consultation on the topic(s) decided by the CWG-Internet will form the basis of discussion at the physical open consultation meetings and all relevant responses will be submitted to the CWG-Internet for consideration of the issues chosen for its next meeting.

Upon request of the Council Working Group on International Internet-related Public Policy Issues (CWG-Internet), the 2017 Session of the ITU Council decided on 25 May 2017 to hold an open consultation (online and physical) on the following topic:

**"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:

1. What are the opportunities and implications associated with OTT?

2. What are the policy and regulatory matters associated with OTT?

3. How do the OTT players and other stakeholders offering app services contribute in aspects related to security, safety and privacy of the consumer?

4. What approaches might be considered regarding OTT to help the creation of environment in which all stakeholders are able to prosper and thrive?

5. How can OTT players and operators best cooperate at local and international level? Are there model partnership agreements that could be developed?"

You can find below the compilation of the responses received.

*NOTE: Please note that due to the different formats used by the online respondents:*

* *Inputs to the “Comment box” of the online form- serving either as sole contribution, summary or comment- have been copied and pasted, unless identical with the submitted document;*
* *When available, indicated summaries have been copied and pasted.*
* *Unless a summary is available, submitted documents of up to 1000 words have been copied and pasted, as well as hyperlinked. Longer documents have been hyperlinked only;*
* *Footnotes found in the submitted documents were not included in the present document.*

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|  | **Date** | **Submitter** | **Response** |
|  | June 06, 2017 | [Association for Proper Internet Governance (Switzerland)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=4) | **SUMMARY (provided in submitted document and comment box):**  The time has come to recognize that OTTs are a global phenomenon and that they can be appropriately governed only by concerted global action. There is a need for global rules, which should take the form of an international legal framework. The time has come to start creating that framework, which should include a Digital Geneva Convention.  OTTs bring benefits, but they bring benefits only if people are connected. Thus, as stated in our previous contributions, there is an urgent need to reduce the cost of connectivity in developing countries. This can be achieved by fostering competition (which may include functional separation), funding infrastructure, taking steps to reduce the cost of international connectivity, supporting the development of local content, capacity building, and a proper governance system.  In order to foster the continuing use of OTTs, it is necessary to improve trust and security. It is urgent to recognize that market failures are partly the cause of the current lack of security of OTTs. Steps must be taken to address the externalities arising from lack of security (entities that do not secure their systems sufficiently do not bear all the costs of security breaches), and to address information asymmetries (consumers have no way of knowing which services are sufficiently secure). At the same time, it is imperative to protect human rights, protect data privacy, protect consumers and workers (in particular against abuse by dominant platforms), curtail unnecessary and disproportionate mass surveillance, address the issue of job destruction and wealth concentration engendered by OTTs, address the ethical issues arising from automation and artificial intelligence, and deal with OTT platform dominance.  The body of the paper contains specific recommendations for each of these issues.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/4/CWG-Internet%202017-2.pdf) |
|  | June 19, 2017 | [Association for Proper Internet Governance (Switzerland)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=5) | **SUMMARY (provided in submitted document and comment box):**  The principle that data should be borderless and that it should flow freely is a policy decision that has profound effects. Some base that principle on the idea that data is a commodity that should be freely traded.  But the idea that data should flow freely does not actually flow logically from the idea that data is a commodity: commodities are taxed and the producers of raw material are compensated for providing that material to the industries that transform it and add value to it.  Further, the idea that data is a commodity to be freely traded contradicts fundamental human rights.  And the benefits of free flow of data have been overstated: indeed free flow of data likely increases income inequality.  There is no obvious justification for policies favouring the free flow of data other than to allow OTTs to continue to accumulate huge profits (often monopoly profits) by extracting and refining data, without paying taxes and without compensating the users who produce the data in the first place.  As a consequence, there should be a moratorium on negotiations regarding the free flow of data.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/5/CWG-Internet%202017-2bis.pdf) |
|  | June 27, 2017 | [United Nations Development Programme  (India)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=6) | **Text provided in comment box:** Attaching the contribution to the CWG-Internet Online Open Consultation (June-September 2017).  **SUMMARY (provided in submitted document):** International development leads to the creation and implementation of innovations which is a common framework of products and ideas of all the nations in the world.  This aims to achieve and solve the common issues of humanity with the help of standardized guidelines and principles and products.  Thus leading to globalization and internationalization principles, which would solve local issues simultaneously [which could also be done by customization of the international ideas – based on the local market theme]!  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/6/Over%20The%20Top%20Consultation%202017.docx) |
|  | June 29, 2017 | [Just Net Coalition (Switzerland)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=7) | **SUMMARY (provided in submitted document and comment box):** To date, global regimes around trade, investment and intellectual property have mostly been conceptualised and written by the North. Developing countries were typically late to understand their real implications, by which time these had got too entrenched to admit structural changes towards fairly including developing country interests. A similar situation is arising with regard to the geo-economics of the global digital phenomenon, including OTT, which is an important phenomenon within the constellation of digital phenomena.   A global digital order is gradually and steadily taking shape and is intended to apply to OTTs. Various social sectors are getting transformed by OTTs, like the information sector by Google, commerce by Amazon, and urban transportation by Uber. Companies that own these platforms are largely multinational, US-based monopolies. They soak up free raw data from the world’s citizens and convert it into “digital intelligence”, which is employed in reorganisation and consequent domination of all sectors. Apart from becoming a sustained model of economic exploitation of people in general and developing countries in particular, this new form of digital dependency also carries dire political, social and cultural consequences.   Viewing the OTT phenomenon through narrow frameworks of a promising industry and/or neutral tool for socio-economic development, both developed and developing countries have ignored larger policy issues like internalising network effects of data and digital intelligence to support national industry, regulation of platforms, and ownership of publicly important digital data. Developing countries in particular remain at the margins of global Internet/digital governance processes, with no vision or common strategies and the North continues to develop the norms and policy principles for the global digital society, on the basis of its interests and its geopolitical vision, which at present is heavily tilted in favor of the economic interests of a few big companies and the few people who own those companies.   The current times are of critical importance to shape the key features of the emerging global digital order. If existing trends continue, ordinary people and developing countries will soon be locked into strong digital dependency. The global reach through the Internet of unimaginably intelligent technologies carries the very real prospect of invasive domination by a small group of people in the North and denial of democracy and national sovereignty to developing countries. The world’s people, and in particular those in the South, need to get their act together by undertaking urgent measures that range from understanding and framing issues in this domain, to establishing appropriate mechanisms for South-South cooperation, and evolving common geopolitical strategies for engagement with global forums.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/7/CWG-Internet-2017-JNC-final.pdf) |
|  | July 23, 2017 | [Chuo University (Japan)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=8) | **SUMMARY (provided in submitted document and comment box):**  OTT firms are emerging and flourishing players in the broadband ecosystem, and can become a significant competitive pressure on existing network operators if properly nurtured: telecom OTTs can be direct competitors to incumbent telecom carriers, whereas application/content OTTs can be alternative platform providers that may replace the portal functions of incumbent network operators. Since market competition is the most efficient and favorable resource allocation mechanism when conditions are met, it is important not to interfere with the development of OTTs, unless OTTs pose a clear and immediate threat to the competitive ecosystem.  Since OTTs are free from legacy infrastructures, they can adopt state-of-the-art technology with less resistance and introduce new or improved services in less time than firms that have been investing fortunes in network infrastructures. Therefore, supporting OTT firms can be a good industrial policy to enable the public enjoy the benefits of broadband ecosystem sooner.  Therefore, telecom/internet policies should not inhibit the development of OTTs and should be ready to intervene when existing players and already established OTT giants engage in anti-competitive activities against them. Alternatively, if the current market condition is not competitive enough, policies can be “targeted” to help OTTs become significant players in the market; however, such policies should be for a temporary period, otherwise they may cause more harm than good in the long run. In addition, it is important to keep in mind that there is no one-size-fit-all solution. For example, a treatment to the partnerships between OTTs and network operators has to be adjusted according to the broadband development stage: the lower the stage level is, the less restrictive governmental oversight should be.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/8/ToshiyaJitsuzumi20170723.docx) |
|  | August 01, 2017 | [RAEC  (Russian Federation](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=9)) | **SUMMARY (provided in comment box):**  Main policy issues associated with OTT is Net Neutrality, legacy regulations on services and content, the different landscape of data protection regulations, data retention. Governments need to create competitive landscape and protect OTT from legacy players and established platforms.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/9/1.docx) |
|  | August 14, 2017 | [U.S. Council for International Business (United States)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=10) | **Text provided in comment box:**  SUMMARY included as part of attachment.  **SUMMARY (provided in submitted document):**  The U.S. Council for International Business (USCIB) appreciates the opportunity to participate in the open consultation convened by the ITU Council Working Group on International Internet-related Public Policy Issues (CWG-Internet) on the topic of “Public Policy considerations for OTTs.” USCIB is a U.S.-based trade association composed of more than 300 multinational companies, law firms, and business associations from every sector of the U.S. economy, with operations in every region of the world. In particular, USCIB Members include a broad cross-section of the leading global companies in the information and communications technology (ICT) sectors.  We take this opportunity to offer a *multi-sectoral perspective* on:  1. The importance of staying true to the ITU’s primarily technical mission in developing international telecommunication standards and allocating spectrum, and not expanding the ITU’s work program to include Internet-related issues that are well beyond its remit, core competencies, and budgetary resources. Such issues are most effectively addressed in multistakeholder forums, where policy is holistically and expertly informed by consultations among business, civil society, the technical community, and government;  2. The promise of innovative online services and applications for economic, developmental, and societal benefits goals set forth in the U.N. Sustainable Development Goals; and  3. The related need to ensure an enabling environment for continued innovation and investment in these services. In this regard, market-driven solutions and voluntary, industry-led standards best ensure a healthy digital ecosystem.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/10/OTT%20Open%20Consultation.USCIB.081417.online%20submission.pdf) |
|  | August 17, 2017 | [Telefónica  (Spain)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=11) | **SUMMARY (provided in submitted document and comment box):**  Telefónica believes that a healthy digital ecosystem needs a sound approach by policy makers based in a holistic view of the digital value chain to unleash the potential of all the stakeholders to thrive, contributing to create socioeconomic well-being.  Telefónica’s belief is that healthy competition across all layers of the digital value chain is the best way to assure a sustainable digital ecosystem in where all the stakeholders are able to prosper and thrive.  Telefónica considers that the "same services, same rules, same taxes and same consumer protection" principle is the best way to stimulate competition on equal footing that underpins sustainability and provides the same opportunities for all the stakeholders regardless of their size or location at the core or at the edge of the digital ecosystem.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/11/Telefonica%20answer%20to%20ITU%20open%20consultation%20on%20Public%20Policy%20considerations%20for%20OTTs%20VF.pdf) |
|  | August 17, 2017 | [United States ITU Association  (United States)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=12) | **Text provided in comment box:**  **​**Please see attached comments.  **Text provided in submitted document:**  **Open Consultation: Public Policy Considerations for OTTs ITU Council Working Group on International Internet-Related Public policy Issues**  The United States ITU Association (USITUA) appreciates the opportunity to submit its views in the open consultation on “Public Policy Considerations for OTTs” convened by the ITU Council Working Group on International Internet-related Public Policy Issues (CWGInternet). Established in 2000, USITUA is an open U.S. industry forum for the discussion of issues and the development views and proposals on International Telecommunication Union (ITU) policy matters. Our membership is comprised of sixty U.S.-based corporations, associations and consultants, who share a vital interest in both policy matters before the ITU and the effective management of the Union.  As the global digital ecosystem continues to evolve at a rapid pace, there are ever-more innovative ways of using multiple platforms to make available to consumers a wide array of services and applications that are fueling economic growth and creating jobs. These changes are significant. They are enabling innovations, transforming economies, lifting productivity and boosting economic growth. Extraordinary opportunities are being created which are benefitting consumers around the world.  In order for these positive economic and social developments to continue, the communications market must be defined by innovation, investment, and competition. The imposition of legacy voice telecommunications regulations on emerging services, whether provided by either OTTs or traditional network operators, will only hinder the roll-out of new services to the detriment of consumers. In addition, market-driven voluntary standards developed by industry in an open and transparent manner will ensure that all users will obtain maximum benefits from OTTs and other emerging services.  As such, USITUA would be greatly concerned if new, top-down and ex-ante regulations are imposed on new and emerging services.  In particular, we would oppose any effort to expand the ITU’s jurisdiction and work program that would negatively impact the roll out of OTTs. Instead, the ITU should focus on its existing core competencies. Expanding the Union’s policy or technical work to include OTTs would further stretch already limited resources that are needed by the ITU to meet its existing responsibilities.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/12/USITUA%20Response%20to%20ITU%20Councils%20Open%20Consultation%20on%20OTTs.pdf) |
|  | August 17, 2017 | [Software & Information Industry Association](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=13)  [(United States)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=13) | **Text provided in comment box:**  SIIA considers the ITU’s core mission of allocating global radio spectrum and satellite orbits, developing technical network standards and improving access to ICTs to underserved communities to be very important. We encourage the ITU to maintain focus on these core competencies.  **SUMMARY (provided in submitted document):**  On behalf of the Software & Information Industry Association (SIIA), I am submitting these comments on the ITU’s open consultation on public policy considerations for over-the-top (OTT) applications. We very much appreciate the opportunity to comment. Our views on the consultation questions can be summarized as follows.  1) OTTs are socially and economically valuable tools.  2) OTTs contribute to consumer security, safety, and privacy.  3) OTTs are different from broadband providers.  4) Traditional telecommunications regulation should not be extended to OTTs.  5) OTTs and broadband providers both contribute to essential communications infrastructure.  SIIA considers the ITU’s core mission - “We allocate global radio spectrum and satellite orbits, develop the technical standards that ensure networks and technologies seamlessly interconnect, and strive to improve access to ICTs to underserved communities worldwide.” – to be very important. We encourage the ITU to maintain focus on these core competencies and not expand its work program to include areas beyond its limited remit and core competence, including questions relating to Internet-based applications and services.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/13/SIIA%20Letter%20to%20ITU%20re.%20OTT%20Consultation.pdf) |
|  | August 17, 2017 | [Palestine Telecom Group (Palestine)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=14) | **Text provided in comment box:**  Summary: OTT in Palestine has its positive and negative impacts on operators, which has created a variety of issues and growth of opportunities, such as the following:  Issues:   * The diverse variety of Voice OTT applications severely cannibalized the traditional voice service over the different destinations, where voice traffic originating over the fixed line operator has declined by a total of more than 59% over the past 5 years. In addition, incoming voice traffic decline by a total of 42% over a period of five years. * Increased the cost on operators as most of OTT applications (voice and video) are free don’t generate revenues for service providers. In Palestine, over the past 5 years, service providers were required to expand their backhaul by more than 50% yearly on average, resulting in a significant increase in cost of services delivered to the end customer. * Due to the lack of 3G services in Palestine, OTT free services are cannibalizing the GSM traditional services revenues.   Opportunities:   * The wide spread of OTT digital content has created a need for higher broadband speeds and has contributed to a slight increase in operators’ revenues. The average speed in Palestine has increased by a factor of 5.5% over the past five years, while total internet volume consumed by customers has been growing by a yearly average of 33% since 2012. * The migration from text based content to bandwidth, demanding video based content, has increased the dependence of subscribers over fixed broadband and has limited the effect of substitution by mobile broadband. Currently, there are no restrictions or regulations in Palestine over OTT. Content in general is an unregulated VAS, and any operator can develop and offer content services, such as OTT TV, web and mobile applications, as well as other services. The absence of measures to protect intellectual property has resulted, on one side, in the availability of pirated content available over different platforms for the end user, while on the other side it has made developers reluctant to create any content customized for local subscribers. The majority of OTT apps are calming to have high standards, in regards to privacy and data security, however, until now the end user has not been involved technically enough to fully comprehend the threats and associated breaches for using such apps. With the absence of regulation over the OTT apps, in terms of entry and exist, the associated quality, pricing structure, and dynamic nature of OTT will constantly shift the deck towards OTT apps providers leaving operators with no choice but to fulfill the increasing needs of subscribers in terms of bandwidth.   Therefore, it is necessary to create a more balanced environment, through which regulators should interfere by embracing one or more of the below options:   * Allow operators to request a share from the revenues for the services offered over their network in return of not blocking a specific OTT app; * Push OTT providers to host their services at the operators’ networks or peer their services with the operators in order to reduce the additional cost carried by the operators; * Force OTT apps providers to pay taxes for the services offered in their countries. As such, cooperation can be achieved, but not limited to, through the means of branding, revenue sharing models, profile sharing, bundling OTT services, along with 3G bundles, big data monetization, and so on. And due to the dynamic nature of the OTT industry and the low entry barriers for new players, it has become easy for new potential players to imitate and/or substitute services, in which, this has led to most partnership models, between OTT and operators, to not succeed. However, a win-win partnership approach, such as white labeling or service hosting for OTT applications (mainly video content), can be used as a successful relationship method. |
|  | August 18, 2017 | [Yahoo Japan Corporation  (Japan)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=15) | **Text provided in comment box:**  Please find attached Yahoo! JAPAN's contribution to the CWG-Internet Online Open Consultation (June - September 2017). Its short summary is included in the attachment.  **SUMMARY (provided in submitted document):**  **•**  ITU is not an appropriate venue to discuss public policy considerations for OTTs. The role of ITU is to provide a venue to discuss standards for the global stability of communication at network level and therefore is “not” a venue to address such fields as a content layer in which each country sets its own rules.  • It is premature to think about the policy and regulatory matters associated with OTT since there are a huge number of elements for considering the policy and regulatory matters associated with OTT and there is no sufficient evidence to be able to do that.  • It is far more premature to start to discuss an international legal framework on this matter and this kind of argument seems to be based on the assumption of fact without sufficient evidence.  • While the free flow of data at a network layer is indispensable and must be guaranteed both domestically and internationally, necessary and reasonable measures at the content layer should be allowed at domestic level to protect legitimate interests for multistakeholders based on social and cultural backgrounds.  • In principle, self-regulation by OTTs should be respected and regulations should not be set or at least be kept to a minimum.  • Each international organization should deal with each relevant “aspect” of Internet-related public policy only while respecting the mandates of other international organizations, and Internet-related public policy discussion should take place at a venue where all stakeholders can participate on equal footing**.**  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/15/Yahoo%20JAPANs%20Contribution%20(ITU%20CWG-Internet%20Online%20OC%20(June-September%202017)).pdf) |
|  | August 18, 2017 | [Internet & Mobile Association of India (India)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=17) | **Text provided in comment box:**  While India is the second largest internet user base with 432 million internet users; the main growth sector of penetration, the Urban India, has started witnessing slowdown with around 60% internet penetration already achieved. The next wave of growth is to come from Rural India (presently with 17% internet penetration), and the dominant driver of future internet penetration is mobile internet.  The telecom sector has witnessed a sea-change in India over the last decade: 90% of internet access is through mobile phones; the ratio of voice-data traffic/revenue have shifted in favour of the latter; Mobile VAS, which was operator controlled, has given way for third-party app based services; Social media/VOIP/ internet based messaging app have emerged as the preferred mode of communication rather than conventional PSTN calls; services like digital payments and related mobile based e-wallets have transformed the mobile from a mere communication device to a more ubiquitous tool for daily needs; e-governance services have been replicated as m-governance to ensure greater out-reach and organic connect.  These changes have transformed telecom for a primary service category to a mode of access to other service categories. Telecom today is the base on which the entire internet/digital service is delivered and is a critical infrastructure for the realisation of the Digital India envisioned for the nation. What the telecom sector refers to as OTT is actually the mobile internet sector, which is an industry in its own rights, governed by the Information Technology Act of the country. Thus, the whole discourse of telecom sector regulating OTTs is misplaced in the Indian context as the 2 sectors are mutually exclusive though they share a symbiotic mutually-reinforcing relationship.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/17/IAMAI%20response%20to%20CWG-Internet%20consulation%20on%20OTT%20regulation%20(2).pdf) |
|  | August 18, 2017 | [LINE Corporation (Japan)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=18) | **SUMMARY (provided in submitted document and comment box):** OTT services broaden and refine people's means of communication and expression, expanding the overall scale of the ICT industry. While we believe there is currently no need for OTT regulations, even in the unlikely event that regulations are to be enforced, the matter should be studied with every relevant stakeholder, and the purpose, nature and method of such should be reasonable and to the minimum extent necessary. At the same time, there is a need for policies that encourage competition as well as the fostering of an investment climate that promotes the further growth of OTT and the ICT industry as a whole.  LINE Corporation is a player in the OTT industry that provides a communication (messaging) app, a live streaming platform and other services. We have deep concern for the safety, peace of mind and privacy of consumers, and collaborate with domestic and international peers in our industry as well as government offices as we strive to foster a healthy environment for Internet use by conducting awareness activities, creating educational materials and exchanging personnel and talent with other relevant entities.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/18/LINE%20corporation_20170815.pdf) |
|  | August 18, 2017 | [PJSC MegaFon (Russian Federation)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=19) | **Text provided in comment box:** Dear Sirs, Please find attached the summary of the Company's responses to the Questionnaire regarding the OTT regulation in Russian. Best regards, Ekaterina Senior Manager International Cooperation  [View submitted document (in Russian)](http://www.itu.int/en/Lists/consultationJune2017/Attachments/19/MegaFon%20Summary%202017.pdf) |
|  | August 18, 2017 | [Radio Research and Development Institute (Russian Federation)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=20) | **SUMMARY (provided in submitted document and comment box):**  Global cross-border nature of OTT services leads to a situation when services are provided in a certain country or region, but the legislation of this country is not necessarily fulfilled. Thus, а secure and efficient environment for OTT services cannot be formed exclusively by OTT providers or by regulatory authorities governed by jurisdiction of one country. Such environment should be established via a coordinated approach of all stakeholders internationally. At the same time, provision of OTT services shall meet the regulations of country where they are provided. The Internet governance in general and OTT services in particular should not be conditioned by unilateral political restrictions or solely commercial interest.  Lack of efficient regulation and self-regulation of OTTs demands settlement of a discussion platform where all these issues could be put forward and solved. States and civil society should take the responsibility to stimulate creation of a competitive environment and possibility for consumers to choose both the OTT service and the terms of its use. The set of such policies should also include requirements against possible anticompetitive behavior and abuse of market dominance.  Attached is the information on the proposed theme related to activities of OTT providers and other players and to the questions put forward in this open consultation.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/20/2017.08.18_NIIR%20Proposals%20for%20ITU%20CWG-Internet%20open%20consultation_OTT.pdf) |
|  | August 18, 2017 | [Office of Electronic Communications (Poland)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=21) | **Text provided in comment box:**  Please find attached the contribution of UKE (Office of Electronic Communications), the Polish National Regulatory Authority for the market of telecommunications and postal services. The document contains summary.  **SUMMARY (provided in submitted document):** Consumers worldwide benefit from OTT (over the top) services, as they can enjoy access to a variety of mostly free of charge innovative services. At the same time OTT service providers (OTTs) impact telecommunications industry and telecom operators, because OTT services may substitute or compete with traditional telecommunications and broadcasting services. OTT services create a demand for data transfer in the telecommunication networks but OTTs do not contribute to the development of infrastructure which is the fundament for providing their services in high quality.  There is a disparity and imbalance in the obligations stemming from various legal provisions imposed on telecom operators and OTT service providers. This situation makes them often compete in one market but under completely different rules.  A new regulatory approach should be developed – new competences should be given to the National Regulatory Authorities (NRAs), e.g. power to collect data also from OTTs. Access to data gives a regulator an opportunity for adequate market assessment, as well as a tool to assess level of substitution.  Important matter is how to foster entrepreneurship and innovation in OTT and other online services, while at the same time encouraging sustainable infrastructure investments (which are made by telecom operators) - bearing in mind that both innovation and modern infrastructure development are to the benefit of all consumers. NRAs could encourage cooperative and collaborative approach between OTTs and network operators and develop measures to strike an effective balance between these two types of players on the market.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/21/Opinion%20of%20the%20President%20of%20the%20Office%20of%20Electronic%20Communications,%20Poland.doc) |
|  | August 18, 2017 | [DIGITAL EUROPE (Belgium)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=22) | **SUMMARY (provided in comment box)**  OTT services have been an important driver of innovation and economic growth around the world. Due to their role as drivers of economic growth, OTTs are moving the needle towards the achievement of Sustainable Development Goals. As cross-cutting enabler, they allow entrepreneurs to devise new solutions to address issues as diverse as efficiently managing energy consumption, revolutionizing education and learning, and improving the effectiveness of government services and institutions. The explosive growth of the Internet and services over the Internet has been due in large part to a light-touch regulatory treatment. Considering that most IP-based services could fit in the OTT category, regulating OTTs essentially means regulating the internet, and thereby impacting the innovation that has led to such growth in the first place. Regulating OTTs would reduce the likelihood of achieving various SDGs such as increasing accessibility to communications and technologies, as well as stifling innovation. Regulation of OTTs will also stifle the usage of the internet and investment in broadband deployment. The ITU should promote a global regulatory environment that will help ensure that OTT services continue to deliver their transformational potential. The Digital Economy already provides an environment in which all stakeholders are able to prosper and thrive. Many OTT players and operators cooperate extensively through many commercial relationships and partnerships. Indeed, OTT services require functioning devices and good quality networks access to develop innovative services, while operators rely on high-consumption of digital services to satisfy their consumers.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/22/170818%20DIGITALEUROPE%20Response%20to%20ITU%20Consultation%20on%20OTTs%20FINAL.pdf) |
|  | August 18, 2017 | [Ministry of Communications and Informatization of the Republic of Belarus (Belarus)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=23) | **Text provided in comment box:**  The issues of development and regulation of OTT services are raised in many countries and are one of the main issues on the agendas of various international events. The Republic of Belarus is not an exception, therefore the answers to the questions below are forwarded in the run-up to the next open consultations within the framework of the meeting of the working group on international internet-related public policy issues (CWG - Internet), which will take place on September 18 and whose theme is "Public Policy considerations for OTTs"  **Text provided in submitted document:**  **1. What are the opportunities and implications associated with OTT?**  Development and wide distribution of both fixed and wireless broadband Internet access allowed expanding the range of services provided to Internet users. This is the main cause of OTT. As with any process occurring in any environment, the use of OTT has both positive and negative consequences.  The positive consequences of using OTT are most noticeable for OTT service users, since these services copy the functionality of traditional services (mobile and fixed telephony, television, etc.) and allow communication and receiving of content with less material costs.  Using OTT, in fact, the user pays only data services. This makes the services provided by OTT much cheaper than traditional telecommunications services. This is the most significant negative consequence of OTT, as traditional telecommunications services are migrating to the OTT market. In this situation, the mobile operator or data transfer operator acts purely as an operator, providing its infrastructure for the operation of OTT services and applications. As a result of using OTT services that provide voice communication services (Skype, Viber, etc.), traditional telephony traffic has significantly decreased, which has led to a decrease in revenues of telecommunication operators.  Availability of demanded content of OTT services is one of the factors causing the growth of demand for data services of telecommunication operators, however, revenues from traffic consumed by OTT services are insignificant in comparison with the costs of operators for construction and support of the functioning of telecommunications infrastructure.  To date, the lack of any statistics in this area is a major obstacle to identifying and concretizing the consequences associated with the use and development of OTT.  The development of a unified methodology for statistical research would be a powerful foundation for the identification and analysis of the consequences associated with the use of OTT.  **2. What are the policy and regulatory matters associated with OTT?**  The functioning of OTT services in the territory of the Republic of Belarus contains elements of both telecommunication services (activities aimed at the transmission of telecommunications messages) and services whose legal qualification is not available in the legislation (creating conditions for the transmission of telecommunication messages free of charge in the absence of its own telecommunication network). There is no clear definition of OTT services in the legislation of the Republic of Belarus, which inevitably leads to a situation in which the activities of legal entities and individual entrepreneurs providing the services listed above are not regulated in any way, unlike residents of the republic who fulfill the requirements, including tax legislation.  An important aspect that can be a key in regulating the scope of OTT services is the monetization by the service provider of the services rendered to the users of the service. Practice shows that monetization, in most cases, is carried out through electronic payments to the address of the service provider.  **3. How do the OTT players and other stakeholders offering app services contribute in aspects related security, safety and privacy of the consumer?**  At the moment, there is a practice of demanding from users of OTT-services (for example, for services Google, etc.) detailed personal data, the purposes of further use of which are not known. Attention of operators of OTT services, which in requesting services request personal data, focuses on the need for awareness-raising among Internet users about the cases and purposes of using this data. Therefore, we believe it is correct to establish, at the international level, the criteria for the desirability of presenting personal data in the amounts required by OTT service operators.  **4. What approaches which might be considered regarding OTT to help the creation of environment in which all stakeholders are able to prosper and thrive?**  It is necessary to create a regulatory environment in which all participants in the OTT market would be interested in preventing the misuse of OTT services without authentication. In this process, the state should become an intermediary between the providers of OTT services and telecommunication operators, the infrastructure of which is used to provide OTT services.  **5. How can OTT players and operators best cooperate at local and international level? Are there model partnership agreements that could be developed?**  In the Republic of Belarus there is no example of partnership agreements between OTT market participants that could be developed.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/23/BELARUS%20-%20OTT%20questionnaire.docx) |
|  | August 18, 2017 | [U.S. Chamber of Commerce (United States)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=24) | **Text provided in comment box:**  Please find attached comments from the U.S. Chamber of Commerce expressing our reservation over the need for any ITU role with regard to OTT policy considerations.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/24/U.S.%20Chamber%20of%20Commerce%20Submission%20to%20ITU%20OTT%20-%20FINAL%20-%208-18.pdf) |
|  | August 18, 2017 | [Alliance for Affordable Internet  (United States)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=25) | **SUMMARY (provided in comment box):**  **Summary of A4AI Submission to ITU on OTTs** While OTTs (including messaging apps such as Whatsapp, social media platforms such as Facebook, and smartphone apps in general) are very popular globally, it's also important to understand the extent to which they are incorporated into mobile data plans offered by mobile network operators (MNOs). To do this we reviewed all the plans offered by MNOs in the eight countries :Peru, Colombia, Kenya, Nigeria, Ghana, India, Bangladesh, and the Philippines, using the following categories:  Full-Cost Data Bundle: The user pays the advertised price for their data (at the relevant prepaid or post-paid tier), which can be used to access any site. These are the standard data packages that MNOs offer.  Service-Specific Data Bundle: The user can purchase a data bundle that allows them to use specific apps and access certain sites for a certain period of time (e.g., social media packs, which offer data for use on specific social networking sites).  Earned Data: Instead of directly purchasing data, the user receives data in exchange for performing an action (e.g., completing a survey, watching an advertisement, or purchasing a specific service or handset from an operator). Typically, this data can be used to access any site or service.  Zero-rated Data: Services that make a specific set of content, websites, or applications available at no additional cost to the user. The data used to access the specified site or app does not count toward the user’s data usage. The most common example of this is Freebasics by Facebook.  OTT services are accessible via all the above plans. However, the two categories of plans that restrict users access to only OTTs are service specific plans and zero-rated plans. Both types offer the consumer cheaper (or free) access to certain OTT services. Together they accounted for 64% of all mobile data plans offered in the 8 countries included in the study.  As OTTs expand in popularity and are increasingly included as part of mobile data plans, governments are faced with the decision of whether or how to intervene. There is no simple answer to this — it would be impossible to develop a ‘one-size-fits-all’ solution that can be applied to different and diverse countries.  Instead, we recommend the following steps (based on the evidence presented in this document):  i. On a preliminary basis, policymakers (particularly those in low and middle income countries where broadband Internet access is still limited) should evaluate strategies to foster connectivity at the national level and try to identify the most sustainable option(s). Thus, countries should consider the extent to which OTT services are compatible with their unique legal and socio-economic context, considering in particular the best ways to promote competition and innovation in ICT markets and protecting freedom of expression and media diversity, while also advancing broader connectivity goals.  ii. Policy guidelines for OTT services, like the set recommended below, should first ensure that these services are aligned with national broadband goals. iii. Where a country is considering intervention, the regulator should carefully assess the best approach. In many cases, ex post regulation (i.e., intervene only if and when there is evidence of harm) will suffice. However, this depends on pre-existing levels of competition in the MNO markets, as well as the capacity and resources of the regulator. While these steps are explained in more detail below, It is important to keep in mind that these are no more than guidelines. The real deliberation and decision-making around mobile data services must ultimately be based on national context and involve a meaningful dialogue between the government, MNOs and other private sector entities, local civil society, and citizens.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/25/A4AI%20submission%20to%20ITU%20on%20OTT%20policy.pdf) |
|  | August 18, 2017 | [GSMA  (United Kingdom)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=26) | **Text provided in comment box:**  Please see attached the GSMA's response to the Open Consultation on Public Policy considerations for OTTs.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/26/GSMA%20ITU%20CWG%20Internet%20OTT%20Submission%20Final.pdf) |
|  | August 18, 2017 | [Botswana Communications Regulatory Authority (Botswana)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=27) | **SUMMARY (provided in comment box):**  The Botswana Communications Regulatory Authority ["BOCRA"] is pleased to provide its submission to the open consultations on Over The Top services. BOCRA is the national communications regulator in Botswana established by an Act of Parliament, thus it is a parastatal. BOCRA regulates the ICT, postal and broadcasting sectors. BOCRA believes that like any new development, OTTs bring with them benefits and challenges, and that while the benefits will be happily embraced, it is equally important to somehow embrace the challenges as well. OTTs have brought the world under one global umbrella, it is only when we appreciate that OTTs are an international phenomenon whose challenges especially requires and calls on us to begin a collective international voice and action that we can tackle the challenges OTTs bring.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/27/OTT%20OPEN%20CONSULTATION%20BOCRA%20Response.docx) |
|  | August 18, 2017 | [Global Partners Digital (United Kingdom)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=28) | **SUMMARY (provided in submitted document and comment box):**  In this consultation response, we set out how new and/or cheaper OTT services, as well as the increased range of relevant media and content that they provide, present a multitude of opportunities, particularly with respect to their potential to promote sustainable development and enhance the enjoyment of human rights. However we also highlight that there are potential adverse implications resulting from OTT services, particularly with respect to privacy and data protection, that need to be considered.  With respect to policy and regulatory responses to OTT services, we note the importance of ensuring that the privacy and data protection rights of OTT service users are sufficiently protected. We also recommend that consideration be given to ensuring that responses do not adversely impact upon freedom of expression. We caution against simple replication of existing responses to traditional services, which may not be relevant or appropriate.  Finally, we set out a range of principles that should guide the development of any policy or regulatory responses to OTT: (i) responses should be developed in an open, inclusive and transparent manner; (ii) relevant regional economic unions should play a role in developing common responses, alongside national level responses; (iii) responses should be consistent with international human rights law and standards; and (iv) responses should not undermine or inhibit the benefits and opportunities presented by OTT services. We believe that the best way for OTT players and operators to cooperate, whether at the local or international level, is through dialogue and, where possible, the agreement on common principles and standards to ensure that the rights of users are protected. We do not believe that model partnership agreements would be effective or appropriate tools to leverage the opportunities and benefits of OTT services.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/28/ITU%20CWG-Internet%20Consultation%20on%20OTT.pdf) |
|  | August 18, 2017 | [Brasscom  (Brazil)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=29) | **Text provided in comment box:**  Comments for ITU Public Consultation on OTTs  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/29/Brasscom%20-%20Comments%20for%20ITU%20Public%20Consultation%20on%20OTTs.docx) |
|  | August 18, 2017 | [ASIET  (Spain)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=30) | **Text provided in comment box (in Spanish):**  Si en la era pre-convergente, la red se financiaba directamente con la comercialización de los servicios para los que dicha red estaba originalmente diseñada y luego en la primera era convergente con el empaquetamiento de servicios diversos sobre la misma red, en la segunda era de la convergencia, la desagregación lógica entre red y servicio se traduce en que la financiación de las infraestructuras cada vez menos se puede sustentar en los servicios finales de comunicación electrónica y multimedia. Las transformaciones tecnológicas y competitivas han dejado obsoletos los marcos regulatorios de las telecomunicaciones, lo que produce asimetrías que por una parte generan sobre-regulación, y por la otra, potencialmente desprotección a los consumidores. En ese contexto, es indispensable reformular las políticas públicas y los marcos regulatorios e institucionales para maximizar el bienestar social a través de la expansión del ecosistema digital, la oferta de servicios competitivos e innovadores, la adecuada protección de los consumidores, la seguridad nacional y el fortalecimiento de las infraestructuras de conectividad.  [View submitted document (in English)](http://www.itu.int/en/Lists/consultationJune2017/Attachments/30/ASIET%20Inputs%20Public%20Consultation%20CWG-%20Internet%20on%20OTT.pdf)  [View submitted document (in Spanish)](http://www.itu.int/en/Lists/consultationJune2017/Attachments/30/Respuesta%20de%20ASIET%20a%20la%20consulta%20p%C3%BAblica%20UIT-OTT.pdf) |
|  | August 18, 2017 | [ACT | The App Association (United States)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=31) | **SUMMARY (provided in comment box)**  [SUMMARY - PLEASE REVIEW DETAILED CONTRIBUTION] Please see attached for comments of ACT | The App Association (www.actonline.org) in response to the ITU CWG-Internet open consultation request for input regarding public policy considerations for “over-the-top” (OTT) services. The App Association represents more than 5,000 small business app makers and high tech companies throughout the global digital economy. Our members use mobile technologies to produce innovative solutions that drive the dynamic $143 billion app ecosystem. While the global digital economy holds great promise for small app developers, our members face an array of challenges when entering new markets. These challenges may take the shape of laws, regulations, or policies that exclude goods and services from foreign markets and seek to artificially stimulate domestic industries. While these trade barriers use different means, they have the same end: impeding the availability of the global digital economy to internet end-users. We call on the ITU and CWG-Internet to seek consensus across stakeholder groups to reduce these barriers for the benefit of the billions of internet users around the globe. While larger corporations may be more equipped to absorb the costs associated with unnecessary regulations and trade barriers to market access, small businesses that cannot afford these expenses are effectively excluded from these markets. As we discuss in our detailed filing (attached), the App Association believes the ITU’s expansion into OTT would represent an unprecedented overreach that does not align with its mandate or the expectations of its members. We strongly urge the ITU to continue focusing on its core issues, which have generated a robust and diverse body of work. I urge ITU to contact the undersigned with any comments or questions if we may be of assistance.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/31/App%20Assn%20Comments%20re%20ITU%20OTT%20Consultation%20081817.pdf) |
|  | August 18, 2017 | [Computer & Communications Industry Association (CCIA) (United States)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=32) | **SUMMARY (provided in submitted document)**  The Computer & Communications Industry Association welcomes this opportunity to present the views of the tech sector to the ITU’s Open Consultation of the CWG-Internet on the “Public Policy considerations for OTTs”.  CCIA acknowledges the ITU’s expertise in the areas of international, technical standards development and spectrum coordination and its ambition to help improve access to ICTs to underserved communities worldwide. We remain supporters of the ITU’s important work within its current mandate and remit; however, we strongly oppose expanding the ITU’s work program to include Internet and content-related issues and Internet-enabled applications that are well beyond its mandate and core competencies. Furthermore, such an expansion would regrettably divert the ITU’s resources away from its globally-recognized core competencies.  The Internet is an unparalleled engine of economic growth enabling commerce, social development and freedom of expression. Recent research notes the vast economic and societal benefits from Rich Interaction Applications (RIAs), a term that refers to applications that facilitate “rich interaction” such as photo/video sharing, money transferring, in-app gaming, location sharing, translation, and chat among individuals, groups and enterprises. Global GDP has increased US$5.6 trillion for every ten percent increase in the usage of RIAs across 164 countries over 16 years (2000 to 2015). However, these economic and societal benefits are at risk if RIAs are subjected to sweeping regulations. Our consultation response will focus on RIAs, their growing global economic and societal impacts, and the necessity of maintaining a light touch regulatory environment that will allow them to thrive.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/32/CCIA%20Comments%20in%20ITU%20CWG-Internet%20OTT%20Open%20Consultation.pdf) |
|  | August 18, 2017 | [Asociación Latinoamericana de Internet (ALAI) (Uruguay)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=33) | **Text provided in comment box:**  Montevideo, Uruguay August 18th, 2017 Ref: Members of the Council Working Group on International Internet-related Public Policy Issues. International Telecommunications Union (ITU) Dear Madam/Sir, My name is Gonzalo Navarro and I am the Executive Director of the Asociación Latinoamericana de Internet (ALAI). ALAI is an international, nonprofit association that seeks to promote the development of the Internet in Latin America and the Caribbean. Our guiding principles are freedom of expression, education, innovation, entrepreneurship, economic growth and the empowerment of our users. We truly appreciate the opportunity to participate in this consultation process and provide our comments, being truly convinced about the significant and positive impact that online applications bring to the wellbeing of their users, whether individuals, organizations, or governments. Attached to this letter you will find a more comprehensive analysis and explanation to the questions presented to this public consultation process. Should you have further questions or queries related to the content of our comments, please do not hesitate in contact us.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/33/ALAI%20-%20ITU%20CWG-Internet%20Open%20Consultation.pdf) |
|  | August 19, 2017 | [Digicel (Jamaica)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=34) | **Text provided in comment box:**  The OTTs and Internet Giants believe they wear a ‘Cloak of Regulatory Invisibility’: they should be exempted from the laws and rules that apply to everyone else in order to maintain what they refer to as their ‘current business model’ which consists of taking the revenues out of countries without paying any tax, making any local investment or obeying local laws or developing any human capital. However, it is increasingly accepted among policy makers around the world that law and regulation does – and must - apply to the online world and that OTTs should be made subject to existing regulation in the economy and also that new rules may be required to properly regulate the emerging digital economy.  The shape of what a future framework that addresses the challenge of OTTs might look like is now coming together around the globe and this includes:  • The question as to how OTTs and the Internet Giants pay their fair share of taxation to local economies;  • How is the investment required to build the broadband networks of developing nations and bridge the digital divide? Equitable commercial arrangements and revenue sharing between OTTs and network providers is an imperative for developing regions and developed regions and it is important that legal and regulatory frameworks permit and promote these outcomes;  • A level playing field where local service providers are not subject to rules that do not apply to online competitors and the application of the same rules to local and online providers – including the licensing of service providers (“Same service same rules”).  Laws and regulations exist for good public policy reasons which are valid irrespective of whether the delivery method is online or offline. It is imperative that regulators and governments close the loopholes that allow the new global corporations to use the Internet to avoid regulation.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/34/Digicel%20Response%20to%20ITU%20OTT%20Consultation%20FINAL.pdf) |
|  | August 19, 2017 | [SINDITELEBRASIL (Brazil)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=35) | **Text provided in comment box:**  Our contribution is contained in the attached document  **Text provided in submitted document:**  **CONSULTA PÚBLICA UIT SOBRE OTT’S**  **1. Quais são as oportunidades e implicações associadas as OTT?**  R- Sinditelebrasil is a private entity which represents the majors Telecommunication Brazilian companies.  We would like to emphasize that this public consultation should differentiate two types of online Internet services that are currently being offered to users. They should be treated differently in terms of regulation, tax and consumers rights.  On one side stand those that can be confused with the telecommunication services that supports them. In this context, it is important to recognize that one service merges with another when: (i) providing equal or similar utilities to the consumer or (ii) the perception of the consumer is the same about both services or (iii) there is a demand replacement for each other and (iv) there is a competitive pressure between the services, from the perspective of the user. This category refers to applications and services delivered over telecommunications networks that may supplement or potentially compete with or substitute for traditional telecommunications services.  On the other hand, are those that can’t be confused with the telecommunications services that supports them and that depends on the public Internet for its delivery, at least in part.  For the purpose of this contribution we are going to consider OTT providers those who offers on-line applications and services delivered over telecommunications networks (but neither operates a network nor leases network capacity from a network operator) that may supplement or potentially compete with or substitute for traditional telecommunications services.  We strongly recommend that ITU continues to promote the debate on the relationship between OTTs and telecommunications services in order to achieve fair competition, consumer protection, dynamic innovation, sustainable investment and infrastructure development.  We advocate that ITU should:  • Encourage Administrations to ensure regulatory equality of the traditional services and OTT in order to maintain conducive competitive environment in keeping with the principle that similar services shall be subject to similar regulation regardless of their provision method;  • An OTT provider should operate in compliance with the law of the country in whose territory such services are provided, including provisions ensuring personal data protection, preventing distribution of illegal information and spam, and similar tax legislation applied to telecommunications services;  • In the spirit of service availability and affordability, ITU should encourage Administrations to reduce the regulations obligations on the telecommunications services;  • In the spirit of service availability and affordability, ITU should encourage Administrations to implement tax reforms aimed at lowering tax burdens to levels compatible with the essentiality of telecommunications services.  **Opportunities:** The digital revolution that is taking place all over the world, sustained by the modernization of telecommunications networks and by the innovation and development of ICT solutions, intends to change the way of conventional services are being provided to societies; the way to control and monitor the production processes of various economic segments; and the optimization of the public resources management, as well as the way of life of each citizen.  The TMT (Technology, Media and Telecommunication) value chain has its tectonic activities in a clear redefinition of borders, from the generation and distribution of contents, passing through connectivity, platforms and devices, reaching applications and services. The behavior of customers has changed, with an irreversible adoption of new consumption habits. The voice was replaced by the data, the fixed by the mobile and the videos and images guide the future prospects. There is a new consumer mindset. But regulation needs to be updated in order to mirror this future and the business models that make it possible. And along with this regulation are legal and tax aspects.  **Implications:**  In this way, different solutions and applications of IoT, intelligent cities will be created and deployed demanding more and more connectivity, coverage and quality from the telecommunications services.  On the other side, the business model of the largest on-line services are based on advertising and propaganda. This advertising consumes the data package of the plans that customers contract from the operators, without choosing to receive this "unwanted" advertisement (without the opt-in of this advertising in data consumption). The more addicted the user is to Internet applications, the greater their consumption of the data package in proportion to undesired (or unwelcome) advertising. This volume reaches two-digit percentages of an ordinary user's data packet.  This publicity and the distribution of content in an intense way, in large volumes and for longer periods of time, inevitably require a revision of the statistics of network usage for the purpose of investment projects by the operators. All this has been rethought, but the financial economic equation has a natural balance that need to be preserved, in favor of the growth of coverage, quality services and technological evolution.  Therefore, there is a need to foster actions that stimulate the development, modernization and expansion of telecommunications networks and ITU should encourage Administrations to promote a fair balancing between agents that play key roles in the Internet value chain, in order to ensure and promote the sustainability of Telecommunication service providers investments.  It’s necessary to accommodate new business models in this ecosystem, with proper regulation, right incentives and, above all, balancing the economic-financial equation between “free riders” and telcos.  Sinditelebrasil supports the need to revise the current model with adjustments in the commercial relationship border between On Line Service Providers x Telcos and Clients. This revision should take in consideration the following assumptions:  (i) to stimulate the conscious consumption of the data package by customers through opt in for advertising and web advertising (conscious consumption); (ii) This opt-in may occur in the zero-rating mode for the client; (iii) Incentives through public policies for the development of infrastructure in datacenters, network, devices and applications. There are upsides for all stakeholders - customers, operators and government.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/35/Sinditelebrasil%20Contribution.docx) |
|  | August 19, 2017 | [CANTO (Association of Caribbean Operators) (Jamaica)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=37) | **SUMMARY (provided in submitted document and comment box):**  CANTO, the leading trade association for telecoms providers in the Caribbean region responds to the ITU. CANTO takes the view that regulations are to be applied to all the players in the same markets or not at all. Caribbean operators bear the costs of regulation while OTTs in the same Caribbean markets are not similarly regulated resulting in the services of telecom operators being uncompetitive. Moreover OTTs must pay their fair share of cost for using local networks in the Caribbean. They are not doing so but rather are being subsidized by Caribbean telecoms operators, Caribbean governments and Caribbean consumers.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/37/CANTO_ITU_Public%20Policy%20OTTs_August%2019_2017.docx) |
|  | August 19, 2017 | [Asia Internet Coalition (Singapore)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=38) | **Text provided in comment box:**  The Asia Internet Coalition (AIC) appreciates the opportunity to submit comments to the ITU's Council Working Group on International Internet-Related Public Policy Issues (CWG-Internet) open consultation on OTT services. The AIC is a policy voice of the digital industry in the Asia-Pacific comprising Apple, Expedia group, Facebook, Google, LINE, LinkedIn, PayPal, Rakuten, Twitter and Yahoo!. Our aim is to ensure users can enjoy the maximum economic, social and cultural benefits from the online world in the years ahead, and that they can do so safely, securely and confidently. The AIC shares the ITU’s recognition that information and communication technologies (ICTs) form the backbone of today's digital economy and have enormous potential to improve people's lives in fundamental ways. In this regard, AIC respectfully submits in writing our comments on the open consultation on Over-The-Top (OTT) applications.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/38/ITU%20v%203.docx) |
|  | August 19, 2017 | [Claro Brasil  (Brazil)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=39) | **Text provided in comment box:**  Contributions by Claro Brasil  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/39/ITU_OTT%20Contributions_Claro%20Brasil.docx) |
|  | August 19, 2017 | [US Department of State  (United States)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=40) | **Text provided in submitted document:**  **United States**  **US GOVERNMENT RESPONSE TO THE CWG-I OPEN CONSULTATION**  **Public Policy Considerations for OTTs**  **Introduction**  The United States is pleased to participate in the Open Consultation on Over the Top (OTT) offerings. Although OTTs are being addressed in ITU-T and ITU-D, we believe this open consultation will shed further light on OTTs’ promise in promoting a digital economy that is beneficial to all. We welcome the opportunity provided by this open consultation to hear from a range of interested stakeholders and to learn from their experiences, either in providing or using such offerings. From the U.S. perspective, the CWG-Internet Open Consultations are a critical and indispensable opportunity within the context of CWG-I for obtaining the views of all stakeholders, including those with hands-on operational expertise. Evidence to date suggests that OTTs benefit consumers, help create and grow domestic digital economies, and produce an overall beneficial effect on national economies as a whole.  **Discussion**  OTTs are both a consequence and an illustration of the digital transformation of the telecommunications industry. OTTs have proven especially valuable in bringing new business opportunities to small and medium sized enterprises and providing ways to connect and help address health and disaster crises, thereby providing considerable benefits to consumers and governments. Traditional telecommunications operators and OTT offerings have a symbiotic relationship – OTTs create demand for telecommunications services and increased demand for telecommunications services means increased revenues for providers.  Crucially, OTTs have flourished where innovation is encouraged and regulation – if it exists at all – is lightly tailored. Moreover, traditional telecommunication operators are increasingly embracing OTT offerings. The 2017 White Paper on Digital Transformation Initiative by the World Economic Forum includes case studies from South Korea, France, and Spain, where traditional telecommunication operators have benefitted from OTT offerings, including mobile banking and digital streaming. Similarly, operators in Namibia, South Africa, and Kenya are offering OTTs in ways that boost those countries’ overall GDP.  **Conclusion**  While the introduction of innovative services and applications, including OTTs, has enabled telecommunications service providers to move beyond voice and data services, creating new opportunities, others have pointed to increased competition from OTTs and declining revenues. To address declining revenues, some have proposed “leveling the playing field” between different providers of similar offerings by imposing legacy telecommunications regulations on OTT offerings. The United States strongly believes that the imposition of legacy telecommunications regulations on OTT and other innovative offerings would not only be detrimental to creating a robust digital economy but would also lead to a decline in societal benefit.  The United States has practiced a light-touch regulatory approach, which we believe has led to the phenomenal growth of OTT offerings in our territory. We have largely refrained from promulgating regulations for specific services or applications because we believe our existing consumer protection, privacy, intellectual property rights protection and enforcement, and competition law remains applicable and effective.  The speed at which OTT offerings are being created by talented developers in every part of the world indicates that innovation can flourish in the right policy environment. Considering the importance of OTTs in the digital economy, we believe policy makers should concentrate on creating an enabling environment that provides regulatory certainty, resulting in investment, innovation, and competition.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/40/US%20Submission%20Open%20Consultation%20CWG-I%20Sep2017v0817.docx) |
|  | August 19, 2017 | [Broadband India Forum (India)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=41) | **SUMMARY (provided in comment box):**  **Broadband India Forum (BIF) Consultation on Public Policy Consideration for OTTs - Executive Summary** Broadband India Forum in its response to this Open Consultation Process on OTTs has spelt out the impact of the App (OTT) Economy on India’s growth. A study carried out jointly by BIF & ICRIER has shown that a 10% increase in global Internet traffic, delivers on average a 1.3% increase in global GDP, a 10% increase in India’s total Internet traffic, delivers on average a 3.3% increase in India’s GDP. This is more than 2.5x of the Global average. Given the fact that we are currently at a broadband density of 20% and are a 1Tn USD Digital Economy, the opportunity and potential is absolutely immense. Besides, it has spelt out the huge socio-economic benefits that Apps have on other sectors. Also the Apps are acting as a driver for exploiting the potential of the latent demand in the 1Bn strong underserved rural economy which currently suffers due to unavailability of Rural Broadband Infrastructure. The app economy and government initiatives in India have a symbiotic relationship. The ability of an app to provide localized solutions to market needs, in an accessible fashion reducing search and transaction costs for a consumer makes it a crucial element in realizing the vision of Digital India. OTTs drive a huge demand for data usage over the telcos infrastructure whilst the telcos infrastructure enables end-users to access innovative online services and content. BIF is for promoting this understanding between the telcos & the OTTs so that they embrace this symbiotic relationship. Since OTTs are contributing significantly to the Indian GDP and also driving socio-economic benefits, BIF advocates that the focus of policy & regulation should be to promote innovation and investment to ensure users are able to benefit from increased use of OTTs. Increasing the regulatory burden of OTTs will hamper innovation and growth. A regulatory framework that requires OTTs to be “licensed” in the jurisdiction in which they operate will fragment the Internet along national boundaries and negatively impact the startup economy currently booming in India. BIF also wishes to bring out the contrasting difference between an OTT and conventional telecom service provider. To suggest that there is a natural parity or similarity between OTTs and Telecom Service Providers (TSPs) is perhaps flawed. The latter enjoy several exclusive rights conferred on them through their licenses that are not enjoyed by OTTs. In India, these include (i) the right to acquire spectrum, (ii) the right to obtain numbering resources, (iii) the right to interconnect with the PSTN, and (iv) the right of way (RoW) to set up infrastructure. BIF is all for promoting and encouraging growth of OTTs as it has a positive impact on each sector of the economy besides having an overall positive impact on the economy As already stated, the OTT ecosystem is in a nascent stage in terms of its development; therefore, any undue regulatory burden is bound to stifle growth and innovation. Apart from the above, regulatory framework for OTTs should be light touch as this would allow the natural evolution of this sector and will allow for creative innovation.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/41/BIF%20Response%20to%20Consultation%20on%20Public%20Policy%20Consideration%20for%20OTTs_18%20Aug%202017.pdf) |
|  | August 19, 2017 | [Commonwealth Telecommunications Organisation (United Kingdom)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=42) | **SUMMARY (provided in submitted document and comment box):**  **Executive Summary** The global communications industry has evolved over the past decades from an era where it was largely a monopoly dominated by single state owned entities providing basic telecommunication services to the citizens, to an era where the industry has become largely liberalized with multiple players offering various forms of communication services. This liberalization has enabled competition in the industry, which in turn has generated significant growth and innovation making it unarguably one of the fastest growing and most innovative industries in the world.  The Commonwealth Telecommunications Organisation (CTO) has prepared this input, which is bulleted below for each question. It is based on contributions from government ministries and regulators, therefore, the responses provided to the questions will be based from a public sector perspective. Based on the contributions received, there is a general view that OTTs provide many opportunities with regards to consumer choice, lower costs and competition. However, there are implications for traditional telecom service providers which are now forced to innovate or consider partnerships in order to stay relevant and make profits. Privacy and the lack of legal frameworks for OTT operations were among the major concerns and considerations for policy. It is felt that OTTs should have a greater focus on security and privacy and that there needs to be partnerships or strengthened cooperation between traditional carriers and OTT providers.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/42/CTO%20Contribution%20to%20CWG%20Internet%20Consultation%20on%20OTT.pdf) |
|  | August 19, 2017 | [Google Inc. (United States)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=43) | **SUMMARY (provided in comment box):** The Internet has been transformative to humanity. Regarded by the World Bank as a “general purpose technology” as transformative as the steam engine, the services provided by Content and Application Providers (CAPs) have democratized knowledge, transformed the ability of people and communities to communicate with one another, accelerated global business, and contributed to worldwide economic growth. CAPs create demand from users for Internet access services, which leads to greater revenues for telecoms operators; invest in infrastructure to reduce the cost of delivering their services; and develop innovative telecommunications technologies to help reduce the cost of building and expanding telecommunications networks for the entire industry. Google believes that CAPs are critical enablers of global economic growth and are key enablers of community efforts to meet the Sustainable Development Goals, but that questions regarding them ultimately fall outside the scope of the ITU’s mandate. We encourage the ITU to remain focused on its vitally important work relating to radio spectrum allocation, telecommunications network standards, and appropriate capacity-building activities, rather than seek to address issues already being capably addressed by other organizations. Please see attachment for our complete response to this open consultation.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/43/Google%20Response%20to%20ITU%20CWG%20Internet%20open%20consultation%20on%20OTTs.pdf) |
|  | August 19, 2017 | [Associação Brasileira de Internet – Abranet (Brazil)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=44) | **SUMMARY (provided in submitted document and comment box):** Abranet would like to express its appreciation for ITU's initiative in creating the opportunity for broad and open participation in the discussions and activities it is developing.  We believe that the experience is new for the institution and for the participants. For future opportunities we believe that greater disclosure and longer deadlines can increase participation. This participation model is widely used in Internet forums and has interactivity and informality as elements that facilitate greater participation.  ITU activities have always been very relevant to the development of the telecommunication sector and for historical reasons limited to Member States.  The broadening of the participation of society in the themes historically treated by the ITU could offer an innovative and very useful vision of those who make use of the telecommunications around the world and could be an important contribution for the continuation of the evolution of the telecommunications sector.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/44/Abranet%20Brasil%20%20Contribution%20to%20ITU%20Public%20Consultation%20-%20Council%20Working%20Group%20on%20International%20Internet%202017%2008.pdf) |
|  | August 19, 2017 | [Access Now (India)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=45) | **SUMMARY (provided in submitted document and comment box):**  We thank the ITU for this opportunity to provide comments to this open consultation. Our inputs here are derived from a longer policy paper entitled “Proposals for regulating internet apps and services: Understanding the digital rights impact of the ‘Over-the-Top; debate” soon to be published by Access Now.  We submit that the term “OTT” must be used cautiously, since it can serve to understate the impact that some regulatory proposals can have on the internet applications or services that we use every day. Overbroad, telecom-style regulation and licensing can harm the open internet and the principles that sustain our enjoyment of digital rights, impacting in particular permissionless innovation, Net Neutrality (including the end-to-end principle), and low barriers of entry.  Policymakers and other stakeholders should act to counter the trend towards the commoditization of the internet, where applications are licensed separately and offered in “bundles” with internet connection packs – the trend we are seeing with “zero rating” and Internet.org-style connectivity solutions. We must safeguard the basic principles and narratives of the free, open, neutral, and interoperable internet. It is those features that enabled the growth and development of this technology in the first place.  We do not assume a universally libertarian, anti-regulation position. We are most concerned by proposals that would require individuals or organisations that offer “OTT” internet applications or services to get a license or register with the government before they can make their services available in a country, mandating that they be deployed in the same highly controlled way that legacy telecommunications access services are deployed. Instead, we should push for context appropriate, fact-based regulatory models that defend and extend the rights of users, without jeopardizing the core principles that keep the internet free and open for innovation. In order to avoid regulatory outcomes that harm the open internet and the human rights of users, policymakers should follow two principles:  1. Avoid applying one-size-fits-all telecom-style licensing frameworks onto internet applications or services.  2. Shape regulatory intervention of internet applications or services on a foundation that considers the public interest and human rights.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/45/ITU%20CWG%20OTT%20consultation%20-%20Access%20Now%20submission%20August%202017.pdf) |
|  | August 19, 2017 | [ITU-APT Foundation of India  (India)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=46) | **SUMMARY (provided in submitted document):**  **Summary of key Recommendations on OTT are as follows:**  1. Create an environment in which communication providers in all parts of the Internet ecosystem continue to have the incentives to invest and innovate.  2. Recommend adoption of a principles-based framework based on industry best practices focused on consumer choice, competition, innovation and transparency  3. Recommend for introducing regulatory reforms in the form of review of existing licensing regime to reduce regulatory burdens.  4. Issues related to Internet Governance are most effectively addressed in multistakeholder forums, where policy is holistically and expertly informed by consultations among business, civil society, the technical community, and government.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/46/ITU-APT-OTT-LETTER.docx) |
|  | August 19, 2017 | [Public Knowledge/IDEC (United States/Brazil)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=47) | **Text provided in comment box:**  Public Knowledge & IDEC: Over the past years, several national telecommunications regulators and international telecommunications bodies such as the International Telecommunication Union (ITU) and the Inter-American Telecommunications Commission (CITEL), have been discussing new ways to (re)regulate Internet services and applications, sometimes called “Over-The-Top” (OTT) applications. The results of these discussions will have serious consequences for consumers and Internet users worldwide, since OTTs are for the vast majority of consumers and users the identifiable layer of the Internet –having become in practical terms “the” Internet for the average user. The governance of OTTs is a very close proxy to the governance of the Internet.  In OTT governance debates, there are three questions that dominate conversations: The “level playing field” question, the “free rider” question, and the “same service same rules” question. The first, whether there is a “level playing field” between OTTs and the legacy voice, SMS, and video services provided by network operators and broadcasters is the most often asked in the OTT governance debates. We believe that is a fundamentally misguided question: there cannot be, and there should not be, a “level playing field” between OTTs and network operators simply because OTTs and network operators are in two fundamentally separate markets that ought to be regulated in very different ways. The truism that like services should be regulated in like ways does not mean that all services are, in fact, alike. On the one hand, network operators are often a monopoly (natural or not) that owns the network, or are granted exclusive control of a scarce public resource (through spectrum licensing, access to public rights-of-way, and so on). Regulation should guarantee those network operators are not allowed to unfairly abuse their privileged position, for example, by restricting the ability of consumers to use the OTTs of their choice. On the other hand, OTTs operate in what can be a more competitive environment, and rely on the network access to expand the opportunities and offers for consumers. Consumers freely access their choice of OTTs through the access they purchase from network operators. Here is the "level playing field" fallacy: the legacy services that network operators provide have the advantage of policies and economic conditions that produce monopolies and promote monopoly dominance over all services that are accessed through their network – OTTs are successful not because of existing market conditions but despite them, thanks to the innovation allowed by the end-to-end principle that governs the Internet. OTT markets can become concentrated and may pose regulatory and competition challenges of their own, but these challenges cannot be answered through facile comparisons to last-mile network operators.  The second question, the “free rider” question, refers to the idea that edge providers –the OTTs- should be contributing to sustaining the infrastructure of the network –in essence, allowing network operators to charge OTTs to reach consumers, establishing a paid prioritization of internet traffic. This is also a misguided question. First, it omits the role of users, who pay network operators specifically to access OTT applications. It likewise ignores the positive externalities created by open networks--the “virtuous cycle” created by “new uses of the network—including new content, applications, services, and devices—lead to increased end-user demand for broadband, which drives network improvements, which in turn lead to further innovative network uses.” This cycle depends on edge providers being able to easily enter the market, driving end-user demand and increasing innovation. Absent a ban on paid prioritization and other harmful behaviors from network operators, edge providers will not be able to freely enter the market in the same way - instead, they will have to use their scarce resources simply to have access to the “fast lanes” to remain competitive against incumbent businesses. The best way to guarantee that all stakeholders prosper and thrive is to dismiss the “free-riding” fallacy, ban paid-prioritization, and encourage an environment in which consumer choice and innovation drive up the demand for Internet services. In addition, as explained in the following pages, OTT providers such as Amazon, Microsoft, or Google among others are contributing to the physical internet infrastructure by financing the layout of submarine internet cables, inter alia. In matters of infrastructure investment, the last mile is important but not the only aspect of internet infrastructure.  Regarding the “same service same rules” proposition, we warn against false equivalences. Most OTTs remain complementary rather than substitutes of legacy services. For example, the most successful VoD OTT do not offer linear programming –and therefore should not subject to the same identical rules than cable or air TV channels. (In the US, the relationship legacy pay-TV services and broadcasters is highly regulated; bringing OTT video providers under the “same rules” would require, among other things, granting them compulsory video copyright licenses.) In addition, OTTs do not benefit from the structural advantages of vertical integration that the services provided by network operators enjoy. Take for example the Public Switched Telephone Network (PTSN). Right now, PSTN service is part of the mobile phone plan that most subscribers purchase, which is itself a distinct advantage. PSTN traffic, too, is treated differently than data traffic on mobile carriers’ networks. But even if one day the PTSN might transform into an application that runs over the Internet, that does not mean it would become “just another” application like Viber, FaceTime, or Skype. The PSTN has its own numbering system, phone numbers, that requires international cooperation between governments and many private entities. Emergency calling depends on the PSTN. Business can give out phone numbers without worrying whether their customers have some special app or particular level of expertise. The PSTN is useful, and it is useful because it is a decentralized, international, nonproprietary, universal means to establish voice calls between any two places on Earth. So, while instant messaging, email, video streaming, non-PSTN voice communication, and so on are all important applications, none of them are as clearly “affected with the public interest” as the PSTN, and this is true whether or not the PSTN corresponds to a separate physical network. Network operators have the structural advantage of offering services that users can usually not choose to have in the telecommunications packages they use. These services, in addition, are offered in a vertically integrated fashion. In contrast, OTTs are simply not universal, are not automatically integrated into the network, are not by default available in the devices that connect to the network, and are not encouraged, supported, and mandated by public policies and regulations. And some network operators are offering their own OTT services: in Mexico, Televisa lunched its new over-the-top service Blim, focusing on streaming of original and archival video content to Mexico and the rest of Spanish-speaking Latin America. Claro (America Movil) provides both music streaming and video through Claro Música and Claro Video. Hence, there is no need to try to impose a false equivalence among services that are not equivalent.  The discussion over the regulation of OTTs is, therefore, fundamentally a discussion of how to regulate the Internet, with direct implications for Net Neutrality, freedom of expression, consumer rights and innovators. Furthermore, we believe that there are public interest reasons to consider obligations on OTT providers: for example, accessibility, help assure free expression, and help services to be more affordable to all. But we don’t think that OTTs should be regulated as network operators, as they are different actors in very different market. We support the Open Internet values that have allowed OTTs to thrive and consumer choice to be multiplied. We believe that policy makers should seek to guarantee an enabling framework that perpetuates that the Internet remains as an open-space for innovation and entrepreneurship, for which advancing the values of net-neutrality and permissionless innovation is fundamental.  The following pages explain why the current state of affairs and the dominance of OTTs is not an accident but an intended and foreseeable consequence of the development of the Internet. The Internet as we know it is and has been purposely designed as a decentralized system where Internet subscribers can use their service to send and receive their choice of “[e]very single form of content ever conveyed over any electronic communications system--voice (telephony), audio (radio), video (television), documents (faxes), and so forth.” OTTs are a clear intended consequence of the Internet architecture.  The paper structure follows the questions presented by CWG in the consultation: “1. What are the opportunities and implications associated with OTT?”; “2. What are the policy and regulatory matters associated with OTT?”; “3. How do the OTT players and other stakeholders offering app services contribute in aspects related to security, safety and privacy of the consumer?”; “4. What approaches might be considered regarding OTT to help the creation of environment in which all stakeholders are able to prosper and thrive?”; “5. How can OTT players and operators best cooperate at local and international level? Are there model partnership agreements that could be developed?  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/47/PK_IDEC_FINAL_OTT_3.pdf) |
|  | August 19, 2017 | [Information Technology Industry Council  (United States)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=48) | **Text provided in comment box:** The global Internet provides a platform for the development and deployment of a great variety of innovations, including “over-the-top” applications and related services. Commonly referred to as OTTs, they are an increasingly important element of the Internet value chain, providing users across the world with access to local and global information and content, generating increasing demand and local added value that is helping to amplify government investments in broadband infrastructure and Internet access. Perhaps most significantly to developing countries, OTTs are providing SMEs, digital entrepreneurs and students with a “low-barrier-to-entry” into the digital economy, fueling the formation of startup communities and tech clusters that increase citizen access to jobs, education, news, trading platforms, productivity tools, enterprise services, and entertainment choices that were unheard of just a decade ago. Unfortunately, in many markets where OTTs have been welcomed by consumers and businesses, they are increasingly facing resistance from some traditional telecom and mobile carriers and other industry sectors, as well as from regulators and policymakers Some governments are seeking to impose ill-fitting or duplicative regulations onto these technologies in the name of “fairness,” ignoring the meaningful differences between Internet-based applications and traditional telecommunications services. We believe such an approach is short-sighted and will prove detrimental to many governments’ plans to modernize their economies and help spur the creation of new technology-based jobs and businesses. Further, such regulations will hamper national progress versus other regional and international competitors that choose instead to align their policies to maximize opportunities created by OTTs and related services. Rather than seeking to incorporate OTTs into a legacy regulatory framework, governments should explore ways to reduce the number and impact of existing regulations, which may have been relevant in the past but are no longer appropriate or effective in an era of expanding mobile and digital communications. By giving network providers greater freedom and flexibility to respond to market trends and consumer demand for increased data allowances, speed and quality of service, providers will be able to offer new data packages and incentives that empower rather than impede consumer access to local and global social networking, educational and medical services, file sharing, and video and audio streaming. New businesses and opportunities will be created, further increasing demand for access, quality of service and data, helping governments achieve digital transformation and sustainable development.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/48/ITI%20Comments%20-%20Public%20Policy%20Considerations%20for%20OTTs%20-%2019%20August%202017.pdf) |
|  | August 19, 2017 | [ZAIN  (Kuwait)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=49) | **SUMMARY (provided in comment box):**  In order to take into account the various positions of stakeholders who are impacted by OTT VOIP and IP messaging, this paper presents a simple model which will allow regulators to define a framework to integrate OTT service providers into the fabric of regulation in a country and to allow traditional operators to enter into wholesale agreements with OTT service providers, allowing them to monetise their infrastructure.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/49/20170816%20-%20Zain%20Response%20to%20OTT%20Consultation.pdf) |
|  | August 20, 2017 | [ICANN (Switzerland)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=50) | **Text provided in comment box:**  ICANN is honored to take part in this valuable consultation on the issue of policy and regulation with respect the provision of Internet Services. While ICANN only has a small role with respect to Internet services in the overall Internet Governance Ecosystem we do have concerns, directly related to our Mission, on practices and processes that undermine the openness and interoperability of the Internet. We look forward to discussion of these issues at the Open Consultation Session in September.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/50/Public%20Policy%20considerations%20for%20OTTs.docx) |
|  | August 20, 2017 | [ARTICLE 19 (United Kingdom)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=51) | **Text provided in comment box:** ARTICLE 19 is pleased to respond to this Open Consultation held by the CWG-Internet on the Public Policy Considerations of OTT Services. This submission focuses on addressing the second question of the Consultation, on the the policy and regulatory matters associated with OTT. However, the Introduction of the submission begins by highlighting ARTICLE 19's general concerns regarding the scope and implications of the term "OTT". The submission then focuses on two major considerations for addressing the policy and regulatory dimensions of OTTs: the conflation of OTT and telecom services and the role of public interest and the human rights framework. The submission concludes by assessing the extent to which the ITU should address the policy or regulatory dimensions of OTTs, given its mandate and capacity.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/51/CWG-Internet%20Submission%20on%20Public%20Policy%20Considerations%20of%20OTTs%20-%20ARTICLE%2019.pdf) |
|  | August 20, 2017 | [VIVA BAHRAIN BSC (Kingdom of Bahrain)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=52) | **Text provided in comment box:**  attached submission  **Text provided in submitted document:**  **VIVA Bahrain B.S.C. (c) response to ITU Consultation**  **on “Online Open Consultations on "Public Policy considerations for OTTs”**   1. **What are the opportunities and implications associated with OTT?**   Electronic communications are becoming a prominent part of our social and economic environment. Technological developments are also changing the value chain of electronic communications services and the relationship between internet players.  Over-The-Top (“OTT”) communications services, particularly VoIP applications constitute today a perfect substitute to legacy voice service, and OTT messaging services have already overtaken and substituted mobile SMS service.  VoIP applications are considered as a major threat to mobile operators’ revenues, putting at risk their investment capabilities in future network development and service innovation. VoIP applications are significantly cannibalizing the largest telecommunications revenue stream of telecom operators (consumer segment revenues representing more than 65% of total revenues), for both local and international voice services, and such impact is expected to increase with the proliferation of smart phones and the decline of mobile data prices due to the intense competition in the mobile market.  The growth of OTT providers has created a situation of free riding, where the OTT players benefit from the infrastructure and connectivity that MNOs have so extensively invested in, without shouldering any of the financial burdens themselves. In small economies, this has made it increasingly difficult for MNOs to continue to offer internet access at viable economical rates, given the very limited economies of scale. OTT players maintain an expansive presence and with an ever-growing volume of data consumption, MNOs will be unable to maintain ease of access indefinitely.   1. **What are the policy and regulatory matters associated with OTT?**  * National Security:   Inability of licensees to comply with the regulatory obligations of allowing security organizations to fulfill the requirements of national security related to access to certain OTT communication services.  Data traffic of OTT communications services is encrypted and hence technically not accessible. This could impose serious threats to national security considering that OTT services might be used to transmit unlawful content without being detected or monitored.   * Personal Data Protection:   MNOs and ISPs are mandated in their licenses to ensure subscribers privacy and personal data protection.  In this context, most of OTT VoIP providers do not guarantee to consumers such compliance with data protection, and regulatory authorities are not in a position to control and ensure compliance with data protection and consumers privacy obligations. Indeed, the proliferation of the number of OTT VoIP applications, such as: Facetime, IMO, WhatsApp, Facebook, Skype, Line, Tango, Viber, etc. confirms the risk of non-compliance since they are not subject to any regulation.   * Licensing:   OTT Communications services providers offer national and international voice and data telecommunications services to end-users without holding the appropriate licenses, creating an unlawful regulatory asymmetry with licensed operators.   * Numbering Resources:   OTT communications services available to end-users in local jurisdictions with the usage of national numbering resources can be in breach of country specific Telecommunications law since OTT communications providers are normally not licensed. Furthermore, the inability of end-users to access emergency services could have serious consequences on end users’ safety.   * Internet Access:   Ensuring internet access to end users is a cornerstone to the development of OTT services. VoIP traffic on mobile networks has increased exponentially in most economies and it is expected to continue growing significantly. The provision of open internet access is particularly enabled by a capital-driven commitment which fundamentally requires continuous investment and network improvement by ISPs.   1. **How do the OTT players and other stakeholders offering app services contribute in aspects related to security, safety and privacy of the consumer?**   Most offer low security and privacy measures, constraining consumers to provide access to their contacts, photos and camera, before accessing their services. Few offer encrypted communications which is also a threat to national security.   1. **What approaches might be considered regarding OTT to help the creation of environment in which all stakeholders are able to prosper and thrive?**   OTT communications services are now considered as substitutes of legacy services, and hence National Regulatory Authorities (NRAs) should ensure a level playing field which promotes for a fair competitive environment to ensure that network operators continue investing in new technologies and introducing innovative services to consumers.  In case regulation of OTT services is not enforced, NRAs should allow ISPs offering OTT communications applications as premium services to customers.   1. **How can OTT players and operators best cooperate at local and international level? Are there model partnership agreements that could be developed?"**   Cooperation between OTT players, which are becoming mega players operating globally at international level, and operators is not always possible because of the size asymmetry. However, partnerships might be possible to share content, but this excludes OTT communications services which are direct competitors to MNOs’ legacy services.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/52/ITU%20Open%20Consultation-Public%20Policy%20Considerations%20for%20OTT-Aug%202017%20-%20FINAL.docx) |
|  | August 20, 2017 | [Bahrain Telecommunications Company BSC  (Kingdom of Bahrain)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=53) | **Text provided in comment box:**  Batelco recognizes and proposes: • legal OTT applications should not be blocked or throttled, but • by changes in law and regulation, an effective level playing field for OTTs be created so the regulatory requirements affecting public telecoms operators also apply to them • establishment of OTT authorisations at an international level with effective supervision/enforcement cross border to tackle the issue of service/software provision being separated from network provision • encouragement and support for OTT contribution towards infrastructure investment or other regulatory incentives to encourage this if OTT access is allowed • allow paid prioritisation – recognize the OTT market is consolidating into several big players now.  **Text provided in submitted document:**  **ITU Council Working Group – Public Policy Considerations for OTTs**  **Bahrain Telecommunications Company BSC submission**   1. **What are the opportunities and implications associated with OTT?**   OTT services are expected to accelerate the shift towards digitization of people’s interaction and communication with each other. The trends have been well documented and have fundamental consequences for business viability of the telecommunications sector.   1. **What are the policy and regulatory matters associated with OTT?**   OTT has greatly disrupted the regulatory framework and the industry, making cross-border provision of services by third parties rather than the national licensed operators  In the Kingdom of Bahrain, these policy and regulatory issues were identified as:   * Consumer security (privacy, information security, intellectual property rights, data portability) * Sustainable business models for telecommunications operators (liberalized teade rules and availability of IT infrastructure) * National security (information security and cyber-crime)  1. **How do the OTT players and other stakeholders offering app services contribute in aspects related to security, safety and privacy of the consumer?**   OTT providers complement and to a certain degree displace the traditional telco operators from the consumer protection role.   1. **What approaches might be considered regarding OTT to help the creation of environment in which all stakeholders are able to prosper and thrive?**   Batelco sees that Governments and institutions will have to update and strike a new regulatory balance as the different players are mutually dependent on each other to survive. In this way, the best and most innovative service with a high quality of service can be provided to customers.  In summary, Batelco recognizes and proposes:   * legal OTT applications should not be blocked or throttled, but * by changes in law and regulation, an effective level playing field for OTTs be created so the regulatory requirements affecting public telecoms operators also apply to them * establishment of OTT authorisations  at an international level with effective supervision/enforcement cross border to tackle the issue of service/software provision being separated from network provision * encouragement and support for OTT contribution towards infrastructure investment or other regulatory incentives to encourage this if OTT access is allowed * allow paid prioritisation – recognize the OTT market is consolidating into several big players now  1. **How can OTT players and operators best cooperate at local and international level? Are there model partnership agreements that could be developed?**   Continued communication with a view to encouraging more investment contributions from the OTT operators. Only if the OTT players are subject to some regulation can they then be subject to regulatory intervention following a market failure. Development of model partnership agreements alone will not be likely to encourage this.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/53/20170820%20ITU%20consultation%20OTT%20response.docx) |
|  | August 20, 2017 | [Virgin mobile Saudi Arabia  (Saudi Arabia)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=54) | **SUMMARY (provided in comment box):**  There are important areas which our answers focused on through this online consultation: 1- The absence of regulatory environment that bring together telecom operators and OTT players 2- the growing need for localized content for users/consumers in Saudi Arabia 3- the security threats, lack of privacy which is also an important area to address, and finally 4- Voice market decline which continues to be an issue.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/54/Virgin%20mobile%20answers%20to%20OTT%20final.docx) |
|  | August 21, 2017 | [Ministerio del Poder Popular para la Educación Unviversitaria, Ciencia y Tecnología (República Bolivariana de Venezuela)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=55) | **Text provided in comment box (in Spanish):**  La República Bolivariana de Venezuela, a través del Ministerio del Poder Popular para Educación Universitaria, Ciencia y Tecnología, desea expresar su agradecimiento por la oportunidad de poder presentar nuestra visión como Estado Miembro de la UIT para las “Consideraciones de Política Pública para los OTT”, socializando las opiniones de nuestros organismos relacionadas a las preguntas planteadas sobre este tema. Para la República Bolivariana de Venezuela los servicios OTT, traen consigo oportunidades, para favorecer la relación entre los operadores de servicio de telecomunicaciones y los proveedores de Servicios OTT y así satisfacer la necesidad del usuario de manera segura. Este relacionamiento pudiese favorecer a los operadores telco en recibir ingresos por el uso de sus plataformas. Por otra parte deben considerarse las implicaciones que traen consigo los OTT, por ejemplo el desuso de los servicios de telecomunicaciones tradicionales como telefonía fija, mensajería de texto e incluso la manera de ver televisión. Las Leyes, reglamentos y normativas de la República Bolivariana de Venezuela, procuran condiciones de competencia entre los operadores de servicios, cuyo objetivo es evitar los monopolios y oligopolios, garantizar el acceso y la no discriminación de las poblaciones minoritarias, entre otras. Dado que los OTT son básicamente proveedores de contenido, o servicios que se brindan utilizando Internet sin tener infraestructura, indudablemente genera controversias con las operadoras de telecomunicaciones, ya que se aprovechan de sus plataformas para transmitir su contenido, sin ninguna contraprestación. La regulación debería ser resultado de un análisis de mercado que permita el robustecimiento de la infraestructura de los operadores tradicionales, por donde circulan los servicios OTT, sin que tampoco se discrimine a los mismos. La regulación debe centrarse en la protección del consumidor, en particular sobre el uso de sus datos personales y los mecanismos de reclamación; la competencia; y la seguridad pública, con independencia de la forma en que se proveen los servicios. La principal contribución de los actores interesados en los OTT, se visibilizará de manera más efectiva a través de la consolidación de un marco regulatorio convergente.  [View submitted document (in Spanish)](http://www.itu.int/en/Lists/consultationJune2017/Attachments/55/GTC-Internet_Respuestas%202017.odt) |
|  | August 22, 2017 | [ABRINT  (Brazil)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=56) | **SUMMARY (provided in submitted document and in comment box):**  Internet services (OTT) are mere users of telecommunications services and should be treated as such. We can not take the regulatory burden of telecommunications to the world of the Internet or we will hamper the development of new services  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/56/ABRINT%20Comments%20ITU%20(OTT).docx) |
|  | August 23, 2017 | [Cloudstreet Oy (Finland)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=57) | **Text provided in comment box:**  To meet end user's expectation we need working connection and interesting content. The source of content is not relevant from end user's perspective. It does not matter if content is from operator or from OTT source. To provide connectivity there are only operators so they are a kind of gatekeepers. It is good that we have several parallel technologies but also several operators serving end users. This enables fast technological development and also affordable price points for different connectivity products. The point we have missed almost completely is the fact that different applications have different requirements for the connectivity layer. Some applications need uplink some downlink, some are delay critical and some can't tolerate jitter. This so called network slicing functionality needs to paid more attention. Connectivity layer needs to be able to support different requirements transparently. Another point that has been left aside is reliability. Especially mobile connections need to be more reliable. This is driven by new applications around IoT but also existing applications like VoIP. Also in this requirement network needs to provide service transparently to different service providers. Reliability and access to different network capabilities needs to be regulated according Net Neutrality rules. Net Neutrality needs to be defined the way that one network can serve equally several use cases, but not discriminate any content providers. This can be achieved by open network API and easy to use SDK to be integrated with application that it can communicate with network. Finally we need to change the current thinking where end device is adapting its function to network condition to situation where network is transparently adapting to end device requirement. |
|  | August 24, 2017 | [Universidad Externado de Colombia (Colombia)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=58) | **SUMMARY in Spanish (provided in comment box):**  RESUMEN  Consideramos, que partiendo de que los servicios OTT conllevan aspectos positivos para los usuarios y para la competencia (masificación, innovación, más servicios y más oferentes), así como que su crecimiento es imparable, no tienen lugar las políticas que buscan eliminarlos o que pretenden obstruir su ingreso y consolidación en el mercado. Por el contrario, aceptando la realidad de su incursión, y el consecuente replanteamiento de la cadena de valor, estos servicios deben ser impulsados y los marcos regulatorios deben, bien sea, ser actualizados, o reemplazados por unos que se adecúen a las nuevas dinámicas del mercado y que definan las reglas de juego. Así, puede decirse que los Estados, y en particular, los reguladores, se enfrentan a tres posibilidades de acción respecto de la interacción entre los agentes tradicionales y los OTT, que pueden resumirse de la siguiente manera: 1) trasladar las regulaciones de telecomunicaciones a los de servicios OTT; 2) establecer reglas independientes para los servicios emergentes, o incluso, crear un nuevo marco regulatorio; y 3) equilibrar el ‘terreno de juego’ o condiciones de mercado. Al respecto, planteamos en el documento cuatro asuntos (cargas tributarias y no tributarias, protección de datos, protección a usuarios y competencia), que en Colombia presentan retos importantes para la regulación, donde se observa la tensión respecto de tomar alguna de las alternativas ya señaladas. Seguidamente, se plantean los objetivos y la forma que recomendamos para estructurar una regulación que cree delinee un ambiente competitivo y equilibrado para los distintos stakeholders. Y finalmente, desde el contexto latinoamericano y de países emergentes, desarrollamos en el documento adjunto, que la incursión de las OTT puede contribuir al avance en la penetración de la conexión a Banda Ancha y al fortalecimiento de las industrias locales de creación de contenidos, particularmente, audiovisuales.  [View submitted document (in English)](http://www.itu.int/en/Lists/consultationJune2017/Attachments/58/Externado%20University%20of%20Colombia-%20Public%20consultation%20on%20OTT%20(english%20version).doc)  [View submitted document (in Spanish)](http://www.itu.int/en/Lists/consultationJune2017/Attachments/58/UIT%20public%20policy%20consultation%20on%20OTT%20-%20Universidad%20Externado%20de%20Colombia%2024-08%20Final.doc) |
|  | August 26, 2017 | [Kottackal Business Solutions Pvt. Ltd. (India)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=59) | **Text provided in comment box:**  The Internet was planned to be an open, free and fair tool to be used by Humanity. Over the years, the different stakeholders have created “moats” for protecting their interests. OTT is an initiative whih could bring the world back to the original vision of the Internet. We believe that Blockchain Technology alongwith OTT could provide a solution to many of the problems cited as hinderances. We have listed some ideas around how this technology could help to enhance security, safety and privacy of consumer using OTT.  **Text provided in submitted document:**  **ITU Council Working Group – Public Policy Considerations for OTTs**  **Kottackal Business Solutions Pvt. Ltd. submission**  How do the OTT players and other stakeholders offering app services contribute in aspects related to security, safety and privacy of the consumer?  We propose a Blockchain based solutions for OTT services addressing security, safety and privacy of consumers.  OTT players could incorporate Blockchain Technology into their app services which would enhance security, safety and privacy.  Blockchain Technology has inbuilt encryption services and the possibility to provide rights based access to content. This could ensure that only those who have the permission to consume the content have access to that content. Further the content creators could rightfully earn compensation for the content they have created.  Blockchain Technology is secure and distributed making it very difficult to hack or to launch DOS attacks. Further the technology is not controlled by governments, organizatioons or other centralized bodies. This would ensure that the content is not contolled by a group making the internet what it was supposed to be..free and fair.  The privacy of the consumer can be effectively protected by different anonymising techniques via Blockchain Technology.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/59/Comments_ITU.pdf) |
|  | August 26, 2017 | [Instituto Panameño de Derecho y nuevas tecnologias (IPANDETEC) (Panama)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=60) | **Text provided in comment box (in Spanish):**  Desde IPANDETEC deseamos presentar nuestro aporte sobre la consulta publica d ela ITU hacia los OTT.  **Text provided in submitted document (in Spanish):**  A lo largo de la última década la industria de telecomunicación que por lo regular estaban igualmente en la de contenido tenía monopolios exclusivos en muchos países, desde infraestructuras tanto física como de espectros, transmisión y contenidos.  Con la llegada del internet se da inicio a una liberación de la industria por medio de diferentes opciones tanto de voz, texto y contenido que implico innovación y crecimiento de manera transversal en todas las industrias que necesitaban competir en este mercado hiperconectado.  Algunas de las implicaciones de las OTT  • Aumento de la competencia y la mejora de precios y servicios.  • Diversificación de plataformas para los contenidos.  • Opción de consumidores con productos de mejor calidad.  • Mayor neutralidad en la red.  En este llamado a consulta de OTT queremos establecer una posición sobre tres elementos que consideramos vitales para la buena gobernanza y la neutralidad del internet.  Estos elementos son:  Level Field Player: al ser la aplicaciones OTT una industria muy distinta y totalmente separada desde la perspectiva de negocio de no puede ser regulada de la misma manera.  En primera instancias los operadores que a su vez cuentan con la infraestructura son coposesiones de bienes públicos como los espectros y las frecuencias. Los reguladores deben velar que estos actores no abusen de sus privilegios, de manera que le nieguen al usuario final la libertad de elegir el contenido o el uso que mejor le convenga al servicio que es un bien público concesionado.  Free Ride: Concepto que debe revisarse con de manera objetiva ya que, según la conceptualización el usuario utiliza las infraestructuras actuales de manera gratuita, lo cual es totalmente falso ya que todos los usuarios con acceso paga por el uso de la infraestructura desde los diferentes planes de servicio donde muchas veces no recibe por lo que paga.  Same services sames rules: Las OTT siguen siendo complementarias de los servicios existentes provistos por los operadores de red y radiodifusores. Además, los OTTs no tienen las estructuras para poder de manera vertical otros servicios que poseen los operadores de red.  Conclusión.  OTT y los proveedores de servicios son totalmente diferentes desde el nivel de mercado hasta en su componente más técnico de infraestructura y desarrollo y los cuales pueden estra en un ecosistema de innovación de manera complementaria y por lo tanto las implicaciones de regulación no pueden ser las mismas.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/60/IPANDETEC%20-%20OTT.docx) (in Spanish) |
|  | August 28, 2017 | [SAUDI TELECOM COMPANY  (Saudi Arabia)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=61) | **Text provided in comment box:**  Dear We are pleased to send you STC position on OTT.s  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/61/STC%20response%20ITU%20Public%20consultation%20on%20OTT%20impact.pdf) |
|  | August 28, 2017 | [Rostelecom  (Russian Federation)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=62) | **Text provided in comment box:**  A lively discussion is continuing in the global ICT community on the role and place of OTT-based services. Special attention is being focused on identifying clear rules for providing such services and whether regulation of such services is possible and worthwhile. Such proposals emerge as a result of the discrimination against traditional telecommunication services in the regulatory environment with regard to OTT-based services. As a consequence, there is growing support among those involved for regulatory equality of traditional and OTT-based telecommunication services. This approach will lead to improved service quality, more effective personal data protection, better security, help to prevent spam and the dissemination of unlawful information, and establish conducive conditions for a healthier economic environment for the activities of network operators and service providers, including in the area of compliance with tax legislation. During SG3 ITU-T and SG1 ITU-D meetings held in the past study period, a number of contributions have been considered on a broad range of issues related both to new opportunities and to problems for regulatory authorities, telecom operators and OTT service providers. SG3 ITU-T has identified a clear need for an OTT-related Recommendation in the interests of streamlining the provision of modern and convenient telecom services for users. A clear definition of OTT will be an essential element of the future Recommendation, as will a definition of the basic principles of providing telecom services based on that approach. Other contributions point to the need for a new draft Recommendation on Operators-OTT partnerships. SG3 ITU-T agreed on the publication of the technical paper on The Economic impact of OTTs (5-13 April 2017). Rostelecom supports this work and also contributes to this work. In attached file Rostelecom suggest to develop clear rules/recommendations on the provision of OTT-based telecommunication services guided by the following principles: – “uniform rules”: regulatory equality of traditional telecommunication services and OTT-based services provided over data networks, with a view to maintaining a conducive competitive environment: like services should be subject to like regulation irrespective of the method of service provision; – “partnership”: the synergy obtained from the commercial partnership between telecom operators and OTT-based service providers with a view to optimal satisfaction of users’ requirements and improved quality of service, including services with a guaranteed level of quality; – “open access”: telecommunication services are to be provided, subject to availability of Internet access, to the user as an essential basis for the service, while the services per se are provided by third party service providers regardless of the Internet access operator. At the same time, the Internet access operator provides its service to the user in accordance with the selected tariff plan, but not on the basis of the required quality enabling provision of services by the OTT provider; – “legality: a provider of OTT-based telecommunication services must operate in compliance with applicable legislation of the country where the services are offered, including provisions on protection of personal data, prevention of spam and dissemination of unlawful information, and compliance with tax law; – "Identification": every telecommunication service user must be assigned a unique identifier, for example based on ABC or DEF numbering resources.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/62/Point%20of%20view_Rostelecom%20(Russia).pdf) |
|  | August 28, 2017 | [Association for Proper Internet Governance (Switzerland)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=63) | **SUMMARY (provided in submitted document and comment box):** This contribution presents a summary analysis of the responses published on the ITU web site as of 27 August 2017. Those responses can be clustered in three categories: OTT providers and one Member State appear to be of view that OTTs are different from other technologies, and that regulation similar to regulation of telecommunications services would not be appropriate; some advocate little or no regulation; and some state that there is no role for ITU in discussion of OTT matters. Telecommunication providers, some Member States, some academic and civil society organizations appear to be of the view there is a need for a level playing field: any regulations that apply to non-OTT providers should also apply to OTT providers, to the extent that they provide similar services (e.g. voice communications); some state that security and data protection issues need increased attention; and some state that any regulation should be evidence-based. Some civil society and academic organizations appear to take the view that privacy, data protection, and security issues need increased attention; some state that network neutrality regulation is needed; and some state that measures to prevent anti-competitive actions may be needed in some cases.  The divergence in responses is easily explained by the conflicting interests of the stakeholders: OTT providers wish to continue to operate as they do at present, with little or no regulation. Telecommunications providers, supported by some Member States (for example because they do not obtain tax revenues from OTT providers), wish to limit the impact of OTT on their business. Civil society is concerned with human rights, including privacy, data protection, and access (network neutrality).  The result of this open consultation well illustrates the limitations of multi-stakeholder approaches. In essence, multi-stakeholder approaches work well when the stakeholders desire a shared, negotiated agreement. In other words, if all stakeholders share common goals, and hence there is a win-win situation. They do not work well when the interests of the stakeholders diverge, as is the case for OTT.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/63/CWG-Internet%202017-2ter.pdf) |
|  | August 29, 2017 | [Communications Alliance Ltd (Australia)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=64) | **SUMMARY (provided in submitted document and comment box):** The Communications Alliance believes it is important for all stakeholders to have their views heard on internet issues and therefore welcomes the opportunity to contribute to the ITU Council Working Group on Internet’s open consultation on OTT services.  OTT services are increasing in popularity and, in Australia, access to this content is supported by the communication industry’s continued investment in infrastructure including 4G (and soon 5G) mobile networks and the rollout of the Australian national broadband network. The Communications Alliance supports competitive neutrality between traditional network operators and service providers and new OTT providers. We support a level playing field for regulation, but regulation should not be at the expense of innovation of investment in new services or products. We consider that there are opportunities for existing regulation to be amended or replaced with self-regulatory mechanisms such as industry codes.  The Communications Alliance appreciates the important role the ITU plays in allocating global radio spectrum and satellite orbs, developing the technical standards that ensure networks and technologies seamlessly connect, and improving access to ICTs to underserved communities worldwide. We do not support the ITU’s work program expanding to include internet issues beyond its mandate, and we believe that the ITU is not the appropriate place for the development of OTT regulation.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/64/Comms%20Alliance%20ITU%20public%20policy%20considerations%20for%20OTT%20submission.pdf) |
|  | August 29, 2017 | [Emirates Integrated Telecommunications Company  (United Arab Emirates)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=65) | **Text provided in comment box:**  Please find our response in the attached document.  **Text provided in submitted document:    Emirates Integrated Telecommunications Company, PJSC. response to ITU’s online open consultation on the "Public Policy considerations for OTTs"**  **1. What are the opportunities and implications associated with OTT?**  Globally, OTTs have elevated the pace of innovation - creating new opportunities (including by disrupting existing markets) and expediting societal change. The disruptive effects of OTTs is also being experienced within the communications industry – where OTTs have become popular substitutes to traditional communication services, whilst at the same time playing an important role in bringing people online.  OTT substitution of traditional communication services is intensifying the pressure on Operators’ revenues, putting at risk their investment capabilities in future network development and service innovation. Market concentration in the hands of dominant OTT players presents risks to the privacy of consumer personal data and require a comprehensive regulatory framework across borders.  **2. What are the policy and regulatory matters associated with OTT?**  Asymmetric economic conditions between Operators and OTTs require a review, as the latter is able to reap incremental revenues without the necessity of directly paying for the telecom infrastructure/connectivity. In addition, the imbalance in taxation/licensing obligations between Operators and OTTs require an evaluation too.  There is a need of a powerful forum to bring together the considerations of the different stakeholders (Consumers, Operators, OTTs, Regulators, Governments etc.). ITU is one of the best forum to take the lead in such discussion.  As we emerge into a more digital economy, the role of a ‘Telecom Regulator’ needs to evolve into a broader based ‘Digital services Regulator’ ensuring all public policy become digital in its construct whilst at the same time safeguarding end user concerns to privacy, safety and security.  **3. How do the OTT players and other stakeholders offering app services contribute in aspects related to security, safety and privacy of the consumer?**  Lawful Interception is an obligation for Operators to grant access to their network and services, however such provisions are not the same for OTTs. There needs to be a common framework to address all aspects relating to security, safety and privacy of the consumer. This is quite essential considering the open architecture of the Internet. For example, common applicability of standards on both Operators & OTTs such as the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679), ETSI LI standards etc. may address security and privacy concerns.  **4. What approaches might be considered regarding OTT to help the creation of environment in which all stakeholders are able to prosper and thrive?**  The regulatory framework currently in place requires a re-evaluation - a light-touch model that protects competition and consumers without stifling OTTs’ innovative power and facilitates reasonable economic returns for all stakeholders proportional to the investment risks undertaken. Alternative business arrangements (e.g. Revenue sharing / payment for network usage by OTTs) sharing the burden of infrastructure investments between the stakeholders should be explored.  Addressing Operator partnerships at a consortium level (regional/global) can help to bring market specific flavors to services (video, music, gaming etc.) and together with global OTT offerings can provide relevant and compelling benefits to consumers at large.  **5. How can OTT players and operators best cooperate at local and international level? Are there model partnership agreements that could be developed?**  Open market dynamics should create an active eco-system. However, the eco-system will only thrive within the right context – which requires a fairer playing field for all market participants.  Innovative services and content has transformed Internet to be a "Media Platform" resulting in an expected shift from “Best effort service” to "Quality of Service". This is an opportunity for the Operators to move towards being a smart pipe. Telecom network infrastructure can be a differentiator and quality of service based on application will encourage OTTs to partner with Operators to ensure optimal service delivery.  Globally, nations intend to continue to expand and invest in higher speed wireless broadband networks as a national asset enabling growth, but by implication, this also means that a new model has to be defined to fund the expansion in a profitable way for Operators and OTTs.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/65/ITU%20Consultation%20on%20OTTs.pdf) |
|  | August 29, 2017 | [MCTESTP Ministry of Science and Technology, Higher and Technic Professional Education (Mozambique)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=67) | **Text provided in comment box:**  The topic of this consultation is within a good timing for Mozambique within its current review and setting up of the ICTs regulator  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/67/ITU%20CWG%20OTTs%20Policy%20and%20Regulation%20Mozambique%20Contribution%2029082017.docx) |
|  | August 29, 2017 | [Câmara Brasileira de Comércio Eletrônico (Brazil)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=68) | **Text provided in comment box:**  The provision of Internet-based services, known as “over-the-top” (“OTT”), which, currently, does not have a widely used or accepted definition, is of increasing importance in the rapidly evolving information and communication technology industry, and of great value for consumers and businesses. It is important to put forth that while the ITU plays an important role in setting technical telecommunications network standards, internet-based services do not fall within any part of ITU’s remit and core activity. As a matter of fact, consultations regarding these services are underway in other institutions, including manifold organizations in which ITU entities are encouraged to participate in. And, although we welcome the opportunity to participate in this relevant discussion, ITU’s focus should remain in developing standards for telecommunications services, rather than delving in issues already being capably addressed by other organizations.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/68/Camara-e.net_Public%20Consultation%20-%20UIT%20-%20OTTs%20Regulation_29ago17.pdf) |
|  | August 29, 2017 | [Microsoft Corporation (United States)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=69) | **Text provided in comment box:**  Corrected version of comments--corrects a typographical error in the citations to the ITU-D and ITU-T proceedings on the last page of the originally submitted comments.  **SUMMARY (provided in comment box):**  SUMMARY-PLEASE SEE ATTACHMENT FOR FULL COMMENTS. The internet is more than just the physical data networks that provide broadband access. The internet also includes all the providers, hardware, networks, and technology resources of the applications, content, and services that are accessed by means of those physical networks. Only by adopting a policy mindset that appreciates the value of the entire internet ecosystem, including online content, applications, and services, will the internet remain a platform for innovation and sustainable economic growth. To that end, policymakers must reject any notion of a tension between network operators and online providers of content, applications and services or that online content, applications, and services somehow “free ride” on broadband internet access networks. The availability of content, applications, and services drives demand for more and better broadband access services as well as the overall digital economy. In order to ensure an environment in which the internet continues to fuel growth of the digital economy, it is critical that policymakers refrain from reflexively extending legacy telecommunications regulation to the world of online content, applications and services.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/69/ITU%20CWG%20Consultation%20on%20OTTs%20CORRECTED.pdf) |
|  | August 29, 2017 | [National Committee for Information Society (NCIS) (Saudi Arabia)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=70) | **Text provided in comment box:**  Attached is NCIS input to the CWG-Internet Online Open Consultation.  **Text provided in submitted document:**  **Saudi Arabia (Kingdom of)**  **National Committee for Information Society (NCIS)**  **Public Policy considerations for OTTs**  **1. What are the opportunities and implications associated with OTT?**  OTT represents all services delivered over the internet, i.e. internet services or applications. In that sense, OTT has become a key driver of the development of society, affecting economic growth, technological advancement, etc.  For telecom operators, OTTs will drive the demand for broadband. By becoming data-centric and re-balancing data offers, operators can monetize the explosive traffic growth and compensate the loss of revenue from legacy services. For example, data-intensive applications such as video streaming consume a considerable amount of data, and communication applications often require non-stop connectivity, both of which will lead users to purchase more data allowances. Furthermore, OTTs allow operators to develop new products and services that create a digital ecosystem and generate more revenue streams.  On the other hand, the rapid growth of OTT services creates several challenges:   * OTT Communications substitute legacy telecom services (e.g. SMS and traditional voice), putting extra revenue pressure on telecom operators * International nature of OTT service complicates the compliance of OTT providers with local laws (e.g. taxes, privacy and security)   **2. What are the policy and regulatory matters associated with OTT?**  Traditional telecom regulation is in many instances not covering OTT services given their different nature. The following are some of the key regulatory matters should be considered:   * **Privacy and data protection:** OTT players impose their own privacy and data protection rules, which do not necessarily comply with the requirements, imposed in the country of usage. Whether OTT should comply with the local privacy and data protection rules is one of the most important matters for OTT regulation. * **Licensing:** licensing of OTT services can be an effective way to ensure OTT players comply with local laws and regulations, especially in developing markets. * **Emergency services**: OTTs actively penetrate the market and they are used not only for communications within contacts group, but also for emergency calls. It creates new requirements for OTT such as providing the identity and location of the caller. * **Jurisdiction:** OTT services usually do not require physical presence in the country and many OTT service providers are based outside the country’s jurisdiction. It creates several regulatory challenges:   + **Taxation of OTT players** – lose of taxes creates unfair competition with local OTT services   + **Legal investigation** - local authorities are facing challenges to access data of certain OTT services.   **3. How do the OTT players and other stakeholders offering app services contribute in aspects related to security, safety and privacy of the consumer?**  OTT service providers are subject to standard consumer protection laws or regulations regarding security, safety and privacy. OTT players should cooperate with governments to ensure high consumer privacy standards without affecting national security.  **4. What approaches might be considered regarding OTT to help the creation of environment in which all stakeholders are able to prosper and thrive?**  The four key stakeholders affected by OTT are the following:   * Telecom operators * Government * OTT players * Society   The current unregulated situation puts at risk key stakeholders’ interests and heads towards a lose-lose outcome:   * Telecom operators benefit from data traffic increase but at the same time it shows significant cannibalization potential of their legacy services * Tax income is at the same time affected although availability of OTT is critical for the prosperous development of the economy * OTT players want to have open access to the global market * Society wants to benefit from OTT, but can't put their data privacy and security at risk   To properly create an environment in which all stakeholders are able to prosper and thrive, several elements should be considered for a long term partnership with defined levers such as infrastructure agreements, personal information treatments, emergency services, licensing and taxes.  **5. How can OTT players and operators best cooperate at local and international level? Are there model partnership agreements that could be developed?**  There are many opportunities for collaboration between operators and OTT players, which can significantly benefit both parties:   * **Commercial partnerships** * **Co-investment in infrastructure** * **Research & development**   [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/70/Public%20Policy%20considerations%20for%20OTTs.pdf) |
|  | August 29, 2017 | [The Internet Society Blockchain Special Interest Group (ISOC-BSIG) (United States)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=71) | **SUMMARY (provided in submitted document and comment box):**  OTTs are transforming how we communicate, interact, consume entertainment, work, play, and create many more opportunities for consumer choice. OTT applications and services are key drivers of this new digital economy and is what is leading to a future where more and more products use the internet to share data collected through sensors, inform decisions based on data analytics, and ensure efficiencies in processes, products, and services. As more and more people around the world use internet-enabled apps and blockchains to connect, interact, learn, and do business, this free flow of data across borders is a key ingredient to OTT’s success, to innovation and to the economic growth that results.  The opportunities for OTT services are endless as long as the Internet remains as an open platform that respects the end-to-end principle. As long as OTTs remain open and are in an environment is fully compatible with consumer protection laws and regulations, they will continue to grow and create many more innovative approaches and can meet the demands of their citizens and in respect with human rights.  As OTTs expand in popularity and are increasingly included as part of mobile data plans, governments are faced with the decision of whether or how to intervene. There is no ‘one-size-fits-all’ solution that can be applied to different and diverse countries. What we can do is suggest some good principles to follow. Telecom regulators should recognize how different rules and regulations and using a lighter touch on regulation could enhance the innovation economy, create new businesses and enhance economic growth.  The OTT providers, network companies and all stakeholders should work closely to mitigate the risks of holding customer personal information, more importantly how this information is kept in a central environment prone to security flaws. Blockchain can solve both concerns.  Secondly, Blockchain technology can be leveraged to provide self-sovereign identity management systems on top of the OTT applications. Systems that can provide the end users with full ownership of their own information. It can also improve the ability to trace how the information is exchanged amongst OTT service providers or other third parties, whether traditional or autonomous, in a trusted distributed network.  Countries should create enabling environments in which all stakeholder groups, Academia, civil society, technical communities, private sector and the public sector are able to grow and thrive by the adopting Open Internet principles.  Local and international partnerships are necessary to scale up the over-the-top services, expand its reach and reduce costs for all players. This will definitely gives the opportunity to improve the service offerings and democratize the access to the over-the-top these services to a large population. The Blockchain technology can be of a great help to achieve distributed partnership models.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/71/Isoc-bsig-Contributions%20to%20ITU%20Open%20Consultations.pdf) |
|  | August 29, 2017 | [Kenya ICT Action Network (KICTANet) (Kenya)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=72) | **SUMMARY (provided in submitted document and comment box):**  The Kenya ICT Action Network (KICTANet) welcomes the efforts by the ITU and its Council working group on international internet related public policy issues to hold this open public consultation through the use of the multi stakeholder model.  KICTAnet appreciates the opportunity to provide the working group with its position on public policy considerations for over the top services. Further, the Network is keen on the discussions that will take place during the face to face consultations in Geneva in September.  The Kenya ICT Action Network (KICTANet) is a multi-stakeholder platform for people and institutions interested and involved in ICT policy and regulation. The network aims to act as a catalyst for reform in the ICT sector in support of the national aim of ICT enabled growth and development.  The network has a listserve with more than 1000 members that represent different stakeholder groups that include government, technical community, media, civil society, technical community, academia and Internet users. Through this listserver, discussions and open consultations on a variety of public policy issues related to the use of Internet and ICTs in Kenya and beyond are conducted. Ultimately, these discussions shape policy direction and regulation in the ICT realm in Kenya.  KICTANet has been conducting public consultations on over the top services (OTTs) for the last two years in particular to contribute to the ICT Draft Policy Bill 2016, and the Kenya Internet Governance Forum 2016 and 2017. It is with this backdrop that the Network contributes to this ITU open consultation, based on the feedback received from members during the mailing list discussions, as well as the face to face dialogue in its various forums.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/72/Kictanet%20Submission%20to%20ITU%20on%20OTTs%202017.pdf) |
|  | August 30, 2017 | [Brazilian Association of Online to Offline (Brazil)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=73) | [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/73/ABO2O%20-%20ITU.pdf) |
|  | August 30, 2017 | [SAMENA Telecommunications Council  (United Arab Emirates)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=74) | **SUMMARY (provided in submitted document and comment box):**  SAMENA Telecommunications Council welcomes the opportunity to respond to ITU’s Public Consultation on Public Policy Considerations for OTTs.  Global OTTs have clearly brought and are continuing to bring benefits to the digital ecosystem and the economy. They also raise important questions in relation to their compatibility with current national regulatory and economic frameworks. These incompatibilities have created an uneven playing field and local market distortions (local profit and value shifting and base erosion), have exposed significant gaps in relation to national privacy and security policy and have highlighted the need for a coordinated cross-border approach to data movement and data protection.  The key concern raised by network operators is one of competition between partners within the same ecosystem on an uneven playing field. This is negatively impacting operators’ incentives to invest and operators’ revenues, with some sources suggesting OTTs are responsible for a loss of around 12% of mobile operator revenues in 2017. If national legacy regulatory frameworks that typically do not apply to OTTs persist, they could increase an uneven playing field in a 5G environment. This risks not fostering the balanced convergence of OTTs and network operators. It is therefore essential that policies and regulations consider the increasing convergence between telecom and OTT services, i.e. the substitution between telecom and OTT services on the demand-side, and the blurring boundaries between telecom and OTT services in a 5G / cloud environment on the supply-side.  Policies need to be reviewed with a forward-looking perspective, rather than playing catch-up with technology innovation which would deter the development of, and investment in 5G. A situation should be prevented where OTTs are the sole innovators going forward, not only in services but also in network technologies (e.g. network virtualization, which allows networks to be hosted on standard IT server equipment and thereby enables the separation of hardware from the intelligence). National governments and regulators are therefore urged to define new clear forward-looking policies and regulatory frameworks that support innovation, investment, competition, new business models and local value creation. These new policies and frameworks must establish a level playing field based on the principle of “same service same rules” to aid balanced transition. New regulations should be light-touch, outdated regulations should be removed, and key principles should be transferred to the entire digital ecosystem, including principles of pluralism, proportionality, openness, non-discrimination, neutrality, public interest, standardization, security and consumer protection.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/74/Public%20Policy%20Considerations%20for%20OTTs%20-%20FINALREVResponse%20.pdf) |
|  | August 31, 2017 | [Association for Progressive Communications (South Africa)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=75) | **SUMMARY (provided in submitted document and comment box):**  With the steady expansion of affordable broadband services, OTTs are beginning to have a significant impact on some of the revenue streams of many traditional telecommunication infrastructure operators, especially those which have based their business models on bundling the provision of physical infrastructure with high-margin voice and messaging services, and then simply ‘bolting on’ the provision of internet access1. Similarly, national authorities that have continued to only focus on the regulation of traditional telecom infrastructure operators are now finding that these regulations are becoming less and less effective in achieving their goals.  While the precise definition of OTTs requires further clarity and agreement from all stakeholders, the rapid growth of internet-based communication and information services, particularly those that provide a more attractive alternative to the traditional voice and messaging services of telecom infrastructure operators, highlights the fact that business models for infrastructure provision, as well as national policies and regulations, need updating. In particular, the international/distance independent nature of OTTs and other internet services creates a new dynamic that underlines the need for international multistakeholder and multilateral public interest-driven co-operation.  [View submitted document](http://www.itu.int/en/Lists/consultationJune2017/Attachments/75/APC-ITU-OTT-Submission_FINAL_31%20August%202017.pdf) |
|  | September 04, 2017 | [Ministério das Telecomunicações e das Tecnologias de Informação  (Angola)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=76) | **Text provided in comment box:**  Hereby, We would really like to apologize for the delay to replying to your invitation. Please, find the attached document in 2 languages.  **Text provided in submitted document (in English):**  Answer 1.  In terms of the perspectives or opportunities generated by the Over - the - Top services, the easiness in the interaction of communication between people stands out, which makes it less expensive for the users. OTT services offer various content through the internet, video calls, text, data, TV, with low costs or even free, in relation to conventional telecommunications services.  The disuse of the conventional means of telecommunications services, although advantageous for the consumer public (user) implies a loss in the operators' revenues. On the other hand, OTT services require more internet, that is, for a better quality of services, a broadband increase is necessary, which favors the operator.  In general terms, OTT services have a valuable server for the improvement of several sectors such as education and health, not only in low-income countries, but also the most advanced ones. The main problem is the rupture of the core business of telecommunications operators, In particular on fixed operators.  Answer 2.  The policy and regulatory issues associated with the Over - the - Top service range from spectrum liberalization to meet growing demand, privacy and protection of personal content as well as ownership and portability, regulation of the internet of things, neutrality Network and the protection of children online.  The right to privacy is reflected in the respect for the privacy of users' privacy, in the face of the processing of their personal data.  Answer 3.  For the most part, OTT services and applications do not provide security or privacy, and much of the information generated in these services is easily exposed.  Faced with this, the challenge of creating global protection regulations with fair rules is observed for all developed and undeveloped countries.  Answer 4.  In order to create an environment that benefits all parties, it is necessary to work on the interoperability of the different existing platforms and on the establishment of regulation of services.  Answer 5.  Levels of cooperation between the various national and international players and Over-the-Top operators can be improved through the establishment of partnerships and protocols that benefit both sides.  **Text provided in submitted document (in French):   I. Quelles sont les perspectives et les implications associées aux services OTT?**  En termes de perspectives ou d'opportunités générées par les services Over-the-Top, la facilité d'interaction entre les personnes est mise en évidence, ce qui rend moins coûteux pour les utilisateurs. Les services OTT offrent différents contenus via Internet, les appels vidéo, le texte, les données, la télévision, à faible coût ou même gratuits, en relation avec les services de télécommunications classiques.  Le désuétude des moyens classiques des services de télécommunication tout en étant avantageux pour le consommateur public (utilisateur) implique une perte des revenus des opérateurs. D'autre part, les services OTT nécessitent plus d'Internet, c'est-à-dire pour une meilleure qualité de services, une augmentation de large bande est nécessaire, ce qui favorise l'opérateur.  En termes généraux, les services OTT ont été d'une grande valeur dans l'amélioration de divers secteurs tels que l'éducation et la santé, non seulement dans les pays à faible revenu, mais aussi dans les domaines avancés. Le problème majeur est la répartition du métier principal des opérateurs de télécommunications, en particulier les opérateurs fixes.  **II. Quelles sont les questions politiques et réglementaires associées aux services OTT?**  Les problèmes de politique et de réglementation associés à la gamme de services Over-the-Top allant de la libéralisation du spectre à la demande croissante, à la vie privée et à la protection du contenu personnel ainsi qu'à la propriété et à la portabilité, à la réglementation de l'Internet des choses, à la neutralité le réseau et la protection des enfants en ligne.  Le droit à la vie privée se reflète dans le respect de la vie privée des utilisateurs, face au traitement des données personnelles qui les concernent.  **III. Qu'est-ce que les acteurs OTT et les autres parties prenantes qui fournissent des services d'application contribuent aux problèmes liés à la sécurité et à la vie privée des consommateurs?**  Pour la plupart, les services et les applications OTT ne fournissent pas de sécurité ou de confidentialité et une grande partie de l'information générée dans ces services est facilement exposée.  Face à cela, le défi de créer des règles de protection globale avec des règles équitables est observé pour tous les pays développés et non développés.  **IV. Quelles approches peuvent être envisagées pour OTT pour aider à créer un environnement qui profitera à toutes les parties prenantes?**  Afin de créer un environnement qui profite à toutes les parties, il est nécessaire de travailler sur l'interopérabilité des différentes plates-formes existantes et sur la réglementation de la création des services.  **V. Comment les acteurs et les opérateurs OTT peuvent-ils mieux coopérer localement et internationalement? Est-il possible de développer des types d'accords de partenariat?**  Les niveaux de coopération entre les différents acteurs nationaux et internationaux et les opérateurs Over-the-Top peuvent être améliorés grâce à la mise en place de partenariats et de protocoles qui profitent aux deux parties.  [View submitted document (in English)](http://www.itu.int/en/Lists/consultationJune2017/Attachments/76/DNT%20-%20CONTRIB%20-%20ENGLISH.docx)  [View submitted document (in French)](http://www.itu.int/en/Lists/consultationJune2017/Attachments/76/OTT%20-%20FRAN%C3%87AIS.docx) |
|  | September 08, 2017 | [Ministry of Industry and Information Technology of P.R.China (China)](http://www.itu.int/en/council/cwg-internet/Pages/display-June2017.aspx?ListItemID=77) | **Text provided in submitted document (in English):**  **Contribution of CWG-Internet open consultation**  **—Public Policy considerations for OTTs**  **1. What are the opportunities and implications associated with OTT?**  Compared to the traditional fixed and mobile services, OTT services are more flexible and easy to implement. OTT services can be used in many forms. For example, communication services, which can be used as a substitute of traditional telephone and SMS; audio and video services, which can be used as a TV substitute; e-commerce services, which can achieve online shopping, financial services and a series of integrated services.  OTT brings opportunities and challenges to terminal, network and content. OTT services drive the rapid development of smartphones with large screens and higher computing power. OTT services make the rapid development of network technology; also promote the operators’ business and technical innovation. For content, on one hand, from the original text and picture-based, turned to video-based. On the other hand, OTT services enable content to be personalized and customized. For example, taking into account privacy and convenience, users are willing to put more personal information set in the mobile phone, including account information, personal preferences, OTT service providers can provide better services through customized way.  **2. What are the policy and regulatory matters associated with OTT?**  The development of OTT services brings big challenges to operators. OTT business has greatly eroded the original share of the traditional operators, to a certain extent, weakened users’ dependence on operators. We need to find the balance between OTT players and operators.  OTT services have occupied a large number of stable users, and more and more user information are collected,stored,analysed and used from OTT services. OTT players play an increasingly important role in security and user privacy protection. How to protect user data , especially prevent data abuse is a key issue we need to care about. We also need to pay more attention to the security of OTT business network, and ensure the security and stable operation.  **3. How do the OTT players and other stakeholders offering app services contribute in aspects related to security, safety and privacy of the consumer?**  In order to contribute in aspects related to security, safety and privacy of the consumer, there’ re some principles that OTT players could refer to. For example, data minimization, pseudonymisation for data processing, integrity and confidentiality protection for data transferring and storage, processing data based on consumer’s consent and so on.  OTT service providers should constantly strengthen technical research and establish a comprehensive security protection mechanism, so as to build safe and reliable OTT services. In addition, OTT service providers needs to improve user awareness of privacy protection.  **4. What approaches might be considered regarding OTT to help the creation of environment in which all stakeholders are able to prosper and thrive?**  First, we should bulid a healthy ecosystem. Integrity and fairness are very important to every kind of business. OTT should establish a long-term mechanism of integrity and fairness. Integrity and fairness can be achieved through technical means and management means. For example, through big data analysis, some security risks can be detected timely.  Secondly, We should encourage cooperation between OTT players and operators to achieve a win-win situation. We also should regulate the conduct of both sides to avoid vicious competition.  **5. How can OTT players and operators best cooperate at local and international level? Are there model partnership agreements that could be developed?**  For OTT players and operators, user is the core value, and providing best and suitable services to users are the common goal of both. On one hand, OTT players and operators can implement specific services together based on local habits or big data analysis. For example, people like playing online games in some area, and then OTT players can implement large variety of online games, operators can provide billing discount for targeted service traffic to users. On the other hand, operators can make full use of some OTT services, and OTT players can use operators’ specific data to develop new services. For example, operators can use OTT online authentication service to authenticate users online. OTT players can use accurate location information from operators to develop positioning service.  [View submitted document (in English)](http://www.itu.int/en/Lists/consultationJune2017/Attachments/77/OPEN%20CONSULTATION-OTT.docx) [View submitted document (in Chinese)](http://www.itu.int/en/Lists/consultationJune2017/Attachments/77/OTT%E5%85%AC%E5%BC%80%E7%A3%8B%E5%95%86%E4%B8%AD%E6%96%87%E7%89%88.docx) |

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