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QUESTIONNAIRE FOR THE PUBLIC CONSULTATION ON THE OPEN INTERNET AND NET NEUTRALITY IN EUROPE

maandag 27 september 2010

Dear reader,

In the following I reply on a few of the questions from the questionnaire. Answering the remaining questions would require a more in-depth study on the subject.

I answer the questions as a civilian (not representing any group in particular) and as an artist, using the internet to produce, publish and promote his work.

Sincerely,

Marc Smits

QUESTION 1:

Is there currently a problem of net neutrality and the openness of the internet in Europe? If so, illustrate with concrete examples. Where are the bottlenecks, if any? Is the problem such that it cannot be solved by the existing degree of competition in fixed and mobile access markets?

Yes. Net-neutrality raises problems for a few parties involved.

1. Artists and the publishers of music, books and movies: the copyright industry.

For me, as an artist, the net-neutrality question is a choice between copyright and the level playing field. With enormous potential of publishing my work without a middle-man I can only draw one conclusion: forget copyright. I'll take my chances on the open internet.

Copyright literally means the right to make a copy, intended to provide a decent living for artists. In order to maintain this copyright we need control over the copying machine. With the internet, as the largest copying machine ever build, there is only one option to maintain copyright: a full total control system that filters all users' data for infringements.

The options:

1. maintain copyright

The cost of implementing a filtering system will lead to providers blocking everything, allowing only content from trusted publishers to pass through the internet. This will practically allow the publishers to maintain a monopoly, deciding what get's published and what does not.

2. maintain net-neutrality

This will most probably lead to the end of copyright on the net, because is not possible to maintain the system in a world were everybody can make copies. The potential for artists and smaller publishers is huge. The large copyright based corporations will have to adapt.

2. Internet service providers

Net-neutrality provides competition on the market of communication-services. If the principle of net-neutrality is abandoned, network-providers will be able to block these services the compete with their own products. This will kill competition and innovation, both on the market of communication-services and the market for internet connections.

The provision of services are used to be the domain of the network-providers. The Dutch telecom corporation KPN provided both the telephony-connection and the telephony-service (the phone call). Cable-TV operators provided the cable-connection and the service (transmission of TV-channels).

On the internet anyone can provide a service, resulting in an explosive growth of new services. Allowing the network-providers to block certain services, will solve their problem. Small businesses, providing an innovative new service, will be presented with distribution costs.

When maintaining net-neutrality, network-providers will have to act as a parcel service, competing on the price and quality of the connection they provide. This will result in low costs for distribution and will be an incentive for innovation, without the cost of public funding.

QUESTION 10:

Are the commercial arrangements that currently govern the provision of access to the internet adequate, in order to ensure that the internet remains open and that infrastructure investment is maintained? If not, how should they change?

Currently the available frequencies available are rented out to mobile providers. When we ask network-providers to provide us with a neutral network, I can see no reason to charge them for using a frequency in order to provide us (the people) with a neutral network. Instead I would argue use network-providers' investment-plans as a basis.

"For example, network providers and ISPs need attractive applications and content that encourage users to sign up for their broadband services (including mobile) or upgrade to a better quality of service product."

An network provider provides access to the internet. Once an internet-connection is established, all services on the internet are available. The above issue is only relevant when the idea of network-neutrality is abandoned.

QUESTION 15:

Besides the traffic management issues discussed above, are there any other concerns affecting freedom of expression, media pluralism and cultural diversity on the internet? If so, what further measures would be needed to safeguard those values?

The Gallo amendment and the public version of the ACTA agreement makes me concerned for the following scenario.

The publishers argue for a control-mechanism for copyright-infringement. Network-providers implement a system where only 'trusted' services are being passed through the network.

This will mean that I, as an artist, again will be forced to work with trusted publishers to publish my work. This means that there is a risc of criticism and political opposition being censured.

Anyone should be able to publish their work freely. Every user of the internet should be able to find and see things that are published.

Abandoning network-neutrality would lead to the result that I am able to publish work, and I have my freedom of speech, but only a fraction of the internet-population being able to see it.

The most simple measure to be taken is to agree that network-providers are not allowed to look inside the packages of information I send, or even tamper with it. Packages should be deliverd to the the internet based on the agreement that my ISP and made about the speed of my connection.