

Three Wise Monkeys of Net Neutrality

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EuroParl/EC
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My background & relevant work

- Five books, 50 academic articles
- Lawyer: LL.B., LL.M. (LSE), Ph.D. (Essex)
 - Fellow, Keio U. and GLOCOM (Tokyo)
 - Harvard Internet Policy Research Fellow
 - Cambridge ComputerLab Industrial Fellow
 - Regulatory Director MCI WorldCom
 - Senior Researcher RAND Europe
 - Advised EU govts and EC on AVMS/broadband/regulation
- Articles interoperability/neutrality 1998
 - 'Start of end-to-end'/bottlenecks/access/carriage

Net Neutrality

TOWARDS A CO-REGULATORY SOLUTION

Christopher T. Marsden

**Book launched
Feb-March
2010**

**100,000
downloads
first 2 months**

**Canada
(McGill)
UK (Oxford)
Brussels
Author@Googl
e**

Funding for my research

- Zero
- I receive no funding on net neutrality
- I paid from my own pocket to be here!
- I have delivered paid articles to:
 - International Institute of Communications
 - (Compass journal)
 - Fundacion Telefonica (owe on invoice!)

2009:

FCC

CRTC

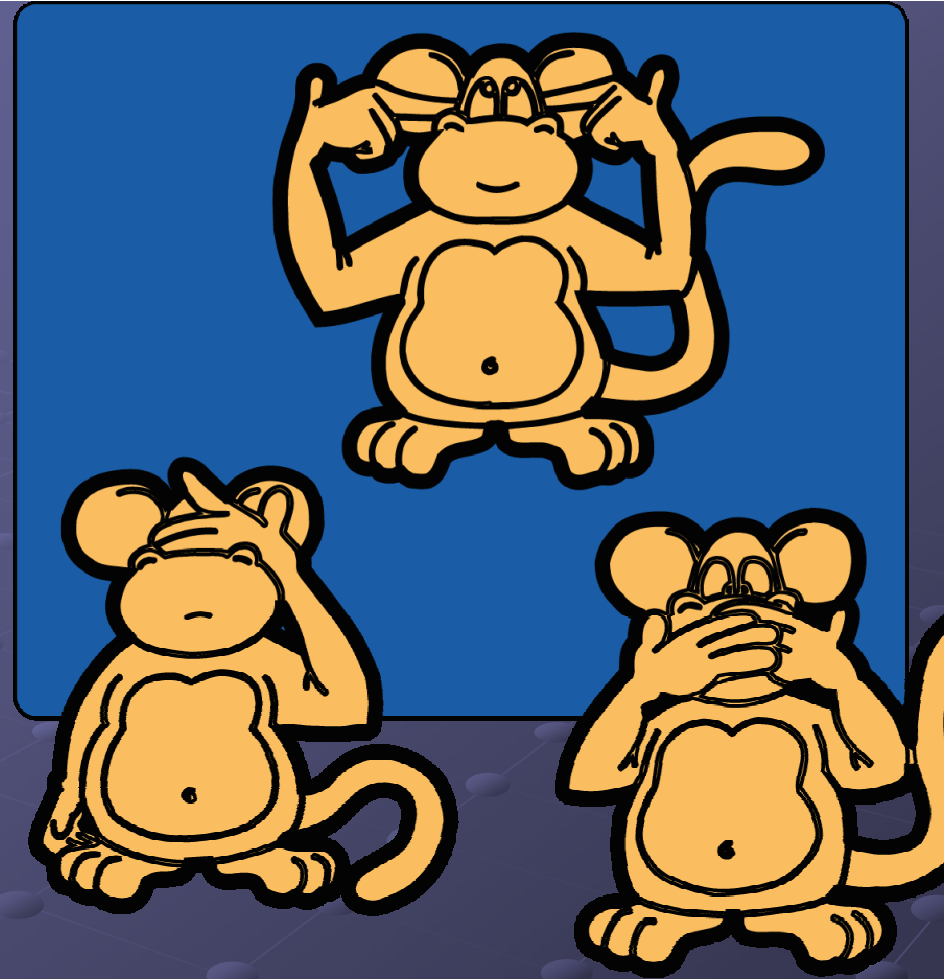
Japan

Norway

EU

Chile introduce...

Vague broad principles



2011: Devil lies in the detail



Ofcom: 'no formal complaints'

- BEREC (2010) Response to the European Commission's consultation on the open Internet and net neutrality in Europe, BoR (10)42

● Charlie Dunstone, Chairman, TalkTalk

- Ofcom International Conference, Nov 2006

“We shape traffic to restrict P2P users.
I get hate mail at home from people
when that means we restrict
their ability to play games.”

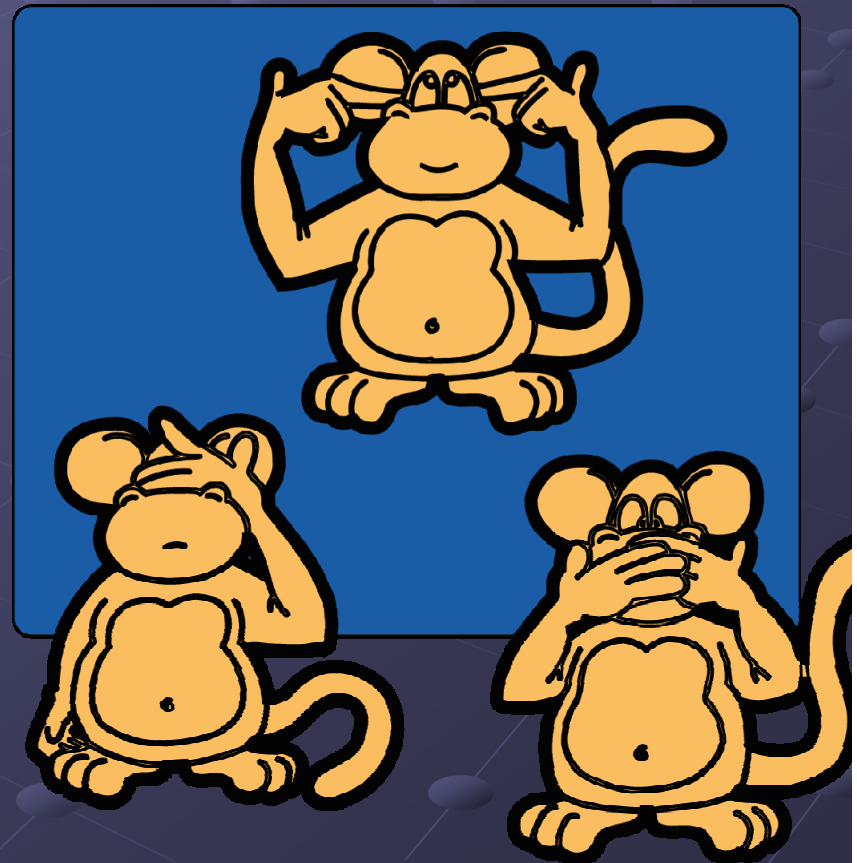
“I’ve got 2 people that have said
they’re going to kill me
as a result of not allowing
them to play certain games.

From our point of view, it’s not about security, it’s
about trying to figure out what type of traffic it is.”

Three wise monkeys

‘We have received no complaints’ is NOT
‘I have not listened to any complaints’.

- Some regulators are:
 - Seeing no evil
 - Hearing no evil
 - Speaking no evil.
- BEREC analyzing the problem sensibly!



Europe leads on mobile neutrality

- Essential – for dongle users
 - ‘Fixed-mobile’ convergence demands equivalence of regulatory treatment
 - Subject to reasonable traffic management
- Critical for developing nations
 - 5.3 billion mobile users today
 - 3b people will only access the Internet via mobiles by 2015 - ITU

That begins at transparency

- Realistic 3G & LTE speeds
 - Who told DSL Prime about 50Mb/s LTE in 1000 German villages by end-2010?
- What's the minimum speed at peak-time?
- Not 'up to' lab-tested maximum!
- NOT blocking Skype
- Building High Definition VOIP fast lanes

Managed services FRAND

Fair

Reasonable and

Non-discriminatory

Access

- means Murdoch, Berlusconi and Disney
 - can't cut exclusive deals to freeze out competitors
- Universal service must also be considered
- As well as Public Service must-carry

New articles this month

● 'Three Wise Monkeys'

- www.globalpolicyjournal.com/

● 'Mobile Net Neutrality'

- ejlt.org//article/view/32

● More ssrn.com/author=220925

- www.essex.ac.uk/law/staff/profile.aspx?ID=832