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| **Council Working Group on International Internet-related Public Policy Issues**  **Eleventh meeting – Geneva, 25-26 January 2018** |  |
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Russian Federation

PROPOSALS FOR FURTHER WORK ON THE OTT international PUBLIC POLICY

1. **Introduction**

OTTs have a significant impact on the telecommunication/ICT sector at the national and international levels, as well as raise new challenges to public policy for regulators related to investment, innovation; aspects of security, privacy, protection of personal data and so on.

Within the framework of the CWG-Internet, open online consultations were organized on the topic "Public Policy Considerations for OTT", as well as Physical Open Consultation Meeting held on September 18, 2017. The largest number of submissions related of OTT issues was presented for the whole track of open consultations.

As a result of these activities, it can be concluded that there is a high level of interest in this area by all stakeholders in many countries.

Aspects of the OTT services development in the context of the global digital world are in line with international public policy issues related to the Internet.

1. **Proposals**

In view of the foregoing, the Russian Federation considers that it’s important to continue in the ITU work related to OTTs.

Draft proposals for upcoming ITU Plenipotentiary Conference of 2018, which are being discussed within the Regional Commonwealth in the field of Communications (RCC) is presented to the members of CWG-Internet for information.

ANNEX

ADD

DRAFT NEW RESOLUTION

RESOLUTION ххх (DUBAI, 2018)

International public policy issues related to OTTs

ITU Plenipotentiary Conference of 2018 (Dubai, 2018)

recalling

a) outcomes of the World Summit on the Information Society (WSIS) and WSIS+10 High Level Event final documents;

b) ITU Internet-related activities that are performed according to ITU mandate;

с) all relevant ITU Resolutions,

recognizing

a) that OTT services have significant impact on national and international telecommunication/ICTs, and public policy considerations related to OTT should be considered as a matter of priority, including aspects of security, confidentiality and personal data protection;

b) that expansion of OTT services sets new objectives for the regulation of the telecommunication/ICTs industry, which should be aimed at stimulating investment and innovations;

с) that regulation of cross-border OTT services requires collaboration and coordination of Member States and all stakeholders at the international level;

d) that it is necessary to address both policy and regulatory issues of such services, as well as the economic implications of OTTs, and considerations relating to quality of service,

considering

а) studies by SG 3 and SG 17 of ITU-T;

b) studies by SG 1 of ITU-D, in particular, Final Report on Question 1/1 for the ITU-D Study Period 2014-2017 “Policy, regulatory and technical aspects of the transition from existing networks to broadband networks in developing countries, including next-generation networks, mobile services, OTT services and IPv6 implementation”, endorsed by the World Telecommunication Development Conference 2017 (WTDC-17), and Question 3/1 in the ITU-D Study Period 2018-2021 “Emerging technologies, including cloud computing, m-services, and OTTs: Challenges and opportunities, economic and policy impact for developing countries”;

с) inputs of stakeholders received during open consultations "Public Policy Considerations for OTT" held by the CWG-Internet and to the Physical Open Consultation Meeting held on September 18, 2017[[1]](#footnote-1),

noting

that some stakeholders support the need to continue discussions and studies on key issues of OTT services regulation, such as accessibility, consumer rights, licensing, infrastructure development,

resolves

to continue studies on international public policy related to OTTs, including key issues of OTT services regulation, as well as technical and economic aspects,

instructs ITU-T Study Group 3

1 to continue studies on OTT within Q9/3, including protection of OTT services consumers, economic impact of convergence of technologies and services, and the role of regulators;

2 to submit to the CWG-Internet considerations related to OTT services that require development of relevant public policies, particularly:

- on the applicability of legacy public policies on telecommunications to OTT services and, in general a possibility of its application to innovative services,

- on the development of new or modification of existing regulation for similar services from traditional telecom operators and OTT providers,

- on the defining of required and sufficient level of regulation for OTT services to provide protection of user interests and fostering competition,

and generally on any issues that require development of relevant public policies, according to opinions from SGs participants,

instructs ITU-T Study Group 17

1 to continue studies, including, inter alia, within Q5/17 on countering spam, Q10/17 on authentication and other issues relevant to OTT;

2 to submit to the CWG-Internet considerations related to OTT services that require development of relevant public policy issues, particularly:

- on personal data protection,

- on authentication in OTT messaging services,

- on technical analysis of possible measures and implementation mechanisms required for the protection of users rights, because new technological features of OTT services create an unique operational environment (for example, involvement of a large number of providers into service value chain and end-to-end encryption),

and generally on any issues that require development of relevant public policy, according to opinions from SGs participants,

instructs ITU-D Study Group 1

1 to submit to CWG-Internet considerations related to OTT services that require regulation, based on the studies performed within Question 1/1 "Policy, regulatory and technical aspects of the migration from existing networks to broadband networks in developing countries, including next-generation networks, mobile services, OTT services and the implementation of IPv6", in particular:

* on the identification policy tools to facilitate the availability to consumers at the local and national levels of OTT services and applications,
* on identification of cooperation arrangements with OTT providers, that have been used or may be used to meet growing demand and other changes in the market,
* on identification of methodology and policy issues, which facilitate investments into OTT services and applications,
* on evaluation the challenges and preparation overview of best practices and guidelines regarding legal frameworks concerning OTTs,
* on regulation and measures to support competition in the field of OTTs,

and generally on any issues that require public policy considerations related to OTT, according to opinions from SGs participants,

instructs CWG-Internet

1 to perform analysis of public policy considerations related to OTT and to formulate proposals for the ITU Council with regard to possible aspects of the development of international public policy issues on regulating OTTs both nationally and internationally, on the basis of information from ITU-T and ITU-D SGs, contributions from Member States and open consultation materials, particularly;

- on the applicability of legacy public policies on telecommunications to OTT services and, in general, a possibility of its application to innovative services,

- on the development of new or modification of existing regulation for similar services from traditional communication operators and OTT providers,

- on defining a required and sufficient level of regulation for OTT services to provide protection of user interests as well as support for competitive environment,

- on personal data protection,

- on authentication in OTT messaging services ,

- on the implementation of methodology and policy issues, which encourage investment into OTT services and applications,

- on facilitation of accessibility of competitive OTT services and applications,

- on regulation and support of competition in the field of OTT,

- on feasibility of possible measures and implementation mechanisms based on the analysis of results from corresponding SGs, needed to protect users’ interests, because new technological features of OTT services create sophisticated operational environment (involvement of a number of companies into service value chain, application of end-to-end encryption),

and on the other issues related to ОТТ, that require regulation, according to opinions from CWG-Internet participants;

2 to report annually to the Council on the activities undertaken on these subjects and submit proposals as appropriate for further decision;

3 to assist ITU Member-States on the issues of the development of public policy related to ОТТ,

instructs the Directors of Telecommunication Standardization and Development Bureaus

to collaborate closely with the CWG-Internet and provide information on the matters of this Resolution,

invites Member States and Sector Members

to contribute to the above activities and take active part in the implementation of this Resolution.

1. https://www.itu.int/en/council/cwg-internet/Pages/consultation-june2017.aspx [↑](#footnote-ref-1)