**ITU COUNCIL WORKING GROUP
ON INTERNATIONAL INTERNET-RELATED PUBLIC POLICY ISSUES
(CWG-INTERNET)**

# **Online Open Consultations on**

**"Public Policy considerations for OTTs”**

*(June- September 2017)*

**ABRINT** - Brazilian Association of Internet and Telecommunications Providers is an organization that defends the interest of Internet Service Providers – ISPs in Brazil.

We believe that the **Internet** and **Telecommunications** are two distinct entities that need each other, but are not confused.

In this context, the contribution made by the ITU

## QUESTIONS

### **Question 1:**

**What are the opportunities and implications associated with OTT?**

Answer to question 1: In our view, OTTs are only content and applications, which are users of existing telecommunications networks and therefore should not be regulated by organizations related to telecommunications.

The opportunities and possibilities of OTT services are almost infinite, considering the creativity that this type of environment provides and we must be very careful not to create restrictions from a conservative view that hinders the development of new applications.

If some application competes with conventional telecommunication services this should not be the concern of the regulator, since its function can not be to defend the companies but the consumer who is the true beneficiary of the innovations brought by the OTT.

### **Question 2:**

**What are the policy and regulatory matters associated with OTT?**

Answer to question 2: We believe that the consolidation of the most diverse OTT services reduces barriers to entry and ends the justification for regulation.

Also, as new video-on-demand and streaming video applications become popular, as the proportion of smart TVs increases and contracted broadband speed increases, the regulation of pay-TV services and broadcasting of sounds and images tends to be increasingly less relevant to the consumer.

It is up to the regulator to monitor the conditions of competition in the market so that, as competition increases, regulatory obligations are reviewed. The purpose of economic regulation should be to ensure a level playing field and not to choose sides. This monitoring is intended to equalize competition and prevent distortions.

The aim of regulators should therefore be to catalyze the new opportunities offered by OTT services to the benefit of consumers and to support competition and not to extend the regulatory barriers of telecommunications services to OTT.

To that end, collaboration between financial services regulators, data privacy and cybersecurity, broadcasting, audiovisual and telecommunications regulators will allow the construction of a consistent and coherent regulatory context for OTT services.

### **Question 3:**

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

Answer to question 3: Each content provider must maintain security and privacy measures to protect its users, as consumer confidence must be preserved for the company's own survival.

The market for applications and OTT is very dynamic and competitive, if the consumer feels insecure, he will no longer use the services of that OTT.

It is not for the telecommunications regulators any interference in this system, who can regulate them on security and privacy should be the regulators and the legislations of the consumer relations.

### **Question 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?**

Answer to question 4: Mainly not wanting to regulate or limit OTT services so that they do not compete with established conventional telecommunications services, this should never be the regulator's mission.

The natural selection will make survive the service that is relevant.

It often seems that the telecommunications service needs to be protected because OTT uses the telecommunications infrastructure to serve its customer as best as possible. Telecommunications networks are only part of the Internet; they need the content to commercially attract the users' interest.

A telecommunication network without OTTs would have a very reduced utility and attractiveness, in this context the Internet eco system is actually a network and content (OTT) symbiosis.

The Regulator who tries to intervene in this relation Telecommunications x OTT will actually be protecting some of the sides and will create one more element that will need a later solution.

### **Question 5:**

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

Answer to question 5: According to the previous answer, there are already technical solutions that help solve any difficulties in the networks, aiming to bring the best experience to the end user. Clear examples of this are the proliferation of Internet Exchange Points and the massive use of CDNs.

These solutions did not occur due to regulatory needs, but rather as technical solutions found by OTT and also by telecommunications companies to serve their customers with the best possible quality

## SHORT SUMMARY

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

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