# IGF 2016 Workshop Report

| | |
|---|---|
| Session Title | Are We All OTTs? Dangers of Regulating an Undefined Concept |
| Date | Day 2 (7th December 2016) |
| Time | 9am to 10.30am |
| Session Organizer | Gonzalo Navarro (ALAI) and Adela Goberna (ALAI) |
| Chair/Moderator | Gonzalo Navarro |
| Rapporteur/Notetaker | Adela Goberna |
| List of Speakers and their institutional affiliations | Raúl Echeberría- ISOC<br>Brett Solomon- Access Now<br>Natasha Jackson - GSMA<br>Vinton Cerf - Google<br>Bertrand De la Chapelle - Internet & Jurisdiction<br>Eric Loeb - AT&T<br>Alexander Riobó - Telefónica<br>Robert Pepper - Facebook |
| Key Issues raised: | Definition of OTT: Difficulties of defining the scope of the concept.<br>Angles and perspectives of regulation for OTTs: diverse ways of approaching the concept and therefore, there are different opions on which one is the best way to regulate them or not.<br>Relation between the platforms and the Internet service providers.<br>Competition and regulation, if more competitive enviorment should be or not be more regulated.<br>Innovation and regulation.<br>Legal framework should take into consideration human rights, such as freedom of expression. |
| If there were presentations during the session, please provide a 1-paragraph summary for each presentation | **Vinton Cerf**, talked about the the end-to-end principle, from an historical perspective of the architecture of Internet, saying that Internet was created as neutral platform of packet switching on top, where anything that could be packetized could also be transmitted, and send to a third party. Nevertheless, he also stressed the fact that over the years, the volume and size of the data being transmitted grew significantly, increasing the network capacity. In his personal opinion, everything is an application that goes on top of this network, therefore, there is no need to regulate them.<br><br>**Alexander Riobó**, explained that strong regulations over the telecommunications sector made sense years ago, due to the fact that most of them were of public utility, being privatised afterwards and becoming monopolies. Nowadays, new players have entered the market, which has become much more competitive and, in this sense, desregulation would stimulate this competition among sectors. Nonetheless, he also stressed there are sectors that are not competing due to the service they provide, and in these cases regulation should be possibility. |

| | **Robert Pepper,** said that we have a symbiotic relationship between the applications and the underlying network providers (the transmission networks). In his perspective, online content is driving demand for the broadband networks, and without the networks there would not be the connectivity, therefore, both of them are needed for the system to function. He pointed out that in markets where a lot of competition take place, there is less need to regulate them. Nevertheless, he also said that there is a gap between the time when competition is taking place and the review of the regulatory framework, which may bring desregulations.

**Natasha Jackson**, said that fully understand the concept of OTTs we should first understand their role inside the digital ecosystem, as there are diverse actors, business models, and commercial relationships that these digital platforms bring together, enabling new commercials models. In this context, new platforms and services are testing the scope of our legal framework, bring the new challenge of creating legislation that encourages investment and fosters innovation.

**Brett Solomon,** talked about the billions of people who are potential users and are yet not online. He stressed the fact that these users to come should be able to experience the same Internet that the existing users have. In this sense, in his personal view, the challenges that OTT bring is how legal framework can ensure human rights, as to assure the freedom of expression among the users.

**Bertrand de la Chapelle**, talked about the fact that we need to how to collectively finance the infrastructure required to serve the increased bandwidth needs, always under the scope of universal access. He also stressed the fact that some nowadays some actors have different roles, mentioning that some OTTs are developing their own telecom infrastructure, which blurries the roles of each player inside the ecosystem.

**Eric Loeb**, pointed out that the term 'OTT' has a limited life as a concept and that has bring in the spot due to the dramatic changes in technology and commercial models. He believes there is a organical tendency for operations and practices of companies of the industry, to converge and the main challenge we will be facing is how to encourage investment and innovation, through new models and legal frames. |

| | |
|---|---|
| | **Raúl Echeberría**, talked about the fact that there many things that run over the Internet, but no Internet user would ever say they are "over the Internet", but yes it would probably say answer "using the Internet", therefore he would probably go for a concept of "On the Top" instead of "Over the Top". He said that OTT are seen as synonym of replacement or substitution of traditional business and therefore, regulation tends to protect traditional economic interest. He points that legislation not should protect this interest from these disruptions. |
| Please describe the Discussions that took place during the workshop session: | The discussion that took place during the workshop basically was about the scope of the concept of OTT and the relation with legal framework. Mainly, the panelists discussed over the topic of competition and how competition should affect or not the way regulators create legal frameworks.<br><br>By having 10 minutes each, divided into two slots of 5 minutes each, the panelist addressed deeply the implications of innovation and how disruptive business models challenge our understanding of regulation. Moreover, some of them analyze the relation of certain actors within others.<br><br>Finally, the panelist also discuss how we should look forward in order encourage our digital ecosystem, through the perspective of their stakeholder. |
| Please describe any Participant suggestions regarding the way forward/ potential next steps /key takeaways: | Regarding steps forward or potential next steps, all participant agreed (in different ways) that regulation or desregulation should be a consequence of the market.<br><br>This means, whether there is more or less competition, regulation of desregulation should apply to the different actors, taking into consideration this issue.<br><br>Also, they agreed this is an ongoing discussion and that lot of debate and diverse positions are expected, therefore, outcomes will remain widly open. |