

11th CEPT Conference

Regulation of the future – the future of
regulation / The Internet and the
transformation of regulatory issues

François Maurer
Head of section
Federal office of communications (OFCOM)

email: francois.maurer@bakom.admin.ch
URL: <http://www.bakom.ch> et <http://www.e-ofcom.ch>

Agenda

- The Internet: What do we understand under that name from the regulatory viewpoint?
- Identification of some issues
- Tentative solutions and conclusions

Definitions	Issues	Tentative solutions
BAKOM OFCOM UFCOM		
<h2>The Internet: What do we understand under that name from the regulatory viewpoint?</h2> <ol style="list-style-type: none">1. Definition found on the web: « A network of networks; a group of networks interconnected via routers. The Internet (with a capital I) is the world's largest internet »2. Definition (personal): Internet is the actual more or less intelligent global network of more or less intelligent interconnected devices<ul style="list-style-type: none">✓ To concentrate on applications and services (email, VoIP, WWW, etc...)✓ Internet is not a „space“ where law is not applicable≠ Technology (e.g. Internet Protocol)		

3

Definitions	Issues	Tentative solutions
BAKOM OFCOM UFCOM		
<h2>The Internet: Possible developments (1)</h2> <ul style="list-style-type: none">• NGN => In « ITU terms » or in « IETF terms » ?• Where will the « intelligence » be in the future?<ul style="list-style-type: none">- Smart networks and simple terminal devices?or- Smart terminal devices and « stupid networks »?• Less « Web-services » and more « peer-to-peer » communications?		

4

Definitions	Issues	Tentative solutions
BAKOM OFCOM UFCOM		
The Internet: Possible developments (2)		
<ul style="list-style-type: none"> • « Something » totally new? • How will the network(s) of the future look? The answer to that question could give several possible answers to the questions of the transformation of regulatory issues. • Maybe the title of the presentation should have been <i>« The next generations networks and the transformation of regulatory issues »</i> 		
5		

Definitions	Issues	Tentative solutions
BAKOM OFCOM UFCOM		
Identification of some issues (1)		
<ul style="list-style-type: none"> • Limitations of national law and jurisdiction / global network and global services • Time to implement modifications in legislation • « e-everything » / personal data protection • Global commercial relations / Consumer protection • Management of public resources / ICANN has still to prove that it is the right solution... (not only for gTLDs...) • Interworking of different addressing schemes (public / private) <ul style="list-style-type: none"> • No or few substitutions but co-existence => interworking 		
6		

Definitions	Issues	Tentative solutions
BAKOM OFCOM UFCOM		
<h2 style="text-align: center;">Identification of some issues (2)</h2> <ul style="list-style-type: none"> • Trust and confidence / role of public authorities (if any) • Digital divide between countries and within countries • The evolution of the concept of universal service • Content • e-commerce transactions and tax authorities • ... 		
7		

Definitions	Issues	Tentative solutions
BAKOM OFCOM UFCOM		
<h2 style="text-align: center;">Limitations of national law and jurisdiction / global network and global services</h2> <p>Examples of issues:</p> <ul style="list-style-type: none"> - Web-diallers combined with phone numbers for PRS services - Difficulty for consumers in case of disputes with the service provider located in foreign countries - ccTLD: National legislation on resources managed by a private company based on Californian law - National law enforcement in a global network - « Digital paradises » for providers offering contentious services/content - Identification and authentication services à la « Microsoft Passport » or « Liberty Alliance », etc. - ... <p>=> Time to react with existing « tools »</p>		
8		

Definitions	Issues	Tentative solutions
BAKOM OFCOM UFCOM		
<h2>Consumer protection / Personal data protection</h2> <ul style="list-style-type: none">• Contractual relationship between consumer and service provider in an international context. Identification of the commercial entities based anywhere.• Protecting the privacy of citizens who use the Internet, and complying with national laws that restrict the collection and availability of personal data• Victims of unwanted e-mails, fraudulent or criminal practices, etc. How to fight fraud?		

9

Definitions	Issues	Tentative solutions
BAKOM OFCOM UFCOM		
<h2>Management of addressing resources / interworking of addressing schemes (public / private)</h2> <ul style="list-style-type: none">• Regulated telephony environment (E.164 numbering plan) / private organisations managing the Internet addressing resources under the supervision of one big country• Addressing schemes have to interwork<ul style="list-style-type: none">- ENUM- Which E.164 resources for VoIP?- Etc...• National regulation of "national" domain names (ccTLD)		

10

Trust and confidence

- Identification services such as:

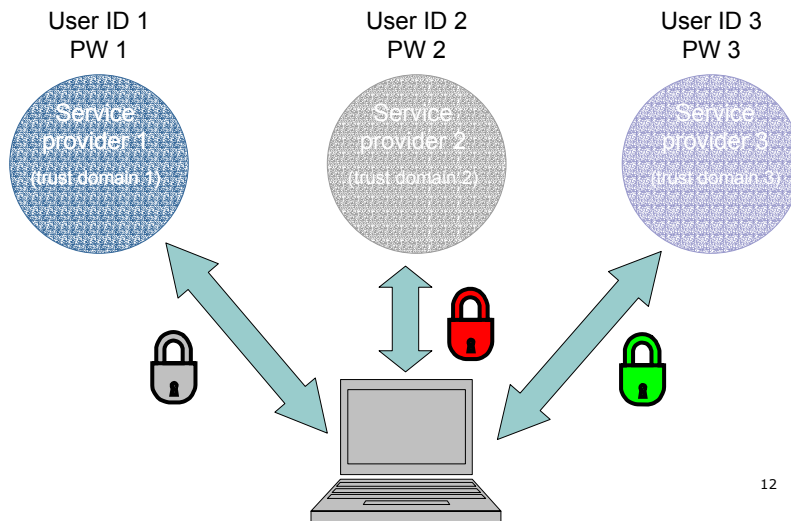
.NET PassportMicrosoft® .NET Passport is a Web-based service designed to make signing in to Web sites fast and easy. Passport enables participating sites to authenticate a user with a single set of sign-in credentials, eliminating the need for users to remember numerous passwords and sign-in names.

Source: <http://www.microsoft.com/net/services/passport/>

- Digital signature and certification authorities

11

Trust and confidence – Online “identification” and authentication systems and services (1)



12

Definitions	Issues	Tentative solutions
-------------	--------	---------------------

BAKOM OFCOM UFCOM

Trust and confidence – Online “identification” and authentication systems and services (2)

13

Definitions	Issues	Tentative solutions
-------------	--------	---------------------

BAKOM OFCOM UFCOM

Trust and confidence – Online “identification” and authentication systems and services (3)

- Single point of failure
- Sharing sensitive data, worldwide / Danger of « profiling » users => more spams, direct mailings, telemarketing, etc.
- Tentative “monopoly” / proprietary projects (MS Passport “liberty alliance”)
- Key element: trust by the users
- Which role, if any, for public authorities?

14

Digital divide between countries and within countries

- Digital divide between countries
- Digital divide within the country
 - How to avoid it
 - Which actions are needed?
 - Educational measures
 - Easy and cheap access to the « cyber-services »
 - ...

15

The evolution of the concept of universal service

- Which services?
- Directories: extensions to identifiers other than phone numbers?
- Caller identification and location. Routing of emergency calls
- Some obligations contained in the current “universal service” regulations may be difficult to be fulfilled by the telephony on the Internet.

16

Definitions	Issues	Tentative solutions
BAKOM OFCOM UFCOM		
<h2>Content</h2> <ul style="list-style-type: none">• Protection of children• Freedom of speech?		
17		

Definitions	Issues	Tentative solutions
BAKOM OFCOM UFCOM		
<h2>Tentative solutions (1)</h2> <ul style="list-style-type: none">• Flexible and timely legislative processes => « framework law » and « flexible » application decrees• Self-Regulation?<ul style="list-style-type: none">- Codes of conduct (with their limitations)• Co-regulation?<ul style="list-style-type: none">- ICANN is still an experiment, will it succeed?		
18		

Tentative solutions (2)

- International harmonization and implementation in the national legislation?
 - Time to implement...
- International Treaty / International law?
 - Slow / weighty process
- Key: combination of all the points?
- To broaden the vision!
Example: do not think « numbering » but
« identifiers » in a very broad sense