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INFOCOMM DEVELOPMENT AUTHORITY OF SINGAPORE

8 Temasek Boulevard
#14-00 Suntec Tower 3
Singapore 038988

Attention: Aileen Chia (MS)
Deputy Director-General (Telecoms & Post)

Dear Ms Chia,

CONSULTATION ON NET NEUTRALITY

We refer to the Consultation Paper issued by the Infocomm Development Authority of Singapore ("IDA") on 11 November 2010, in respect of IDA's policy on net neutrality.

Keystone Law Corporation welcomes the opportunity to comment on the Consultation Paper. Please find enclosed herein Keystone Law Corporation's submission detailing our views and comments on IDA's policy on net neutrality.

Please do not hesitate to contact the undersigned should IDA require any clarification on our submission.

Yours sincerely,

Winston Wong
Director
Keystone Law Corporation
Encl.

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Submission by Keystone Law Corporation

In response to

Infocomm Development Authority of Singapore's Consultation Paper on

NET NEUTRALITY

14 December 2011

SUBMISSION IN RESPONSE TO THE INFOCOMM DEVELOPMENT AUTHORITY OF SINGAPORE'S PUBLIC CONSULTATION ON NET NEUTRALITY DATED 11 NOVEMBER 2010 ("RESPONSE")

Summary of issues

Keystone Law Corporation welcomes the opportunity to comment on the Consultation Paper issued by Infocomm Development Authority of Singapore ("IDA") on 11 November 2010 in respect of net neutrality ("Paper").

Keystone Law Corporation has studied the contents of the Paper and we are pleased to provide in this submission Keystone Law Corporation's views and comments for IDA's consideration.

We would like to highlight a point in the IDA consultation paper dated 11 November 2010 relating to net neutrality ("Paper") which we feel capture in essence a major proportion the conundrum surrounding the issue of application of net neutrality to the internet: In general, net neutral proponents support the role of the content creators and consumers (referred to as the "end points" in the Paper) in driving innovation and economic value creation and net neutral opponents support the role of the entities in between the end points, like telecommunications networks operators, internet service providers and other entities (these entities will be referred to as the "Intermediaries") as valuable in the process of driving innovation and economic value.

Role of end-points and intermediaries in driving innovation and economic value

It is felt that the major issue with an intermediary bring the driver of innovation is the scenario that a monopoly or near-monopoly product or product with very major market share is bundled with bandwidth and hence reducing consumer choice in its selection of ISPs insofar as the monopoly service is concerned. From the consumer's perspective, this may result in a lesser service for an equivalent price. In the specific example cited in the Paper, we feel that it would be an undesirable outcome if an ISP is able to bundle its bandwidth service with a monopoly health portal service to the extent that it would limit the consumer's choice to use another ISP.

In Singapore, section 8.3 and 8.4 of the Code of Practice for Competition in the Provision of Telecommunication Services 2005 (the "Code") anticipates this scenario. In particular we feel that the flavor of sections 8.3(a) and 8.4.1 are sufficiently wide though the particular scenarios in section 8.3(b) and 8.4.2 should be periodically reviewed to assess its adequacy to future developing technologies, specific situations and novel market structures.

Of note to us are particular behaviors of international market players raised as follows:

(a) The "Internet and network neutrality: proposals and recommendations" issued by Autorité de régulation des communications électroniques and des postes ("ARCEP") highlights certain specific practices which raise concerns to which it is felt IDA should take special note: instantaneous throttling or port blocking, restrictive "peering" policies, bandwidth capping beyond reasonable usage, degradation of conditions of access to certain sites or certain subscribers, certain sites and applications not available to customers with "unlimited internet" flat rates, integrated "widgets" on mobile platforms, differentiated limits imposed on users' access.

(b) In 2.3 of the Report of the public consultation on 'The open internet and net neutrality in Europe', it is acknowledged that commercial arrangements that govern the provision of internet access such as peering arrangements and paid transit have 'worked well' and report that content providers are concerned that a change in market structure could lead to their being charged additionally for network access and ultimately result in a 'tax on innovation'.

(c) The position of the Canadian Radio-television and Telecommunications Commission ("CRTC") favours a hands off approach and advocates a dichotomy between retail and wholesale ISP services where the wholesale ISP services will be more heavily scrutinized.

IDA's QoS requirement

We note that the issue of IDA's intervention to impose a QoS requirement remains divided. Given the general as-is, as-available nature of availability of the internet from the world at large, the information transparency policy provides an important tool in the functioning of IDA's QoS requirement and hence should be periodically reviewed. It is generally felt that the current approach continues to be adequate.

It is noted that the 'Review of the Internet traffic management practices of Internet service providers' issued by CRTC cites and supports in detail the need for such transparency.

Conclusion and comment on particular proposals

It is for the above rationale that the net neutral approach and the role of the end-point entity in driving innovation is generally supported. It is felt that the existing framework, including the Code provides adequate support to the principle and end-goal of net neutrality. It is felt that the IDA should monitor the adequacy of and periodically review the anti-competition and unfair competition regulations and in particular section 8.3 and 8.4 and the information transparency policy.