

Question	Your response
<p>Chapter 3.1</p> <p>Consultation question 1: Do you agree with our proposed approach to determining QWR? We would welcome comments in particular on:</p> <p>a) Our proposal to define QWR by reference to worldwide revenues.</p> <p>b) Our proposals in relation to apportioning revenue to the regulated service.</p> <p>c) Our proposed approach to requiring QWR to be aggregated across all regulated services provided by the provider.</p> <p>d) Our proposal to take account of revenues received by another group undertaking in the determination of QWR.</p> <p>Consultation question 2: Do you agree with our proposed definition of ‘qualifying period’?</p> <p>Consultation question 3: Do you have any views on our proposal not to issue a statement to Part 4B services (VSPs) (under paragraph 21 of Schedule 17 to the Act)?</p> <p>Please provide evidence to support your responses.</p>	<p>Confidential? – N</p> <p>Microsoft generally supports Ofcom’s approach to determining the qualifying worldwide revenue (“QWR”) for purposes of calculating fees and penalty amounts.</p> <p>Regarding apportioning revenue to regulated services addressed in 3.1.22 and 3.1.23, we provide a suggestion. Ofcom’s consultation notes that a provider’s revenues may sometimes arise in connection with both regulated and non-regulated services. But the consultation does not acknowledge that many providers regularly consolidate revenues from regulated and non-regulated services in their established financial records, enterprise resource planning and financial accounting software modules, and other internal infrastructure, which are customized at great expense to align with applicable regulatory financial reporting and securities laws in relevant jurisdictions. This can create a challenge when apportioning revenues to only regulated services.</p> <p>The consultation proposes that in situations where revenues are attributable to regulated and non-regulated services, providers apportion revenues to the regulated service using a “just and reasonable approach” (section 3.1.22). Given our comment above, we recommend that Ofcom include guidance permitting providers to apportion revenue to regulated services based on the maximum level of disaggregation which they report in their financial records. This was the same flexibility afforded to providers in the 13 March 2024 Information Notice seeking information for the online fee regime for Questions 8a and 8b, which noted: “We are asking for information which you can provide which reflects the maximum level of disaggregation which you report in your financial records.” Doing so would achieve one of Ofcom’s primary goals stated in the consultation: “reduce compliance burden and administrative complexity for providers” (section 3.3.2).</p>
<p>Chapter 3.2</p> <p>Consultation question 4: Do you agree with our proposal for determining the QWR of a group, when calculating the maximum penalty that may</p>	<p>Confidential? – N</p> <p>Ofcom has observed in the consultation document that “it would be disproportionate to charge fees based on the provider’s total revenue” where “providers operate in-scope online services which contribute only a small</p>

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<p>be imposed on a provider and one or more group undertakings which are jointly and severally liable for a breach under the Act, i.e. that it is determined as the sum of the worldwide revenues of the provider and each of its group undertakings, whether or not attributable to the provision of a regulated service? Please provide evidence in support of your response.</p>	<p>amount to the provider's total revenues...." (Fn 30, section 3.1.7). We agree with this approach and note that Ofcom may wish to consider what additional guidance can be provided on this point with respect to charging. We also recommend that Ofcom consider how a similar approach might be taken when assessing potential penalties.</p>
<p>Chapter 3.3</p> <p>Consultation question 5: Do you have any comments on our proposed advice to the Secretary of State to set a QWR threshold figure within the range of £200m to £500m, with a preferred figure of £250m, for all types of regulated services?</p> <p>Consultation question 6: Do you have any comments on our proposed exemption for providers with UK revenue less than £10m in a qualifying period?</p> <p>Consultation question 7: Do you agree that an exemption for services contributing to the public interest is not required at this time given the proposed QWR threshold and UK revenue exemption?</p> <p>Please provide evidence to support your responses.</p>	<p>Confidential? – N</p> <p>N/A</p>
<p>Chapter 3.4</p> <p>Consultation question 8: Do you agree with our proposed approach to setting the amount of fees payable by providers above the QWR threshold? Please provide evidence to support your response.</p>	<p>Confidential? – N</p> <p>N/A</p>

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<p>Chapter 4</p> <p>Consultation question 9: Do you agree with our proposals relating to supporting evidence, documentation and other information, and manner of notification, as reflected in our Notification Regulations (Annex 10)?</p> <p>Consultation question 10: Do you have any comments on the proposed Manner of Notification document in Annex 11 accompanying the Notification Regulations?</p>	<p>Confidential? – N</p> <p>N/A</p>
<p>Chapter 5</p> <p>Consultation question 11: Do you agree with our assessment of the potential impact of our proposals? If you disagree, please explain why.</p>	<p>Confidential? – N</p> <p>N/A</p>
<p>Overall</p> <p>Consultation question 12: Do you have further views / comments that you wish to make in respect of this consultation?</p> <p>Please provide evidence in support of your responses.</p>	<p>Confidential? – N</p> <p>N/A</p>
<p>Annex A7 questions</p>	
<p>Consultation question A1: In relation to our equality impact assessment, do you agree with our assessment of the potential impact of our proposals on equality groups? If you disagree, please explain why.</p> <p>Consultation question A2: Are you currently aware of any providers of</p>	<p>Confidential? – N</p> <p>N/A</p>

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<p>regulated services targeting or providing support in any way to specific equality groups that are likely to generate a QWR that meets or exceeds the proposed threshold?</p> <p>Consultation question A3: In relation to our Welsh language assessment, do you agree that our proposals are likely to have positive, or more positive impacts on opportunities to use Welsh and treating Welsh no less favourably than English? If you disagree, please explain why, including how you consider these proposals could be revised to have positive effects or more positive effects, or no adverse effects or fewer adverse effects on opportunities to use Welsh and treating Welsh no less favourably than English.</p>	

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