

## Consultation response form

### Your response

Question	Your response
<p><b>Question 1: Functioning of the net neutrality framework</b></p> <p><b>(a) Which aspects of the current net neutrality framework do you consider work well and should be maintained? Please provide details including any supporting evidence and analysis.</b></p> <p><b>(b) Which aspects, if any, of the current net neutrality framework do you consider work less well and what impact has this had? What, if any, steps to you think could be taken to address this and what impact could this have? Please provide details including the rule or guidance your response relates to and any supporting evidence or analysis.</b></p>	<p>We have recently conducted research funded by BT exploring a legal and policy perspectives of the UK's net neutrality rules and how successful they have been in achieving their goals.</p> <p>A short report we produced from this commission in September 2021 can be found here: <a href="https://pureportal.strath.ac.uk/en/publications/net-neutrality-in-new-times-revisiting-the-open-internet-regulati">https://pureportal.strath.ac.uk/en/publications/net-neutrality-in-new-times-revisiting-the-open-internet-regulati</a></p> <p>We draw on this research in this consultation response. The views we express here and in the report are our own and do not represent the views of BT.</p> <p>Overall, we found that there is general compliance with net neutrality rules, especially the prohibition on blocking legal content, application, services and devices.</p> <p>However, it would be good to clarify further situations in which zero rating and use of content delivery networks may infringe net neutrality rules, especially in light of the recent Court of Justice of the EU (CJEU) cases on zero-rating.</p> <p>We also note that net neutrality rules have not prevented the growth and further consolidation of digital intermediaries in over-the-top services. We note the parallel policy initiatives in the EU (Digital Markets Act) and UK (A new pro-competition regime for digital markets Government consultation) and urge any reform to net neutrality rules to cohere with these other initiatives.</p> <p>We ponder whether there should be a reconsideration of net neutrality rules and in particular the categorical prohibition on commercial traffic management practices. We still consider that blocking and actively slowing traffic down should be prohibited but are there can be permissible circumstances in which delivering content more</p>

	<p>quickly and/or for free could be legalised, subject to general competition rules and special monitoring, transparency and accountability mechanisms while ensuring citizen and consumer interests and media pluralism goals are also met. We would encourage Ofcom to consider this possibility for future reform.</p>
<p><b>Question 2: Use cases, technologies, and other market developments</b></p> <p><b>(a) What, if any, specific current or future use cases, technologies or other market developments have raised, or may raise, particular concerns or issues under the net neutrality framework?</b></p> <p><b>(b) What, if any, steps do you think could be taken to address these concerns or issues and what impact could this have? Please provide details of the use case, technology or market development and the rule or guidance your response relates to, as well as any supporting evidence and analysis.</b></p>	
<p><b>Question 3: Value chain</b></p> <p><b>Are there particular business models or aspects of the internet or other value chains that you think we should consider as part of our review? Please explain why, providing details including any supporting evidence or analysis.</b></p>	<p>As mentioned above, we consider that Ofcom should ensure its review of net neutrality coheres with other relevant policy initiatives, especially the UK DMU and DRCF proposals.</p>
<p><b>Question 4: International cases studies</b></p> <p><b>Are there any international case studies or approaches to net neutrality that you think we could usefully consider? Please include details of any analysis or assessments.</b></p>	
<p><b>Question 5: Guidance and approach to compliance and enforcement</b></p> <p><b>Are there specific challenges with the existing guidance that we should be aware of (e.g. ambiguity, gaps)? Assuming the rules stay broadly the same, which areas could Ofcom usefully provide additional clarity or guidance on? Please provide details.</b></p>	<p>More clarity on how zero-rating will be dealt with, and how aligned or not Ofcom will be with the approach in the EU, especially after the recent CJEU cases.</p>

**Question 6: Annual report**

**Do you find Ofcom's annual monitoring report useful or are there any changes you think we could usefully make either to the content or how we communicate this?**

Yes, we found these reports useful for our research.

**Question 7: Other**

**Is there any other evidence or analysis that you are aware of and/or could provide to aid our review?**

As mentioned above, we have written a report on net neutrality where we explain some of our views in greater detail:  
<https://pureportal.strath.ac.uk/en/publications/net-neutrality-in-new-times-revisiting-the-open-internet-regulati>