

# INTERNATIONAL CONFERENCE NET NEUTRALITY AND THE FUTURE OF COMMUNICATIONS IN BRAZIL

Fundação Getulio Vargas (FGV)

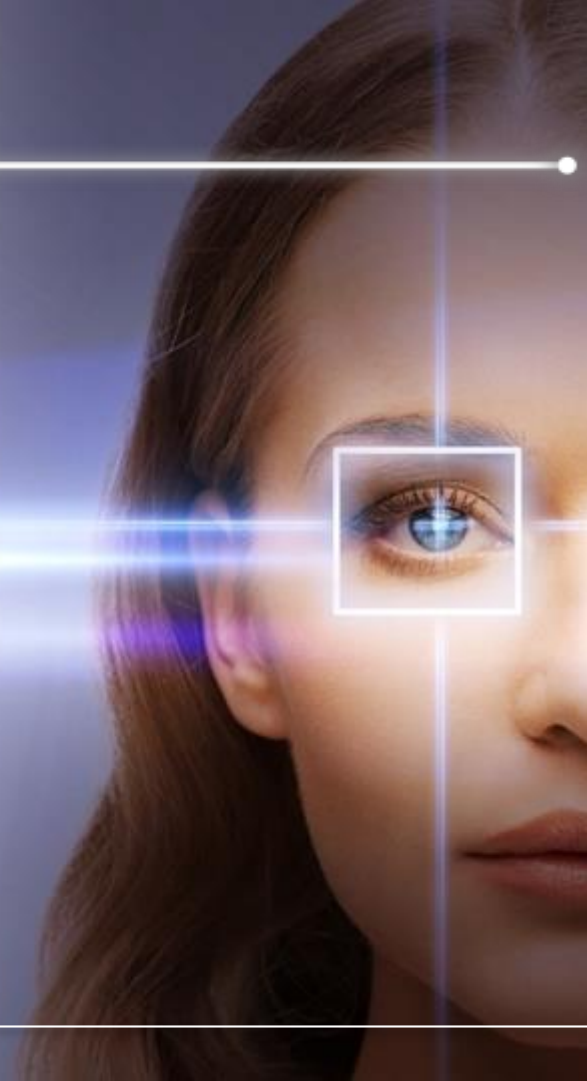
08 DE JUNHO DE 2015



# Law 12.965/2014

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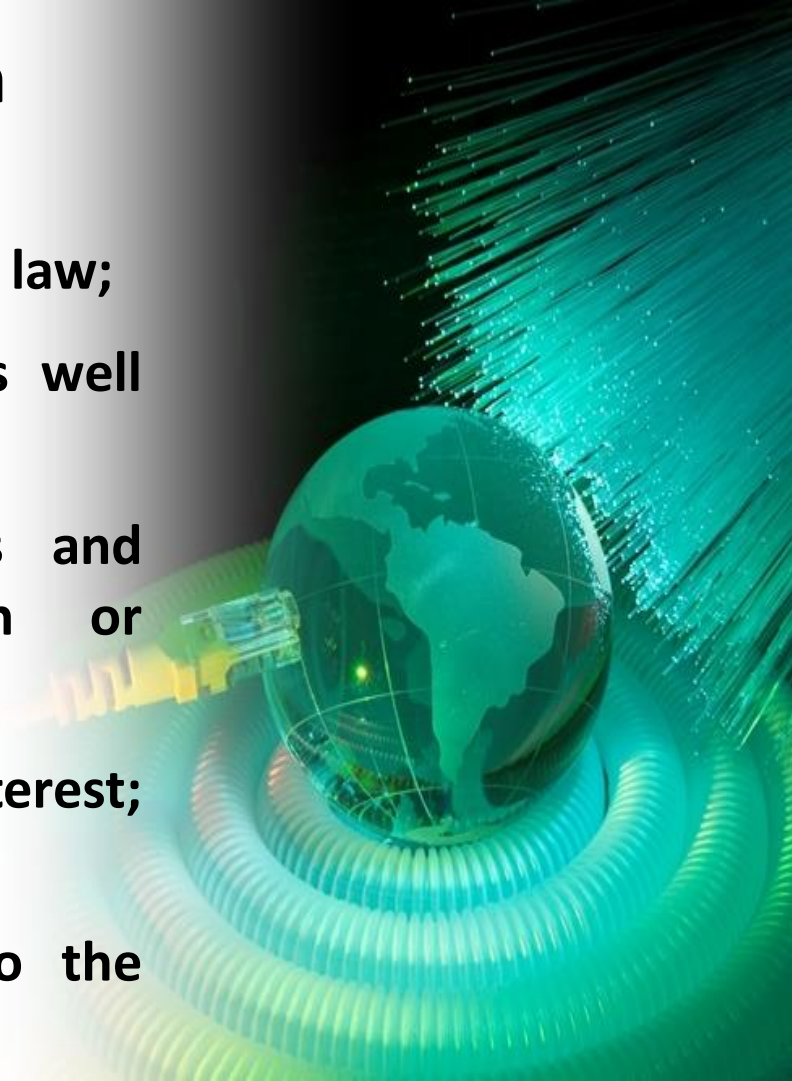
- **The discipline of internet use in Brazil is founded on the basis of respect for free enterprising, free competition and consumer protection;**
- **The discipline of internet use in Brazil has as principles the freedom of business models promoted on the internet; and**
- **Preservation of stability, security and functionality of the network, via technical measures consistent with international standards and by encouraging the use of best practices;**



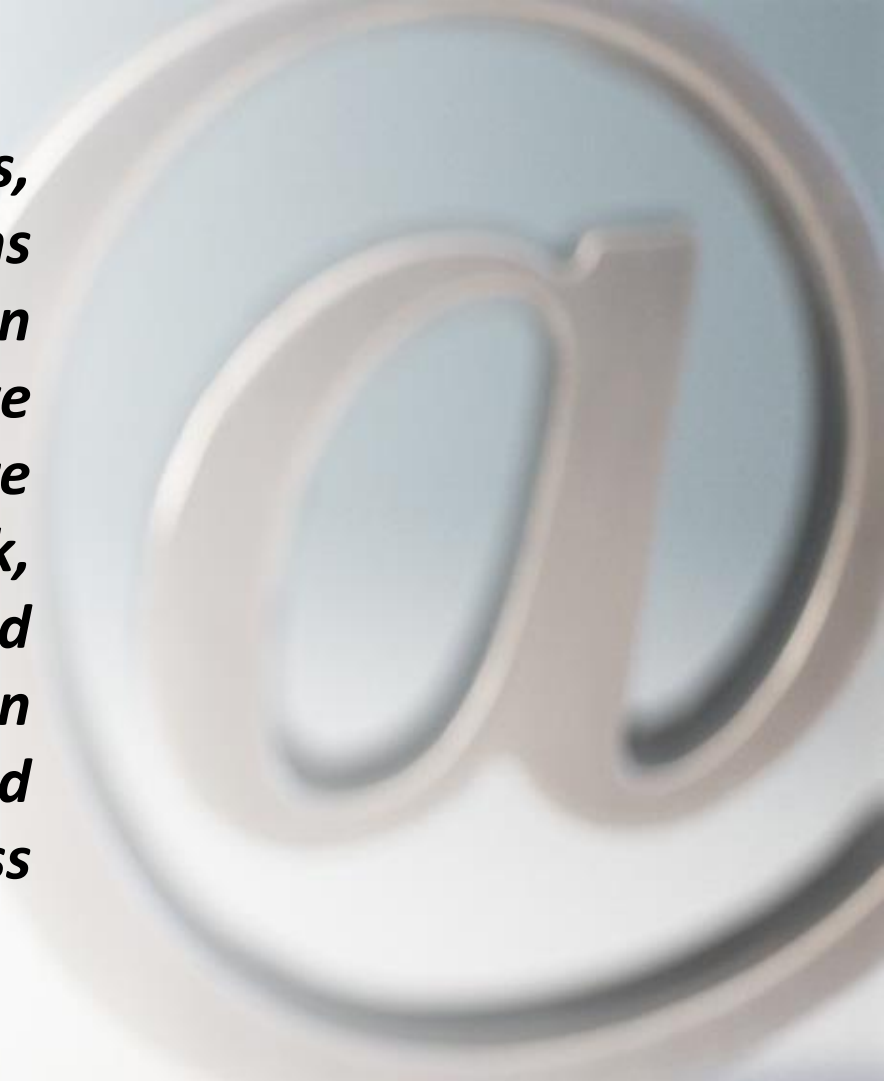
# Network Neutrality Regulation

## General Considerations

- Regulation must respect the spirit of the law;
- Concept is not under discussion. It is well defined by the Law;
- Regulation shall establish conditions and situations to allow discrimination or degradation of traffic;
- Regulation shall respect consumer interest; and
- Guarantee the necessary flexibility to the ISP's in managing their networks;



***Marco Civil establishes principles, guarantees, rights and obligations for an Open Internet, but it is not an economic / strategic / competitive framework. The law does not care for the inclusion in the network, does not take care of prices and whether there is competition in adequate quantity and quality. And does not take care of business models;***



# MCI Network Neutrality Concept

**Networks** that support fixed or mobile access to the Internet, shall dispense **equal treatment to any data packet**, regardless of its content, origin and destination, service, terminal or application when **carrying out the transmission activities, switching and routing;**

**Competitive  
aspects and  
competition  
should not be  
confused with net  
neutrality;**



# Exceptions to the Network Neutrality (I)

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**I – technical requirements essential to the adequate provision of services and applications; and**

**II – prioritization of emergency services.**



## Exceptions to the Network Neutrality (II)

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- **Users should be free to choose and ISP to provide specialized services;**
- **Definition of specialized services depends on ANATEL Regulation;**
- **On a security threat, stability and functionality of the networks must allow the use of network management practices that can treat differently the packet traffic;**
- **Anatel is responsible for overseeing such practices.**





# Exceptions to the Network Neutrality (III)

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- **Emergency services are characterized by applications that allow the user to request immediate assistance, due to emergency situation or emergency condition**
- **Emergency services can be public or private;**
- **Provision of emergency services priorities must be voluntary;**
- **Provision of emergency services priorities could be provided on free or at a cost basis;**



**When providing internet connectivity in the transmission, switching or routing, it is prohibited to block, monitor, filter or analyze the content of data packets (I)**

- **ISP's within the contractual limits of volumes and speeds for the Internet access service, should not block, degrade or discriminate of data packet traffic;**
- **The user must have freedom of choice: full accessibility or parental control and / or restriction on advertising or propaganda;**



**When providing internet connectivity in the transmission, switching or routing, it is prohibited to block, monitor, filter or analyze the content of data packets (II)**

- **Proper network management is directly related to reading the metadata of each package or even information entered or withdrawn from the user on the Internet, it can only be performed if not serve the purpose of identifying individual user information and the specific purpose of network management oriented service to the principle of security and network stability.**



# Final Message

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**Rules must keep backdrop of regulatory stability as well as the flexibility to adopt business modeling to ensure the sustainability of the huge investments required for the expansion and modernization of networks;**



# THANK YOU

Alexander Castro

**SindiTelebrasil**  
Sindicato Nacional das Empresas de Telefonia  
e de Serviço Móvel Celular e Pessoal

