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| **The Meeting of the SATRC Working Group on** **Policy, Regulation and Services** | **SAPVIII-PRS1/ OUT-04** |
| 25 – 26 May 2022, Dhaka, Bangladesh | 26 May 2022 |

Working Group on Policy, Regulation and Services

**QUESTIONNAIRES ON REGULATORY ISSUES RELATED TO OTT**

**SERVICES AND APPLICATIONS**

**1. BACKGROUND AND PURPOSE**

The innovation and technological advancements have brought in many new services in the ICT sector. Over the Top (OTT) services are such services aided by the advancement in IP networks. However, there are some regulatory concerns across countries regarding regulatory compliance and impact of the OTT services. The licensed Telecom Service Providers (TSPs) have raised some objections as they feel and experience the adverse impact of OTT services on their network due to increased data traffic and possibility of revenue loss. Also, a new regulatory framework is required to be developed for addressing the compliance of these OTT with national laws and regulation, including competition and investment issues. Different regulatory approaches are being adopted by various regulators with respect to OTT services.

The purpose of this work item is to-

- Analyze and identify the regulatory issues related to OTT service and applications

- Identify the impact of these OTT services, specially the revenue impact, on incumbent telecom network and services

- Study current status of OTT services and their regulatory framework in SATRC countries

- Analyze the regulatory trend around the world to address the impact of OTT services.

- Suggest way forward for SATRC countries to better accommodate OTT service.

**2. SCOPE**

This work item may assess the followings but not limited to-

1. Usage and status of OTT service in SATRC countries.
2. Analyzing the impact of OTT services on incumbent network and services.
3. Regulatory measures, plans and strategy regarding OTT applications in SATRC and other regions.
4. Modus operandi of international OTTs in local markets in SATRC.
5. Revenue, tax and investment contribution of the OTTs.
6. Existing and future collaborative mechanism between OTTs and MNOs.
7. Current and future OTT regulatory trends, including regional case studies in SATRC countries.

Based on the analysis of established literatures and expert contributions from SATRC members, a high-level recommendation would be prepared as a way forward for SATRC countries.

**3. METHODOLOGY FOR CARRYING OUT THE STUDY**

The study will be carried out by the Lead Expert in consultation with the other Experts from Member countries on the subject. Therefore, in order to pursue the study, the following questions are prepared to obtain input (information) on the subject. Based on the inputs, the lead expert will compile and generate report based on the best practices for the SATRC regions.

**4. QUESTIONS**

Q1. Are OTT services/digital apps/digital services defined and recognized in your country through license/directives/permit/registration? If yes, how it is defined?

Q2. What are the popular OTT services in your country?

Please rank them according to traffic/usage.

|  |  |  |  |
| --- | --- | --- | --- |
| Serial Number/Ranking | OTT Name(example as follows) | Status of Subscriptions |  |
|  | Facebook/Messenger |  |  |
|  | Google |  |  |
|  | WhatsApp |  |  |
|  | Imo |  |  |
|  | TikTok |  |  |
|  | Netflix |  |  |
|  | YouTube |  |  |
|  | Signal |  |  |
|  | Twitter  |  |  |
|  | ………. |  |  |
|  | ………….. |  |  |

Q3. Do you have any separate regulation for the OTT services or for any specific OTT?

If yes, which aspect of the OTT services are covered in such regulation?

|  |  |  |
| --- | --- | --- |
|  | Item/criteria covered  | Comment/elaboration |
| 1 | Usage (permitted or not) |  |
| 2 | Content |  |
| 3 | Complaint  |  |
| 4 | Tax/ revenue related |  |
| ………. |  |  |
| ………. |  |  |

Q4. Do your country have any OTT which is locally developed and has significant usage in your country? If yes, is there any policy support for such local OTT?

a. How do you see the impact of OTT services on the incumbent telecom network and services in your country?

b. Please share the data from your incumbent telecom service providers about the impact of OTT on their traffic (both domestic and international voice traffic), SMS, revenue, infrastructure etc (if possible, separate data and/or analysis for each type of impact). Please provide data as per the attached format.

Q5. Please provide your analysis/ comments about the impact of OTT services on the society. What are the prevailing legal aspects in your country in this context? Does your country has any collaboration with the OTT players to monitor and moderate the content? Please provide suggestions, if any, in this respect.

a. Do international OTTs (dominant and recognized, for example Facebook, google, Netflix etc) need to register in your country? Please provide the current status.

b. Do they need to set up office and/or appoint local representative? Please provide the current status.

c. Do international OTTs need to pay tax or share revenue with incumbent telecom operators in your country?

d. Is there any regulatory requirement or guideline for the taxation and revenue sharing of OTTs?

Q6. Is there any example of collaboration between OTT players and incumbent telecom operators in your country? If yes, are these collaboration voluntary/mutual or mandated/vetted by the regulator?

a. Has any international OTT invested in your country to develop infrastructure or broadband connectivity (e.g. optical fiber metro network, submarine cable and landing station, Wi-Fi network access points etc.)?

b. Has any of them shown any commitment towards the local telecom sector and consumers through any other initiative (e.g. digital skill development, social uplift, bridging digital divide etc.)? If yes, please provide a brief description of such initiative.

Q7. What you suggest is the best way to regulate and/or accommodate the emergence of the OTT services. You may provide your suggestion under the following breakdown:

1. strict or soft regulation for OTT:
2. separate authorization or market-oriented approach to allow them operational in local market:
3. forced or voluntary collaboration among OTT and MNOs:
4. data privacy and security
5. Content regulation
6. Revenue Sharing with MNOs and local telecom/ broadcasting service providers
7. Tax payment
8. Compliance mechanism
9. Any other suggestion