

Code of Practice on Safeguarding the Open Internet

Objective

The Code is in response to concerns brought forward by operators about consumer rights in accessing content over the internet. The Code seeks to balance consumer rights and responsibilities with the availability of flexible network management tools for operators.

The wider objective of the Code is to provide a framework for operators across the Caribbean Region to collectively address the issue of Net Neutrality.

Code of Practice

Open internet is an important enabler of economic and societal growth. This Code of Practice (the Code) has been developed to ensure that customers and other stakeholders can have confidence that end users will be able to access lawful content and applications that lawful content providers wish to make available over the internet.

This Code of Practice balances the needs and freedoms of end users and content providers with the requirement of Operators to run their networks and their corresponding freedom to innovate and develop new services and business models. Striking this balance will foster the development of a wider range of service offerings from different Operators as they tailor these offerings to meet the different needs of different customers.

This flexibility and potential for competitive differentiation will allow the region to become a proving ground for online services. This flexibility to innovate both technically and commercially is itself a differentiator allowing the region to develop a distinct and unique environment to attract technology companies and investment.

With this in mind the signatories have developed this voluntary Code of Practice. The Signatories to the Code provide services to a very significant proportion of customers in the region and this is a practical endorsement of their belief in the value of the Code.

The Code will be administered by CANTO, the regional trade association for telecommunications providers. Those Operators who become Signatories will be registered by CANTO. This Code will give customers confidence that the services they buy will be transparently sold and allow them to have an on-line experience that reflects their individual needs with access being possible to their choice of legal content.

Operators adopting this Code agree to abide by the commitments set out below. These commitments are designed to ensure that their customers can access legal content on the internet on terms that are transparent and reasonable and that Operators do not target specific applications or content providers in an unfair way.

CANTO and its members support the concept of the open internet and the general principle that legal content, applications and services, should not be blocked.

To give effect to this position Signatories to this code commit that:

1. within the terms, bandwidth limits and quality of service of their individual service plan, customers should have access to their choice of legal Internet content, services and applications;
2. any restrictions on use attached to a particular service plan are effectively communicated to customers;
3. save for objective and transparent reasons traffic management will not selectively target the content or application(s) of specific providers within a class of content, service or application;
4. they will make available a range of service plans that provide customers with viable choices for accessing legal content, applications and services.

What this means for customers

Commitment 1) means that when customers enter a contract for the supply of services then the Operators will not put additional restrictions that aren't in the contract on how the contracted services are used.

Commitment 2) means that customers will understand what they are contracting for.

Commitment 3) means that Operators will not single out specific on-line applications that are otherwise permitted with a service plan unless there are valid reasons to do so. This supports fair competition.

Commitment 4) means that Operators will have a sufficiently wide portfolio of service plans with different features that customers will be able to find one that meets their individual needs at a price that reflects the value of the service.

The signatories recognise that Operators must have the flexibility to run their networks, to innovate and to reach appropriate commercial agreements. The Code does not limit an Operator from:

- managing congestion on its network
- safeguarding the security and integrity of its network
- blocking services if required to by law or by a Court
- offering service plans which support the delivery of managed services
- making sure that customer contract terms are honoured

Making sure that the Code is followed

Where a signatory has registered its adoption of the Code, a customer, operator or regulator who believes that the Code has been breached should in the first instance raise this with the relevant Operator. Where the issues have not been resolved to the satisfaction of the customer, operator or regulator the matter can be escalated to CANTO, the Code Administrator, as a dispute. (Email: Open_internet_code@Canto.org). CANTO will only accept matters where the issues have previously been raised with the Operator but remain unresolved. Where CANTO finds that a signatory has wilfully breached the Code it may remove them from the register of signatories.

This document is primarily based on practices and principles of self-regulation by Operators. CANTO does not enforce this Code. On the contrary, Operators self-regulate both themselves and other Operators in the Region.

The role of CANTO is principally that of an administrator of the Code. In furtherance of this, CANTO will do as follows:

- Keep a register of signatories to the Code.
- Initiate measures to have disputes resolved, when required and as agreed upon.
- Keep a record of deviations from the Code
- Promote adherence to the Code
- Provide disclosures to the Regulators

End