

# US: Communication Commission Adopts Weak Internet Openness Rules

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Sent: 22 December 2010 12:26

To: Article



PRESS RELEASE

## US: Communication Commission Adopts Weak Internet Openness Rules

**London 22.12.10: The US Federal Communications Commission (FCC) voted 3-2 for a new rule on “network neutrality” to ensure that internet service providers do not discriminate against internet sites and services. The net neutrality rules, which came out on 21 December, set broad principles but provide limited protection to users and providers of information or services.**

“The Federal Communications Commission reaffirmation of the need for an open internet to promote freedom of expression is a welcome move,” said Dr Agnès Callamard, executive director of ARTICLE 19. “However, the rules adopted are weak and do not provide for adequate safeguards against discrimination, especially in relation to mobile broadband,” continued Callamard.

The FCC network neutrality rule adopts three basic principles for all internet service providers (ISPs) including cable, telephone and mobile companies: 1) ISPs must be transparent in their network practices to consumers and content and service providers; 2) ISPs are prohibited from blocking lawful sites and services; and 3) ISPs are prohibited from “unreasonable” discrimination of content and services.

However, under the new rules, mobile communications are not as stringently protected as landline communications. While websites and other applications which compete with a mobile ISPs services cannot be blocked, the rules do not directly prohibit other services from being restricted. All ISPs are also allowed to restrict access to content and services for reasonable network management. More positively, consumers and providers may file complaints about unlawful limits which will be heard by the FCC on a fast track basis.

ARTICLE 19 believes that network neutrality is essential to allow individuals to “seek, receive and impart information and ideas through any media and regardless of frontiers” as protected under international human rights law. In particular, the following principles should be adopted to protect freedom of expression on line:

- The Internet should remain open so that everyone is able to send and receive the content, use the services and run the applications of their choice, on the device of their choice, within the law;
- There should be no discrimination in the treatment of Internet traffic, based on the device, content, author, or the origin and/or destination of the content, service or application.
- Meaningful information about any traffic management practices must be made available to all stakeholders, end users and businesses who rely on broadband infrastructure to reach their customers.

Network neutrality is currently being debated in countries and international bodies around the world, including at the European Union. Earlier this month, ARTICLE 19 joined with 18 internet companies and groups including Skype, Ebay, and Consumer Focus in writing to UK Culture Minister Ed Vaizey calling on the UK government to adopt stronger rules on network neutrality.

ENDS

**NOTES TO EDITORS:**

- For more information please contact David Banisar, Senior Legal Counsel, [banisar@article19.org](mailto:banisar@article19.org)
- The new rules are available at <http://www.fcc.gov/>
- The letter to Minister Ed Vaizey is available at: <http://www.openrightsgroup.org/ourwork/reports/joint-letter-to-ed-vaizey-open-internet>
- ARTICLE 19 is an independent human rights organisation that works globally to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech. For more information on ARTICLE 19 please visit [www.article19.org](http://www.article19.org)

**ARTICLE 19**

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