



School of  
Management and Law

# Net Neutrality: Antitrust challenges

## Russian Competition Week 2017



**Building Competence. Crossing Borders.**

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# Outline

**1. Definition: Net Neutrality**

**2. Challenges: Competition Law**

**3. Developments: Global**

# (1) Net Neutrality

## Definition: Net Neutrality

- **ISP:** Internet service providers should treat...
- **Data:** ...all data on the internet...
- **Transport:** ...the same, not discriminating or charging differentially by user, content, website, platform, application, type of attached equipment, or mode of communication

# (1) Net Neutrality



## (2) Challenges: Competition Law

### Players



**Content provider**



**Internet Service  
Provider (ISP)**



**User**

## (2) Challenges: Competition Law

### Agreements (Horizontal)



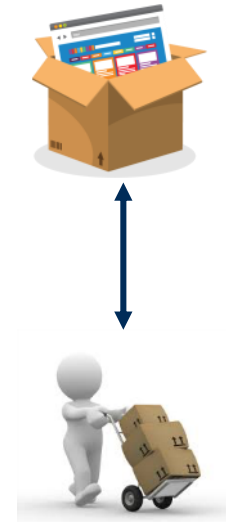
- Internet service providers agree on
  - Price
  - Quantity
  - Geographic allocation
  - ...

**Example:** ISP 1, 2 and 3 regularly discuss their prices for the future.

## (2) Challenges: Competition Law

### Agreements (Vertical)

- The content provider and ISP agree on:
  - Resale price maintenance
  - Geographic allocation
  - ...

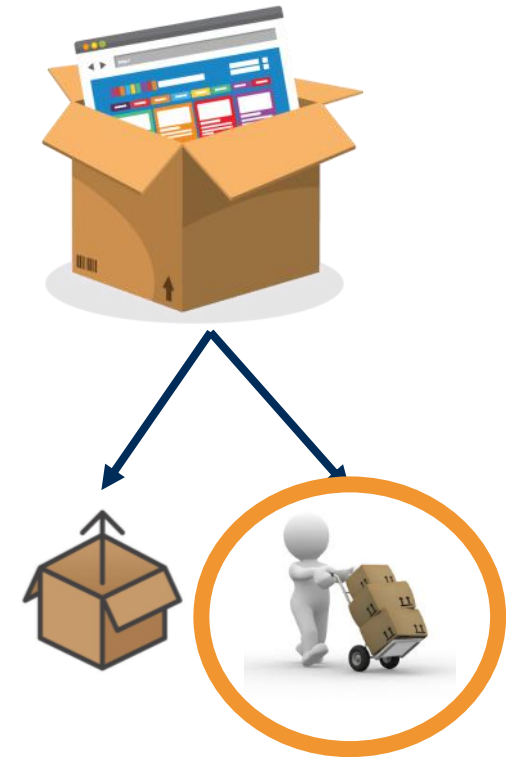


**Example:** The content provider and ISP agree that the data of the content provider will be distributed faster than the data from other content providers.

## (2) Challenges: Competition Law

### Abuse of dominance (1)

- One dominant content provider behaves unlawfully (exclusionary or exploitative) against:
  - ISP
  - User
- Could content provider be seen as “essential facility”?



**Net neutrality  
issue**

### **Example:**

An ISP is forced to privilege a content provider to faster forward their data.



## (2) Challenges: Competition Law

### Abuse of dominance (2)

- One dominant ISP behaves unlawfully (exclusionary or exploitative) against:
  - Content provider
  - Users
  - Other ISP
- Natural monopoly of ISP?



**Net neutrality issue**

### **Example:**

Blocking access for data of a content provider.

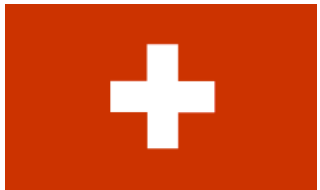
## (3) Developments: All over the world



**Russia:** FAS made recommendations for net neutrality principles



**EU:** EU Regulation 2015/2120 sets the basic framework for ensuring net neutrality



**Switzerland:** Political discussions to include net neutrality into telecommunication act



**USA:** "Net Neutrality" regulations in 2015

# Thank you for your attention!

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