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Network Neutrality and Broadband Policy in Taiwan —Comment on Decision of Taipei High Administrative Court Su-Tzu No. 99-1654*

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Abstract

Network neutrality is the issue about how the Internet service providers discriminate their services, and this issue has raised in-depth discussion in the United States and the European Union. In a recent court decision in Taiwan, the court aimed to clarify whether the National Communications Commission (NCC) is empowered to review the matters outside the scope of rate plans. In this case, the NCC claimed that the additional condition is not only against the principle of network neutrality, but the condition with maximum transmission limit is also against the

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principle of fair offerings of telecommunication services. Although the court decision is not directly relevant to the network neutrality principle, there are certain connections with network neutrality issue developed in the EU and the US regarding the transparency and nondiscrimination. The EU is inclined to discuss the issue from the angle of market competition, and it even adds the obligations of transparency to its latest revisions to the directive in 2009. The US tends to regulate the Internet through the network neutrality regulation, but it also adds the transparency requirement to the new regulation. Both the US and the EU believe that the transparency and nondiscrimination are the critical solutions to the network neutrality issue, and that the more transparent in disclosing the network management information, the more market competitive effects can be achieved. Probably the network neutrality regulation is not necessary in Taiwan; rather, we just need more competition in our broadband market.

Keywords: Network Neutrality, Digital Convergence, Discrimination, Broadband, Transparency