

Welcome to Steptoe & Johnson's Telecoms Regulation Update. These updates are aimed at providing information on recent developments in the field of telecoms regulation. We welcome feedback on ways in which we can improve this service, or in relation to any topics of interest which you would like us to cover. Please email [london@steptoe.com](mailto:london@steptoe.com) with any comments or suggestions. We look forward to hearing from you.

## WORLD SUMMIT ON THE INFORMATION SOCIETY PROMOTES BROADBAND SATELLITE SERVICES

At the first phase of the World Summit on the Information Society (WSIS) in Geneva on 12-14 December 2003 (the second phase is in Tunis in November 2005), the governments of the world adopted a Plan of Action (attached) that potentially offers a significant boost for broadband satellite services. Companies that provide such services should consider the opportunities offered by the WSIS process.

Contrary to general expectations, the first phase of WSIS was at least a moderate success. In September 2003, the World Trade Organization (WTO) summit in Cancun collapsed into widely-publicized disagreement as a result of intractable divisions between developed and developing countries. In the preparatory meetings for WSIS, similar divisions were evident, on issues such as governance of the Internet and funding to deal with the "digital divide" between rich and poor countries. However, unlike the WTO in Cancun, the WSIS was able to achieve compromise – by adopting strong statements of the concerns of developing countries and appointing a study group on Internet governance, but deferring most concrete action.

One area in which the WSIS Plan of Action did adopt concrete recommendations is in its focus on satellite technology for delivery of broadband services, calling on governments and other entities to:

*d) Develop and strengthen national, regional and international broadband network infrastructure, **including delivery by satellite and other systems**, to help in providing the capacity to match the needs of countries and their citizens and for the delivery of new ICT-based services. Support technical, regulatory and operational studies by the International Telecommunication Union (ITU) and, as appropriate, other relevant international organizations in order to:*

- i) **broaden access to orbital resources, global frequency harmonization and global systems standardization;***
  - ii) encourage public/private partnership;*
  - iii) **promote the provision of global high-speed satellite services for underserved areas such as remote and sparsely populated areas;***
  - iv) explore other systems that can provide high-speed connectivity. ...*
- i) **Encourage the use of unused wireless capacity, including satellite, in developed countries and in particular in developing countries, to provide access in remote areas, especially in developing countries and countries with economies in transition, and to improve low-cost connectivity in developing countries. Special concern should be given to the Least Developed Countries in their efforts in establishing telecommunication infrastructure.***

In adopting these recommendations, the WSIS apparently recognizes that satellites are especially well-positioned to deliver cost-effective broadband services to less-developed countries that do not have strong wireline or terrestrial wireless communications infrastructure.

The WSIS focus on satellite broadband services could enhance the market for these services in at least three respects:

- by encouraging governments and international organizations to implement a favorable regulatory regime for satellite broadband;
- by generating government funding for the development of satellite broadband; and
- by expanding the market for satellite broadband services through increased focus of governments, businesses and consumers on the potential of these services.

Companies that provide satellite broadband services, or are considering provision of such services, may want to consider taking action to exploit the opportunities presented by the WSIS Plan of Action. Possible steps including the following:

- exploring business plans based upon delivery of satellite broadband services in developing countries (e.g., using technologies such as DVB-RCS);
- investigating and pursuing opportunities for government funding of satellite broadband technologies and services;
- conducting advocacy for a favorable regulatory regime for satellite broadband; and
- engaging in the WSIS process to encourage continued and expanded favorable treatment of satellite broadband.



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**Steptoe & Johnson LLP and its UK affiliate Steptoe & Johnson have a leading practice on legal/regulatory and commercial/transactional aspects of satellite business, and are able to provide advice on the WSIS process and the issues raised in this update. Please feel free to contact Maury Shenk (+44.20.7367.8092, [mshenk@steptoe.com](mailto:mshenk@steptoe.com)) in our London office or Alfred Mamlet (+1.202.429.6205, [amamlet@steptoe.com](mailto:amamlet@steptoe.com)) in our Washington office.**

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