



January 14, 2010

Honorable Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: In the Matter of Preserving the Open Internet (GN Docket No. 09-91)

The Internet Society (ISOC) respectfully submits its comments on the above referenced proceedings. In this proceeding, the Commission has noted that “standards bodies such as the Internet Engineering Task Force (IETF) have played a significant role in developing network management protocols” and has requested comment on “whether the IETF, other standards bodies, or other third parties could help define more precisely what practices are reasonable” (NPRM, pg 52). The proceeding also raises the question of whether there are network management techniques that are consistent with industry standards.

The Internet is built on technical standards, which allow devices, services, and applications to be interoperable across a wide and dispersed network of networks. Internet standards are developed by a group of organizations, some of which are supported by the Internet Society (ISOC). This is a statement of the Internet Society’s opinion, and is not to be interpreted as representing that of any of these standards developing organizations.

The Internet Society notes that, in addition to establishing the requirements for interoperability, successful Internet standards share certain characteristics, described below:

Freely accessible specifications: all relevant written specifications required to implement the standard are available without fee or requirement of other contractual agreement (such as a non-disclosure agreement).

Unencumbered: it is possible to implement and deploy technology based on the standard without undue licensing fees or restrictions.

Open development: to produce relevant and broadly-accepted standards, it is critical that all parties working with impacted technologies are able to participate in and learn from the history of the development of an Internet standard.

Always evolving: as the Internet itself continues to evolve, new needs for interoperability are identified, so the standards that support it must evolve to address identified technical requirements through open standards processes.

These characteristics ensure that all interested and technically capable parties can participate in open standards development processes. In the case of network and bandwidth management, network operators, content providers, and all other interested technical experts need to be able to collaborate in an open environment. This model of open standards development for the Internet results in specifications developed for the overall benefit of the Internet globally, rather than responding exclusively to any particular industry, corporate or regional agenda. In so doing, the open development model ensures global opportunities for innovation.

The Commission has asked whether standards bodies could define precisely what is considered “reasonable”, and in the same paragraph asks “how to evaluate whether particular network management practices fall into one or more of these categories and on who should bear the burden of proof on that issue.” (NPRM, pg 52) The Internet Society notes that while open Internet standards processes are invaluable for establishing specifications for best practices, the question of evaluating whether a given practice is implemented in a way that is reasonable or not (compliance) is outside of their scope. By contrast, the open standards model lends itself to enabling competitive self-governance, rather than imposition of rules, and fosters innovation in the interests of the many, rather than the protection of a few.

Respectfully submitted,

Internet Society

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