

**International Conference: Consumer Protection in the Digital Age**  
**3-4 April 2014**  
**The Empress Hotel, Chiang Mai, Thailand**  
**Co-organized by NBTC, FFC-Thailand, and CI**

Consumers in today's digital world depend on communications networks such as the Internet, and to the ability to access and share knowledge across those networks. The consumer movement has an important role in ensuring that such networks and the works exchanged across them are accessible, affordable, reliable and safe.

With the aim to respond to the need to realize and maximize the technological advances that the digital world offers to the consumers and to the people, the National Broadcasting and Telecommunications Commission (NBTC), Foundation for Consumers, Thailand (FFC-Thailand), and Consumers International (CI) collaborated and co-organized the International Conference: Consumer Protection in the Digital Age on 3-4 April 2014 in Chiang Mai, Thailand.

The conference was attended by more than 200 participants from 32 countries.

**DAY 1: 03 APRIL 2014**

**OPENING SESSION**

**Welcoming Remarks**

**Takorn Tantasith**, Secretary-General, NBTC Thailand

**Assoc. Prof. Dr. Jiraporn Limpananont**, Foundation for Consumers, Thailand

**Indrani Thuraisingham**, Head CI APME

Dato' Indrani Thuraisingham introduced CI as a confederation with 240 member consumer organizations in 120 countries, which help protect and empower consumers.

The Consumers in the Digital Age (CDA) is one of CI's priority areas which objective is to guarantee that the communication networks and data remain accessible, affordable, reliable and safe. The CDA Programme of CI is designed to support advocacy and campaigns which uphold the phone, Internet, and broadcasting rights.

**Keynote**

**Amanda Long**, Director General, CI

Ms. Amanda Long provided the historical context of the consumer movement and the consumer actions. She discussed the effect of digital world in our lives and stressed why CDA should be in the heart of the consumer protection and justice.

There should be a strategic and meaningful strategy in discussing CDA. Consumer mobilization and empowerment along with regulation and e-commerce is a global issue and a lot of work should be put on this. The impact of the CDA on the right to be heard is critical and the challenges posed in our right to privacy and the personal data protection are consistently present.

Ms. Long stated the need to make the most out of the technological advances for the consumers and the poor and the vulnerable. These developments should play as a catalyst for change and tool for empowerment.

**Supinya Klangnarong**, Commissioner, NBTC Thailand

Commissioner Supinya Klangnarong informed that NBTC is committed in protecting consumer rights. NBTC's initiatives are not only directed in Thailand, they also try to work with other institutions and consumer organizations in the international arena.

She gave an example on how the digital world has affected the lives of people and how social media become integral in our daily lives. It is in this virtue that it was recognized that aside from taking on domestic issues, international discussion is also necessary. Commissioner Klangnarong emphasized that the event, International Conference: Consumer Protection in the Digital Age, is an opportunity for everyone to learn from international experiences.

In order to serve and maximize the opportunities in the digital age, three things are required: (1) great infrastructure; (2) an open and competitive market; and, (3) good services for consumers. She also stressed that consumer protection should be ensured and the civil society has an important role to play to remind the government bodies to protect the consumers.

Entering the digital era is similar to having a bigger window which allows opportunities and challenges. She reminded that it is our responsibility to have good tools to protect the people and the consumers. NBTC can issue regulations while the media and consumer organizations, for instance should play their role in empowering the citizens and consumers. In any actions that NBTC takes, consumer rights and freedom of expression should always be weighed in. She emphasized that consumer rights is human rights, it is political and it is citizen rights. She ended her speech by encouraging everyone to work together in ensuring a balanced digital world.

## **SESSION 1: World Consumer Rights Day 2014**

**Indrani Thuraisingham**, Head CI APME

Since 1962, after JFK's speech, CI has celebrated World Consumer Rights Day (WCRD) to commemorate his speech. The theme for 2014 is "Fix our Phone Rights!" In 2013, there are more than 6.8 billion mobile consumers. With the innovations in the mobile services, mobile phones are not only used for calls and sending messages. Mobile phones now become handheld computers. And with more services attach to mobile phones, telecommunications has become the most complained-about service sector in many countries.

The CI's Agenda for Phone Rights is comprised of five particular issues that telecoms and regulatory bodies need to address: (1) Provide fair contracts explained in clear, complete and accessible language; (2) Provide consumers with their money's worth; not poor service or drop calls; (3) Provide consumers with fair and transparent billing; (4) Provide consumers with power over their information; and, (5) Listen and respond to consumer complaints.

CI along with its Members drafted the Consumer Agenda for Fair Mobile Services which was submitted to the International Telecommunication Union (ITU), which is a forum of telecommunication regulators and businesses around the world.

A reporting of WCRD 2014 activities was also made during the presentation and highlights of a number of activities were provided.

**Saree Aongsomwang**, Foundation for Consumers, Thailand

The situation in the telecommunication sector in Thailand faces a lot of challenges as the number of mobile and internet subscribers grows steadily in the past few years. Based on the reports, the Top 10 Complaints in Telecom Services revolve around: (1) Service Standard; (2) Prepaid validity; (3) Inaccurate Billing; (4) Non-subscribed Value Added Service (VAS); (5) Quality of Service; (6) Rejection of service cancelation; (7) Inadequate information for consumers; (8) Protection of personal information and privacy; (9) The exceeding voice service fee; and (10) No refund after cancellation of pre-paid number.

The consumers advocate for stronger consumer protection mechanisms and they hope that their concerns will be addressed through the cooperation of all stakeholders in the telecommunications industry.

## **SESSION 2: Fix our phone rights! Cases and Campaigns**

moderated by **Dr.Paiboon Chongthong**, King Mongkut's University of Technology Thonburi

**Unlocking Mobile Phones - David Hurtado**, CECU, Spain

One of the concerns being faced by mobile service subscribers not just in Spain but also in a number of countries is the locking of mobile phones. CECU presented the campaign they are doing together with CI to put an end in this industry malpractice or any other kind of technical restrictions imposed by the telecoms operators.

### **International Roaming and Phone Rights App - Una Lawrence, ACCAN, Australia**

ACCAN advocates for telecom products and services to be more affordable and one of their recent campaigns is on global roaming, which is evidenced to be one of the most critical issues to Australian mobile consumers.

ACCAN launched campaigns to educate consumers and attract media. They also provide SMS warnings to consumers and they continuously push for competition regulator investigation.

With regards to ACCAN's Phone Rights App, this project aims to provide tips and advice to consumers when using the mobile services that are available in the market. This also provides information and assistance to mobile consumers in seeking redress, among other things. ACCAN recorded 10,000 downloads in the first month after the App was launched.

### **Telecom Industry Malpractice in Mali - Robin Simpson on behalf of Salimata Diarra, ASCOMA Mali**

According to statistics, more than 10 million of the 14.5 million Malians are current users of mobile phone. With only two telecommunication operators in Mali, the Malians face lots of challenges that prohibit them to enjoy in full the services they purchase from their service providers.

With CI's support, ASCOMA Mali launched a survey which aims to identify and analyze the abuses that consumers are facing and also to put forward some recommendations to address such problems.

The survey was conducted in 6 municipalities in the District of Bamako. According to the survey results, the main causes of disappointment raised by consumers are: (1) mispricing; (2) short duration of the validity of mobile credit; (3) restrictions when making calls; and, (4) network saturation.

Through this study, it was also proved that mobile phones and mobile communication are inevitable working tool for Malians. Thus, the consumers expect that the quality of service should be consistently good and the price of credits should be affordable for everyone.

### **Mobile Consumers' Concerns in Indonesia - Abdul Rohman, LKY, Indonesia**

LKY is undertaking a project with CI that aims to empower mobile consumers and to build their capacity to combat abuses that they experience in the telecoms industry.

Aside from educating consumers, LKY is also working on educating and building on the "agents of communication and change" who will help champion the consumer rights in Indonesia.

LKY launched online campaign like Konspirasi and other videos which tackle various consumer issues.

### **Unauthorised mobile services – Problems with SMS clubs: the definitive solution**

**Boštjan Okorn**, Slovenian Consumer Association, Slovenia

For more than ten years, Slovenians are being tricked by mobile service providers to pay for unwanted services such as membership to SMS clubs. The most vulnerable groups that fall in such modus operandi are the elderly and the youth.

ZPS partnered with CI in a one-year project which aims to further raise awareness on the issue and to work together with other non-government organizations and also to involve operators and regulators to arrest such industry malpractice. Slovenian consumers call for all contracts to be transparent and clear – without any hidden and unexpected costs, including those charged by third party providers.

### **Mobile Campaign in Sudan - Nasreldin Ibrahim Shulgami Abdalla**, Sudanese Consumer Protection Society, Sudan

The Sudanese Consumer Protection Society led a week-long activity to commemorate WCRD 2014 in the country. These activities involved not only consumer groups but also the different ministries in Sudan such as the Ministry of Sciences and Telecommunications and the National Telecommunications Corporation (NTC).

Among the successes garnered during the WCRD celebration are the decision of the NTC to form a council of consumer phone rights protection in which Sudanese Consumer Protection Society was selected as a council member, and the membership of the organisation to the national consumer complaints committee formed by NTC.

### **Telecom services and consumer rights in Korea - Kim Jai Ok**, Consumers Korea

There are over 37 million users of mobile phones in Korea and each day they are faced with different concerns in the mobile services. During the celebration of the WCRD, ten consumer organizations worked together and came up with the information on unfair service practices: (1) Insufficient information provided concerning mobile phone contracts; (2) Confusing terminologies in contracts; (3) Unclear notification of contents of mobile phone contract; (4) Unclear information on mobile phone contracts; and, (5) Personal information leakage.

The Korean consumers call for (1) Fair and transparent contract terms; (2) Fair payment plan; (3) Reduction of price of telecommunication services; (4) Information provision for consumers; (5) Regulation on false claims; and, (6) Privacy and personal information protection.

### **Discussion Notes**

- A question was raised on the maximization of other services like Skype in order to lessen roaming charges. It was explained that even though Skype is free, data service is needed before Skype service can be accessed.
- In relation to the regulations which ban over-the-top services like Skype, relevant bodies need to review closely the benefits of such regulations to the consumers.
- A challenge was given to CI to take the initiative to form the rights of mobile consumers. There was a call for CI, NBTC, and FFC to take the lead on making concrete action plan to take this campaign forward.
- Global initiatives would be helpful especially for small and developing countries.
- An observation was made that mobile consumers in different parts of the world face the same problems with regards to the telecommunications sector.

### **SESSION 3: Trans-Pacific Partnership: Implications for Consumers on Copy Rights & Digital Content**

moderated by **Kannikar Kijtiwatchakul**, FTA Watch, Thailand

#### **Consumers and TPP in Chile - Pablo Rodriguez, FOJUCC, Chile**

In Chile the TPP is the continuation, or rather, the "mutation" of primitive P4 agreement. The text of the TPP agreement, since its genesis, violates the consumers right to information, given the secrecy of the negotiations and the exclusion of the consumer groups from all rounds and meetings. Most of the TPP chapters threaten freedom of choice, the access to drugs, access to information and rights for digital consumers (parallel imports prohibition and control of Internet content).

There are networks which are actively campaigning and educating the public on the negative effects of TPP to the consumers and to the people. Some of these are Citizen Movement TPP Abierto – organizations from Chile, Mexico and Peru seeking agreements that respects the fundamental rights now threatened by TPP; and ACCESO.COM-SUMO.

#### **Consumer Concerns on TPP - Yasuaki Yamaura, CUJ, Japan**

Consumers have expressed a number of concerns about TPP. Among the issues that concern the people of Japan are facing threats in their food sovereignty, job security, environmental destruction, greater import dependency of their country, as well as, extension of copyright.

The TPP negotiations were done in secrecy and this posed greater challenges for the people. The TPP should strengthen consumer rights; however, there's a great risk that these rights would be weakened under TPP.

#### **Consumer Rights is the new Civil Rights - Arthit Suriyawongkul, Thai Netizen Network**

The TPP process is being done in a manner which is not transparent and people rely on leaked documents. It is important to understand that TPP is goes beyond the issue of Intellectual Property as there are other Chapters in the TPP documents such as the Investment Chapter which pose major threat to freedom of expression and right to privacy.

As we move to the digital world, our lives go online and it is more likely that our lives become governed by trade laws. International trade agreements such as TPP can override local laws and this is a serious issue that we have to understand. Membership of one country in a trade agreement can have vast effect on countries around the world, including countries outside the agreement. Consumer rights is now at the center of the fight. Consumer rights is the new civil/political/human rights. Violations go across border, so should consumer rights.

#### **Copyright and User Rights - Sean Michael Flynn, American University, USA**

Trade negotiations and agreements go beyond the issue of trade due to the shift over the past 25 years. This poses serious concerns on democracy, monopoly, and even on the act of solidarity and actions in the local level.

The previous FTAs were in a crisis and the TPP is a resurrection of the previous failed processes. TPP turned to be more secretive in character and is more focused on regulatory

harmonization of domestic laws and regulations that will affect even the countries which do not sign the agreement.

There are list of exceptions and laws that were written in the past years that did not envision the digital age. These should be changed and rewritten in a way that is similar to fair use clause.

There was also a discussion on the economics of user rights which details can be found in [www.infojustice.org](http://www.infojustice.org).

### **Discussion Notes**

- A problem arises when the regulatory body has been interacting with the businesses, with little input from the consumers. This is when the regulatory body gets captured by the business sector.
- There was a concern from the plenary on the consequences that free trade will bring to the people and questions were raised on the preparations that are being done by the countries when they enter in such agreements such as TPP.
- A response in the panel stated that preparation for the free trade is little or negligible for sectors that are considered weak such as agriculture, or products that others can produce more cheaply. The negotiations have been based on the interests of business groups who hope to invest and benefit in other countries. It would be difficult to demand for such a communication/publication to be done by the government on the true nature of the process and the agreements as people will rise up and protest.
- Each country's system must be respected and this should not be compromised in any global agreements.
- TPP is a huge battle ground – IPR which hampers the digital rights which is said to be opposite to free trade thru the TPMs for instance, which protects the rights of the IT corporations and promoting monopolies.
- Consumer movement started with public interest, not private interest.

## **SESSION 4: Online and mobile payments & digital content products**

moderated by **Suwanna Jitprapas**, TPBS Thailand

### **OECD recommendations on online and digital content products & ISO draft on mobile payments - Robin Simpson, CI**

CI is engaging with OECD and ISO in developing documents and standards on online and digital content products (for OECD) and mobile payments (on ISO). Although these are not legal instruments, both institutions are very influential to support in forwarding our advocacies.

For CI, the issues that we are campaigning in both processes are on: (a) data protection; (b) technological neutrality; (c) access to knowledge; (d) technical locks; (e) interoperability; (f) dispute resolution; (g) contract terms, transparency, security; and, (h) liability).

### **Mobile Computing Risk - Chayuth Singtongthumrongkul, ACIS Professional Center**

The steady growth of mobile users and the innovations in the mobile technology brought changes in the way we live. As the numbers rise, the barriers and risks in mobile e-commerce continue to grow as well. A few cases that happened in Thailand were presented in which the tactics and strategies in which security and privacy of mobile e-commerce are being compromised. On the other hand, tips and advice were also provided to counteract these situations.

### **Digital content campaign: Access to content - Madison Cartwright, CHOICE, Australia**

CHOICE has been campaigning against online geo-blocking. Market segmentation is a relic of the pre-internet era, and has no place online. Consumer are now exposed to the fact that they pay more in Australia, and when companies try to prevent them from accessing cheaper products they feel a sense of injustice. As a result, they can feel less guilt when they turn to illegitimate or pirated products – which the internet has also made widely available.

Geo-blocking is a private form of protectionism. It creates barriers for consumers to access goods in the global market, controlling the supply, and therefore the price of goods in Australia.

### **Discussion Notes**

- Cyber crime happens around the world and one of the weaknesses is the lack of strong coordination between countries. In Thailand, the Government tries to improve Cyber Security Act in the past five years. Since the situation is different now, a new Act is needed.
- The implementation of the ISO depends on whether a company signs up to it.
- Issues of defective products that were purchased online should be sufficiently covered by current laws and local enforcement.
- There are three ways on how we can cooperate to combat problems in relation to e-mobile commerce: (1)ISO standards; (2) OECD Guidelines – trying to get governments to adopt policies; and (3) engaging in the amending the UN Guidelines on Consumer Protection - CI has inserted provisions in the UN Guidelines. We are hoping that the UN will influence Governments to use these provisions.

## **SESSION 5: ISO/IEC Standard on Model Service Level Agreements, and W3C work on web payments**

**Norbert Bollow**, CI Expert

Consumer rights laws are currently based on assumptions that are typically not valid for cloud based services.

A simple scenario for a cloud based service provided to consumers was presented in which Company A in country X offers a cloud service implementing a business process. Companies B, C and D in country Y make use of this cloud service to provide a service to consumers in country Y. Key properties of the service offered by companies B, C and D depend on the SLA offered by company A, the laws of country X, and the laws applying to the supply chain of A.

A couple of suggestions were forwarded in the plenary on how consumer organizations would deal in such area of work:

- Insist that ISO/IEC Project 19086 developing a *framework standard* for service level agreements in cloud computing puts emphasis on the aspects that are important for consumer protection; and
- Consumer organizations need to build competence for validating claims of providers of cloud based services e.g. in regard to security / data protection.

With regards to web payments, importance of this innovation was shared as well as the World Wide Web Consortium (W3C process), which consumer organizations should start engaging with since at the moment as it lacks consumer protection aspects.

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**DAY 2: 04 APRIL 2014**

**SESSION 6: Quality of service by telecom operators/tech companies: Over the top services (OTT) and Consumer Protection**

moderated by **Romain Houéhou**, League for the Consumer Defense, Benin

**Regulating TV Services in converging markets - Peter Walop**, Expert ITU

In this age, traditional viewing remains strong and watching television remains a universal service. With the presence of internet, consumers drive the traffic over the internet due to video and movie screening. Over the top services proliferate as well, this refer to content providers skipping other elements to bring to consumers the services they want.

Though these are welcomed development, there are challenges that come with these. Among these are: (a) copyrights infringements; (b) unfair bundling of services; (c) limit access to devices and Apps; (d) hamper net neutrality; and, (e) limit access and unfair pricing of network services.

The power game in the market will be elevated and regulators should be alert because the end consumers will be squeezed in the middle if the challenges won't be addressed properly.

**Over the Top Services and Consumer Protection - Isriya Paireepairit**, Siam Intelligence Unit

Over the Top Services (OTT) are “Premium” or “Plus” services “on the top” of standard Voice service. In the past, we only have SMS and call services in our mobile phones but these now extend to downloadable contents such as ringtones, Apps, Games, etc. The OTTs used to bring high profit margin to the telcos and operators.

With mobile internet, things change. There are now more choices for consumers and services are cheaper and consumers have more choices on where to get these services. Because of this the high profit margin which telcos experience dwindles. This situation is then resolved by telcos by using 2 models to maximize profits for their companies: (1) get consumers to pay more data package and (2) sell OTT services in the same package with data package.

Such models bring harms to consumers as there are terms and conditions which are not clearly explained to consumers which in return make them pay more than what they need and use. Also, privacy and security concerns are increasing as personal information are usually being asked when acquiring OTTs.

**Consumer Agenda at the International Telecommunication Union (ITU) - Onica Makwakwa, CI**

The ITU is an organization of private-public partnership with membership of 192 countries and some 7 private sector entities. It covers ICT sector from digital broadcasting to the Internet, from mobile technologies to 3D TV.

In the World Telecommunications Development Conference (WTDC) in 2010, the Hyderabad Action Plan was adopted with references to Consumer Protection, most notably Resolution 64. The ITU Study Group 1 has been addressing questions such as “Consumer information, protection and rights: laws, regulation, economic bases, and consumer networks” and Protecting and supporting users/consumers of telecommunications services/information and communication technologies”.

ITU provides opportunities for consumer organizations to expand and improve Resolution 64. CI already sent the Consumer Agenda for Fair Mobile Services to the ITU and CI will be presenting in the WTDC 2014 which is being held in Dubai on 30 March to 10 April. CI encourages the consumer organisations to engage ITU's five Regional Offices, as well as ITU's 13 Field Offices.

**SESSION 7: Respect our screen rights: New standard in the Digital Era Quality content/Variety of programs/Self-regulation (Must Carry/ Must Have Rules)**

moderated by **Rosemary Siyachitema, Executive Director of the Consumer Council of Zimbabwe (CCZ)**

**Respect our Screen Rights: New Standards in the Digital Era - Thatwatchai Jitrapanun, Commissioner, NBTC Thailand**

In Thailand changes to concession screen to have more freedom, change from analogue to digital are now being undertaken. At the moment, there are three types of Public TV Service: Type 1 – Various Public Services; Type 2 – national Security/ Public Security Service; and, Type 3 – Government Service or Parliamentary Service. As for the Business TV Service, there are also three types: (1) National Business TV – Digital terrestrial TV and Satellite TV; (2) Regional Business TV; and (3) Local Business TV.

The NBTC is now taking into effect the Must Carry and Must Have Rule. The objective of the Must Carry Rule is to promote free TV delivery as a universal service while Must Have Rule aims to provide general viewers quality TV service and to promote rights of the underprivileged to receive equal TV programs.

With these development, TV services and contents become more accessible to consumers and the launch of digital TV will change the consumers behavior towards media.

**Teerat Ratanasevi, Thailand Association of Digital Terrestrial Television**

Digital TV has given more choices for people who have not been able to access pay TV. Smaller producers also have a chance to compete in the business. The auction of digital TV channels in December 2013 has lead to more channels and that leads to the production of more programs for people. This also means communities have an opportunity to produce their own programs that suit local needs.

But one concern is the assessment of channels rating. Currently, there is only one company which does the rating of TV channels in Thailand. This might raise some problems because it is the factor that draws in advertisements, the main revenue of the channel. The public still lacks the knowledge and understanding of the transfer from analog to digital platform. That may require the

**Access to content: market and legislative responses - Alan Kirkland, CEO Choice, Australia**

Piracy flourish based on the elements of timing, cost, and, quality of service and user experience. With the given example as for the case of Australia in the illegal downloading of Game of Thrones in year 2012 and 2013, it was apparent that there is a market failure and also a mismatch of supply and demand in relation to price, availability, and quality of service, which lead consumers to exploring other options which in turn lead them to piracy.

In order to counteract piracy, there should be legislative responses that would enforce the fair-use style; right to privacy, rule of law, right to freedom of expression. Also, consumers pay where the market meets their needs and expectations. The cost of content has to come down and the market should meet the needs and expectations of consumers.

**Discussion Notes:**

- Regulators should bring together all stakeholders to ensure consumer protection in digitization of TV.

## **SESSION 8: Digital broadcasting trends and digital dividend**

moderated by **Beatriz Garcia Buitrago**, Consumidores Argentinos

**Thai case study: Somsak Siripattanakul**, Executive Director of Digital Broadcasting Bureau, NBTC, Thailand

Before the NBTC, there was a regulatory vacuum in broadcasting sector in Thailand for almost 15 years. The spectrum right was given to the broadcaster and not the network. With the formation of NBTC, digital switchover is now underway, which will benefit the 22 million households in Thailand. While in transition, NBTC is supporting old analog/incumbent operators and new digital/license broadcasting system within the scope of Broadcasting Law.

Two of the important NBTC regulations are putting on the *types/categories of broadcasting licenses* and they are also working on the *free TV services* – both in line with the Digital Switch Over operation that the NBTC is doing.

**Digital Broadcasting Trends and Digital Dividend – Thailand Case Study - Dr.Kitti Wongthavarawat**, National Electronics and Computer Technology Center (NECTEC), Thailand

The digital dividend is the amount of spectrum made available by the transition of terrestrial television broadcasting from analog to digital due to the high spectral efficiency of digital TV. The digitization of TV is a case in which it will use less spectrum while getting more TV channels with better quality. In the next 4-6 years, Thailand will reach 95% coverage of digital TV and next issue of concern is how to use the digital dividend from analog to digital TV shift and also how to harmonize the digital dividend with the neighboring countries.

**Digital Broadcasting Trends and Digital Dividend – India Case Study - Shirish Deshpande**, Mumbai Grahak Panyachat -India

From \$4.5 Billion revenue growth in 2007, this reached \$8 billion as of 2013. And from one national TV broadcaster in 1980s in the country, there are now more than 900 channels as of this year. India plans to complete the digitization of TV by 30 June 2014 but because of difficulties encountered on the ground, it is most likely that the target won't be achieved. Also, the fact remains that as far as reaping full benefits of digitization, India will have to take several policy measures without any loss of time – and a very critical one is to converge all relevant fragmented legislations.

In any case, it was shared that due to digitization bring benefits to consumers, government, and the industry - for consumers: better quality viewing, more programs and value added services; for Government: transparent revenue-earning and revenue-sharing system; and, for Industry: huge benefits in terms of spectrum efficiency.

## **Digital Broadcasting Trends and Digital Dividend – Singapore Case Study - Seah Seng Choon, CASE, Singapore**

Digitization of TV is a worldwide trend. This has been completed in USA, Canada, Japan, UK, and Germany. In Asia, ASEAN countries have agreed to switch over from analog to digital between 2015 and 2020. As this is going to be implemented around the world soon, consumers have no choice and all should be prepared so that consumer wouldn't feel overwhelmed and all will benefit from this technology.

In Singapore, during the transition period, CASE, engaged the government in extensive discussion and consultation in implementing digital TV in Singapore. One particular concern was the impact of implementing digital TV on low income households. CASE also discussed with businesses and urged them to not take advantage of the situation.

### **Discussion Notes:**

- In order to prevent scams such as the case in India, the Government should provide guidelines to ensure transparency and not to invite malpractices.
- Consumer organizations have a role as a stakeholder. There should be active discussions with the government and the industry.

**SESSION 9: Policy and regulatory framework for digital broadcasting services**

moderated by **Asst. Prof. Dr. Pirongrong Ramasoota**, Faculty of Communication Arts, Chulalongkorn University, Thailand

**Thailand Convergence Regulator: NBTC Supinya Klangnarong**, Commissioner, NBTC, Thailand

The National Broadcasting and Telecommunications Commission or NBTC is an independent state regulatory body which was established under the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunication Services B.E. 2553. The NBTC has been graciously appointed by His Majesty the King on October in, 2011 to allocate the nation's radio frequency and regulate broadcasting and telecommunications sectors for the benefit of the country and the public.

NBTC has two Commissions: (1) Broadcasting Commission and (2) Telecommunication Commission. The main roles of NBTC revolved on supervising spectrum management, regulating telecoms, and regulating broadcasting. Although NBTC has the power to regulate the content in broadcasting, it is not in its mandate to do censorship. There is a need to strike a balance between control and protection of vulnerable groups.

**Kim Jai Ok**, Consumers Korea

In South Korea, the basic plan switchover to digital TV service was established in 1997 and the Analogue Switch-off (ASO) was implemented in Dec. 2012. The basic plan was composed of four steps: Step 1-Nationwide PR campaigns (2009); Step 2- ASO Pilot Service, which is the Trial analogue switch-off (2010-2011); Step 3- Launch and check of the analog switch-off (2012); and, Step 4 – Follow-up measures on channel relocation (2013).

The analog switch off in Korea was successful as it was ensured that all stakeholders participated in the process of digitization. Important lessons that should be taken from the South Korea experience are: (1) transition to digital service should include sufficient information provision and support for consumers using new technology; and (2) there should be consistent and consumer-oriented information center and complaint addressing system needed.

**Beyond DIGITAL: Opportunity for Increased Consumer Vigilance towards Better Regulation in Philippine Media Services - John Paul Andaquig**, IBON-Philippines

The Philippines is just about to start the shift in digital technology and even despite the digitization trends, local broadcast industry is yet to respond first to the need of the people.

At the moment, there regulation structure in the country is fragmented and digital broadcasting is not yet part of the agenda. Also, the nation is faced with the situation that Philippine media is free yet private-owned. In this case, Philippine Government needs to provide frameworks to battle monopoly of media.

Filipinos are faced with challenges such as low computer penetration and internet usage, lack of local content, and threats to press freedom. These should be resolved first before entering digitization in broadcasting.

**Torpong Selanon**, Thailand Association of the Blind

Thailand's population is 65 million and about 1.9 million people account the people with disabilities. Based on an estimate, in 15 years, the population of the country will be 80 million and about 20% of the population are people with disabilities as the nation has been becoming an aging society.

As stated in the law, equal access should be provided to all citizens and the people with disability are entitled to this. With the development in the digitization of broadcasting, the people with disabilities should also be part of the process and should have access in the policy. Broadcasting is a public service and there should be special provisions in order for the people with disabilities to access this service.

**Discussion Notes**

- The media is also important to engage in the process of digitization. This will ensure that their ethics and policies will be consistent to peoples' needs.
- There are minimum standards on children programs and programs for the disabled, and consumers expect more regulations from the government.

## **SESSION 10: Consumer protection in the digital era: Global Review of the UN Guidelines for Consumer Protection (UNGCP)**

moderated by **Indrani Thuraisingham**, Head of CI APME

**United Nations Guidelines on Consumer Protection: A progress report on the status of play and the process ahead-** **Hassan Qaqaya**, Head-Competition Law and Consumer Policies Branch UNCTAD, Geneva

The session provides a comprehensive overview of the content of the United Nations Guidelines on Consumer Protection and the process of finalizing the draft. The document has four parts: (1) objectives; (2) general principles; (3) guidelines:

- Physical Safety
- Promotion and protection of economic rights
- Standards for safety and quality of goods & services
- Distribution facilities for essential consumer goods & services
- Redress
- Education and Information programs
- Promotion of sustainable consumption
- Specific areas: food, water, pharmaceuticals

and (4) International Cooperation.

With the resolution from the Second Ad Hoc Expert Group Meeting on Consumer Protection held in July 2013, four Working Groups were formed which will work closely with the UNCTAD Secretariat in revising the document through collecting and organizing the ideas that come from the consultation process. These Working Groups are: (1) E-commerce; (2) Financial Services; (3) Other issues; and (4) Implementation of UNGCP.

In July or November 2015, a UN Conference is set to happen to review the document. It was emphasized that consumer issues are evolving and there are times that technology evolve faster than regulations. Thus, it is very critical to rigorously review the document and the process.

### **UN Guidelines - Robin Simpson, CI**

In 2013 a report published that the UNGCP has been widely used which means that huge consciousness of the UN Guideline is undeniable. In the process of finalizing the document, CI has been actively engaging UNCTAD and it was able to provide a number of contributions:

- Interventions at UNCTAD Geneva July 2012;
- Response to UNCTAD matrix-based consultation December 2012; setting out broad positions;
- Member survey for WCRD late 2012-early 2013 (70 members responded from 58 countries);
- Member consultation on UNGCP early 2013 including specific amendments; 100+ suggestions for detailed amendments to UNGCP;
- Published submission to UNCTAD conference Geneva July 2013 and participation

For CI, what it wants to see in the revised UNGCP are the following points:

- comprehensive: all major sector are involved
- universal: all consumers are taken into consideration including disability issues and gender issues
- Contemporary: a) technological change; b) demographic: urban/rural shift; c) environmental change;
- Participatory
- Exemplary: not fixed template but indicative

#### **Discussion Notes**

- The Ministry of Consumer Affairs of India expressed its dedication to become very active in the Working Groups.
- March 15 is the World Consumer Rights Day, this should be included in the UN list to support the importance of this celebration.
- It is important to have a forum where member states and civil society can meet regularly to discuss the issues.
- By July, a draft report will be released for comments and this will be a good opportunity to put forward additional points from the consumer organizations.