

tional conformance systems, identify standards and equipment for a trial and test laboratories. Identifying developing country requirements also is needed, along with study of legal considerations, elaboration of the application review process, documentation, fees, the process for dealing with challenges and reports of misuse, and risk management assessment, Ghana said.

Nokia Siemens Networks and Ericsson also raised concerns with the proposal for an ITU Mark, the companies said on behalf of 40 national digital-technology associations from 28 European countries with over 61 company members of the European Information and Communications Technology Industry Association. The voluntary nature of ITU-T recommendations, on telecom equipment and audiovisual communications should remain a cornerstone of the organization, the companies said. "We believe that the creation of an ITU Mark to certify conformance to ITU recommendations raises many delicate questions and could be counterproductive to the goal of promoting development of the telecommunications sector globally," the companies said.

EICTA members recognize many developing countries lack the technical expertise needed to procure fully interoperable equipment, the companies said. "The ITU proposal unfortunately does nothing to address the root of this problem, empowering developing countries by building up technical expertise ... As proposed, the ITU Mark with its strong link to a certification regime would constitute a further layer of approvals, on top of the requirements including certification already imposed by most Member States through their Technical Regulation for market entry of products," the companies said.

The inspiration for the ITU mark may be laudable, said an official familiar with the World Trade Organization's Technical Barriers to Trade agreement. Developing countries need help perhaps because their governments have various systemic regulatory problems, he said. The principles in the TBT agreement are broad, the official said. Only two WTO dispute cases have been brought, he said.

Nokia Siemens Networks and Ericsson also raised concerns with an Africa Union common proposal for ITU-style approval of telecommunication equipment, the companies said on behalf EICTA. The African proposal raises the question of how to ensure equipment compliance with countries' technical regulation, the companies said. The approvals system and the need for technical competence and resources at national level are two crucial aspects, the companies said.

Technical regulation should be kept to what's needed to fulfill a legitimate objective, the companies said, citing the TBT agreement. Most ITU-T recommendations cover aspects not suitable or appropriate for inclusion in national technical regulations, the companies said. Regulatory approvals for equipment instead refer to standards from other bodies, notably International Electrotechnical Commission for safety and electromagnetic compatibility, the companies said. "Thus any assistance or activity from ITU with regards to approvals would only be relevant for a very limited number of Recommendations," the companies said.

Problems of market surveillance arise with any approval system, the companies said. "A very strict type approvals system will not prevent rogue suppliers from placing non-compliant products on the marketplace." The possibilities of technical assistance should first be fully explored through the WTO, the companies said. -- *Scott Billquist*

## **Linear TV Standard Next**

### **New ATIS Standard Suite Aims to Improve IPTV Interface**

The IPTV standard released Monday by the Alliance for Telecom Industry Solutions is a foundation specification covering network attachment, provider discovery, provider attachment and service discovery procedures, ATIS said. The standard is the beginning of a suite of standards designed to enable interoperability, ATIS IPTV Interoperability Forum (IIF) Chair Dan O'Callaghan said in an interview.

The standard will broaden the possibilities for how an IPTV service is offered and delivered to the premises without requiring a wholesale switch out of the terminal equipment for each variation, O'Callaghan said. It lets operators offer IPTV service over a variety of network configurations, he said. It also enables wide-scale IPTV deployments by offering the "critical groundwork to coordinate every element of the IPTV industry," said ATIS CEO Susan Miller. Consumers would have devices that can be easily adapted to different service offerings based on the standards, O'Callaghan said.

ATIS saw a need for an approach that harmonizes IPTV over networks using both IP Multimedia Subsystem and Non-IMS networks, O'Callaghan said. Existing standards addressed each network individually but none was trying to harmonize the two approaches, he said. As a result, IIF's approach standardizes the data structures, making access and navigation of an IPTV service possible. The approach described how these common, standard data structures can be accessed and used in each environment, he said.

Soon to follow will be specifications enabling access to linear TV services through a managed IP network, O'Callaghan said. More specifications will come later, addressing how the same device attaches to and uses IPTV services, he said. Each TV service component is assessed separately in the standard development process even though the presentation to the customer is merged in a harmonized interface, he said. Developing standards covering customer-to-network-to-service provider interfaces will be one of IIF's priorities, O'Callaghan said. -- *Yu-Ting Wang*

## **Regardless of Competition**

### **Wireless 'Carterfone' Backers Play up First Amendment Argument**

SANTA CLARA, Calif. -- Wireless Carterfone supporters tried to turn First Amendment arguments against carriers, as opponents attacked proposals to require opening cellphone networks to a wide range of devices. The comments came late Friday at a Santa Clara University conference on the 40th anniversary of the FCC *Carterfone* order breaking wireline companies' control over attachments.

A long line of Supreme Court cases starting with *Red Lion* empowers the commission to protect a "robust marketplace of ideas" by promoting diversity that the FCC should extend to telecom from TV and radio through wireless *Carterfone*, said Media Access Project President Andrew Schwartzman. According to this First Amendment argument, the FCC should do that even if it regards competition in the wireless industry as healthy, he said.

Carrier practices such as restricting file sizes and directing subscribers to partner search engines act as limits on expression, Schwartzman said. Verizon Wireless has raised the First Amendment on the other side of the question, contending that imposing rules would restrict the diversity that the market offers.

Schwartzman raised "an important issue," said Nicolas Johnson of the University of Iowa's law school. *Carterfone* was one of the few decisions he supported as an FCC commissioner, he said: "I think it deserves a little more recognition."

Contending that competitiveness of the cellular market makes it completely inappropriate to extend *Carterfone* from its Bell monopoly context were George Ford, the Phoenix Center's chief economist, and James Speta of Northwestern University's law school. *Carterfone* doesn't apply outside the world of monopoly, strong regulation and guaranteed returns from which it emerged, Speta said. "I love the *Carterfone* decision," he said. "But it's 40 years ago, and we're so not in that regulated industry mindset."

Rules on devices are beside the point in a world where consumers have a wide choice of cellphones and operators have controlled Skype and P2P in their networks, not through leverage over hardware, Ford said. "It's not just the equipment," he said. "It's the terms of the agreement we have to use it." And it's Apple that dictated to carriers what the iPhone 3G would be, Speta said.