

For Immediate Release
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HKISPA, HKISA and stakeholders on Net Neutrality and Site Blocking

The Hong Kong Internet Service Providers Association (HKISPA) and the Hong Kong International Screen Association (HKISA) have held the 8th ISP Symposium on 18 September 2015 to deliberate on two pivotal topics concerning cooperation between ISPs and content providers: Net Neutrality, whether ISPs should be allowed to treat different contents differently, and Site Blocking, whether there should be a mechanism for the court to order ISPs to block access to some online locations.

A total of 23 participants joined the intellectual dialogs, including Legislative Council Members, ISPs, Data Centers, Content Providers, Copyright Protection Agencies, Copyright Law Experts, and Young Ambassadors representing users.

On Net Neutrality

With the advent of high bandwidth OTT contents delivered over the Internet, huge stress will be imposed on the infrastructure of ISPs, which leads to the question of whether ISPs can prioritize data that traverse through their network. There is also concern on whether ISP-affiliated OTT content providers will gain an unfair advantage to others.

It is the symposiums' conclusion that forcefully regulating Net Neutrality by legislation may not be advantages to the Internet as a whole. Letting the free market to assign network resources continues to be a preferred option.

“The Internet became the best open communications network ever just because it has freedom and free market in its genes since its inception. Keeping it free and open probably is a better strategy than enforcing some regulations that aim just to solve a hypothetical problem.” Said **Lento Yip**, Chairman of the Internet Service Providers Association.

“It is good to learn that the Net Neutrality is a non-issue at the moment. If however it becomes an issue in the future, I believe it can be resolved mutually on commercial basis rather than going into the un-desirable regulations of the free Internet.” Said **Sin Chung Kai**, Legislative Council Member for Regional Constituency, as well as an experienced Member for the IT Constituency.

On Injunctive Relief

The Internet of HK probably is the most open in the world; Internet users can access any web sites they desire, including web sites that carry mostly infringing activities. The symposium concluded that Injunctive Relief, or order by the court to ISPs for blocking access to some online locations, should be considered only after getting input from the wider community.

"Injunctive relief has improved legal framework for online enforcement of intellectual property rights. In 2014 and 2015, two Southeast Pacific countries enacted new statutes to enable copyrights holders to seek injunctive orders requiring carriage service providers to disable access to infringing online locations within and outside jurisdictions, without the need to establish fault on the part of the providers. Such statutory remedies are also currently available in England and mainland." Said **Dr. Hayson Tse** of the Wellington Chambers and former Assistant Director of Public Prosecution of DOJ, "Such common law remedies are also available in Canada. It is now the opportunity for Hong Kong."

"Citizens of HK may have a grave concern about site blocking mechanisms being abused for political motives. This is understandable, because all countries with site blocking mechanisms have some form of democracy as checks and balances." Said **Charles Mok**, Legislative Council Member for IT Constituency. "Therefore, this discussion should involve a bigger audience to solicit more input, particularly the young generation who grew up with the Internet."

Establishing a Communications Forum

To assist stakeholders to further their communications on these issues, HKISPA and HKISA will create a communications forum for discussion of related topics and for involving the wider community. The communications forum will be online and offline, to supplement the annual symposium.

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About HKISPA: *The Hong Kong Internet Service Providers Association (HKISPA) was formed in 1989, with locally licensed ISPs as its members. The mission of the HKISPA includes: acting as a discussion forum on Internet related matters, the promotion of Internet development in Hong Kong, the promotion of fair competition and codes of practice, and working with government agencies and the public on Internet related issues. The HKISPA also operated projects to attract China businesses to use ICT services of Hong Kong, and educated local SMEs to use ICT for business. More information can be obtained at www.hkispaspa.org.hk.*

About HKISA: *The Hong Kong International Screen Association Limited (HKISA) serves to promote and protect the screen community in the Greater China region. In 2008, the film and TV industry in Hong Kong contributed HK\$33 billion and generated a total of HK\$6 billion value-add to the local economy creating more than 32,000 jobs in 1,170 businesses. HKISA works closely with its supporters, government, community and enforcement authorities to achieve its aims. For more information about the HKISA, please visit www.hkisal.org.*

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