

Government of India
Ministry of Communications
Department of Telecom
Sanchar Bhavan, 20, Ashoka Road, New Delhi - 110001
(Data Services Cell)

File No. 820-01/2006-LR (Vol-II) (Pt-2)

Dated: 20.05.2019

To

All Internet Service Providers Licenses
Granted Under Guidelines dated 24.08.2007

Subject: Amendment in Internet Service Provider licensee for Regulatory Framework on "Net Neutrality".

In pursuance of Condition No. 5.1 of the Internet Service Provider Licenses granted under the guidelines dated 24.08.2007, LICENSOR hereby appends the following conditions in the said ISP License Agreements:

S No	Appended clause
1	<p>Schedule : Terms and Conditions Part I GENERAL CONDITIONS Clause No. 2.5</p> <p>Principle of non-discriminatory treatment, Definition of specialised services, Reasonable traffic management and other exceptions:</p> <ul style="list-style-type: none">(i) A Licensee providing Internet Access Service shall not engage in any discriminatory treatment of content, including based on the sender or receiver, the protocols being used or the user equipment.(ii) The Licensee is prohibited from entering into any arrangement, agreement or contact, by whatever name called, with any person, natural or legal, that has the effect of discriminatory treatment of content.(iii) Nothing contained in this provision shall restrict:<ul style="list-style-type: none">(a) The provision of any Specialised Service by a Licensee, provided that:

	<ul style="list-style-type: none"> • The Specialised Services are not usable or offered as a replacement for Internet Access Service; and • The provision of the Specialised Services is not detrimental to the availability and overall quality of Internet Access Service. <p>(b) Any measure adopted by the Licensee that are proportionate, transient and transparent in nature and fall under any of the following categories:</p> <ul style="list-style-type: none"> • Reasonable traffic management practices as may be specified from time to time; • Provision of emergency services or any services provided during time of grave public emergency, as per the process laid down by the Licensor/TRAI; • Implementation of any order of a court or direction issued by the Government, in accordance with law; • Measures taken in pursuance of preserving the integrity and security of the network and equipment; and • Measures taken in pursuance of an international treaty, as may be specified by the Government. <p>(iv) For the purpose of this provision:</p> <p>(a) “Content” shall include all content, applications, services and any other data, including its end-point information, which can be accessed or transmitted over the Internet.</p> <p>(b) “Discriminatory treatment” shall include any form of discrimination, restriction or interference in the treatment of content, including practices like blocking, degrading, slowing down or granting preferential speeds or treatment to any content.</p> <p>(c) “Specialised services” shall mean services other than Internet Access Services that are optimised for specific content, protocols or user equipment, where the optimisation is necessary in order to meet specific quality of service requirements.</p> <p>Provided that the Licensees is authorised to provide such services in accordance with the provisions contained in this license, as modified from time to time.</p>
2	<p>Annexure-I Definition of Terms and Expressions Clause No.16A</p>

Definition of Internet Access Service:

Internet Access Service is a service to access the Internet that is

- (i) generally available to the public; and
- (ii) designed to transmit data to and receive data from all or substantially all endpoints on the Internet.

Explanation: Any service that offers capabilities that are incidental to or provide the functional equivalent of Internet Access Services, shall also be included within the scope of this definition.

2. Please acknowledge receipt.



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Copy To:

- (1) Secretary, TRAI
- (2) Advisor(Economics)/ Wireless Advisor
- (3) Sr DDG (TEC)/ Sr DDG (DGHQ)
- (4) DDG(DS)/ DDG(AS)/ DDG(CS)/ DDG (LFP) /DDG(LFA)/ DDG(Security) /DDG (WPF)/ DDG(A/C)/ DDG(NT)
- (5) All Director of AS /DS cell
- ✓(6) Director (IT) may kindly arrange to upload this letter on the website of DoT.