

ALERT

# NTIA Seeks Comment on ITU's Role in Setting Technical Standards for IoT and Other Internet-Related Issues

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On May 17, 2016, the National Telecommunications and Information Administration (NTIA) released a request for comment (Request) on what role—if any—the United Nation's International Telecommunication Union (ITU) should play in setting technical standards related to such issues as the Internet of Things (IoT), cybersecurity, over-the-top (OTT) services, Internet governance, and intellectual property, among other areas.

The proceeding may be an opportunity for companies who seek to ensure that technical and interoperability standardization activities remain in voluntary, open-participation, globally recognized, and consensus-based bodies—not intergovernmental organizations—to make their case to the U.S. government. Indeed, there has been considerable controversy in recent years over what some perceive as mission creep of the ITU's Telecommunication Standardization Sector (ITU-T) into Internet-related standardization activities. ITU-T's primary function is to develop and coordinate voluntary international standards, known as ITU-T Recommendations, covering international telecommunications. The ITU-T's work primarily is carried out by technical study groups. Recently, these study groups have been addressing a wide variety of Internet-related technical and economic issues, including standardization of end-to-end architectures for IoT and mechanisms for the interoperability of IoT applications and datasets; cybersecurity and data protection; cloud computing; and others.

## Authors

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Scott D. Delacourt  
Partner  
202.719.7459  
sdelacourt@wiley.law

## Practice Areas

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Internet of Things  
Telecom, Media & Technology

The ITU's activities in these areas can have far-reaching economic and social consequences—particularly for nascent technologies like IoT. Although study group outcomes are voluntary, work done by ITU-T study groups may be converted into legally binding obligations through incorporation into a treaty or adoption into domestic law. The work of these study groups also may overlap or even conflict with the work already being done in other voluntary, open-participation, globally recognized, consensus-based standards organizations. In contrast to these other venues, the ITU is a much more bureaucratic and slow-moving body. Moreover, control of study group outcomes ultimately is exercised by ITU member countries in a one-country, one-vote system.

Industry comments are intended to inform NTIA's contributions to the State Department's preparatory process for the October 2016 World Telecommunications Standardization Assembly—the peak meeting of the ITU-T. WTSA is held every four years and defines the next period of study for the ITU-T. As such, WTSA-16 will determine the future direction of the ITU-T and, ultimately, the scope of the ITU's mandate over issues like IoT.

In preparation for WTSA-16, NTIA seeks comment on the following questions, among others:

- In an environment with a wide range of industry led, multistakeholder standards development organizations leading the development of telecommunications and information standards, does an intergovernmental organization, such as the ITU, provide any unique value?
- How does ITU involvement in global standards affect U.S. industry interests?
- What positions should the U.S. government take with respect to the issues that will be discussed at WTSA-16 (e.g., IoT, OTT, cybersecurity, etc.)
- What are the most important international standardization public policy issues and topics? In what areas does the ITU-T have a role or expertise?
- How could cooperation and collaboration between ITU-T and other standards development organizations be strengthened?
- The ITU has identified a standardization gap between developed and developing countries. What is the best way to address this gap?

Comments are due June 16, 2016. WTSA-16 will be held from October 25 to November 3, 2016. Industry can have a material impact on WTSA-16 outcomes by helping to develop positions and relevant facts to support national delegations—including via the NTIA Request. Wiley Rein attorneys are available to provide guidance about the NTIA process and to assist those interested in submitting comments or otherwise engaging the government or WTSA-16 on these issues.