



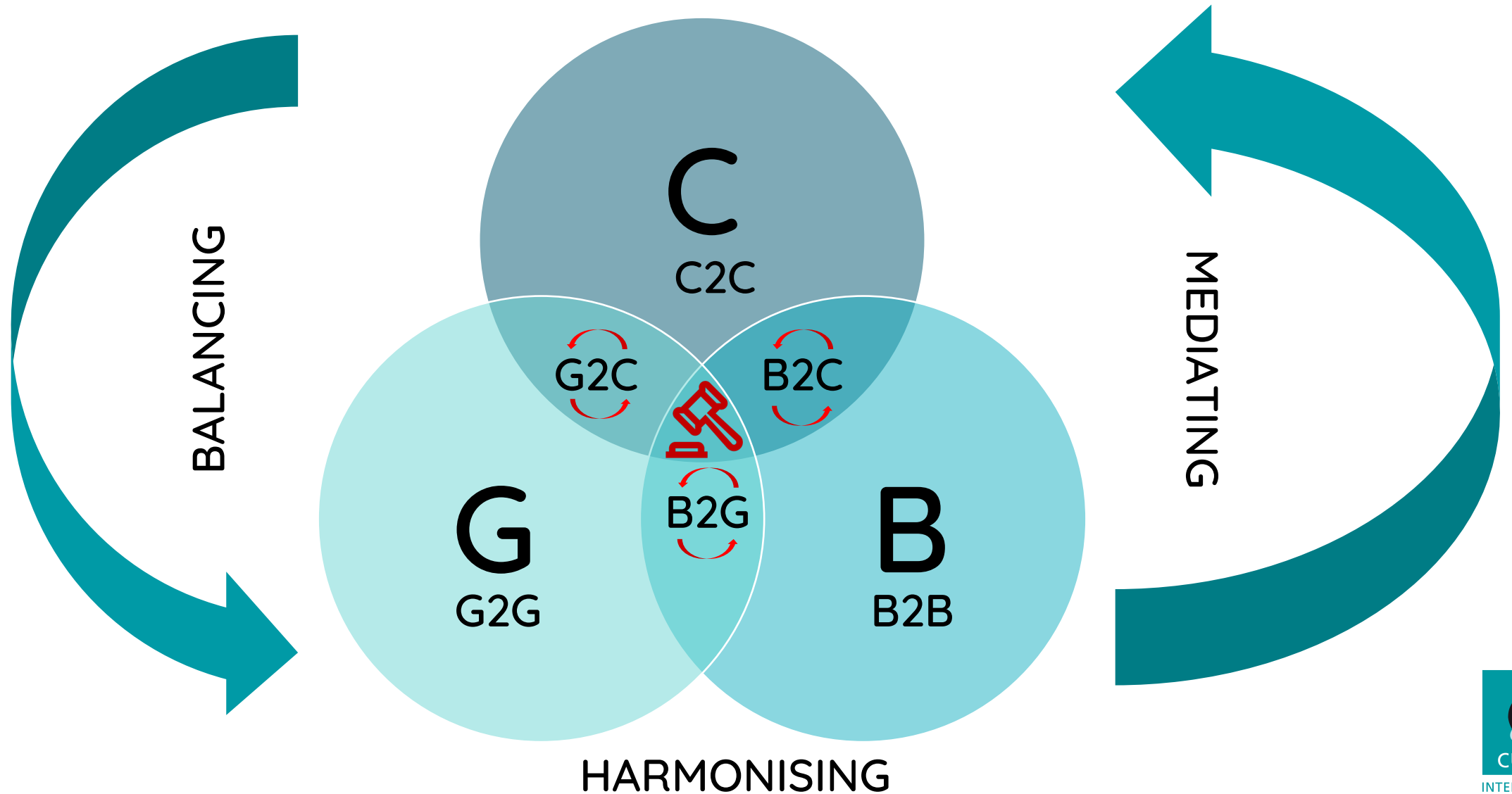
Harmonizing the OTT horizon: trends and experiences in the global regulatory landscape

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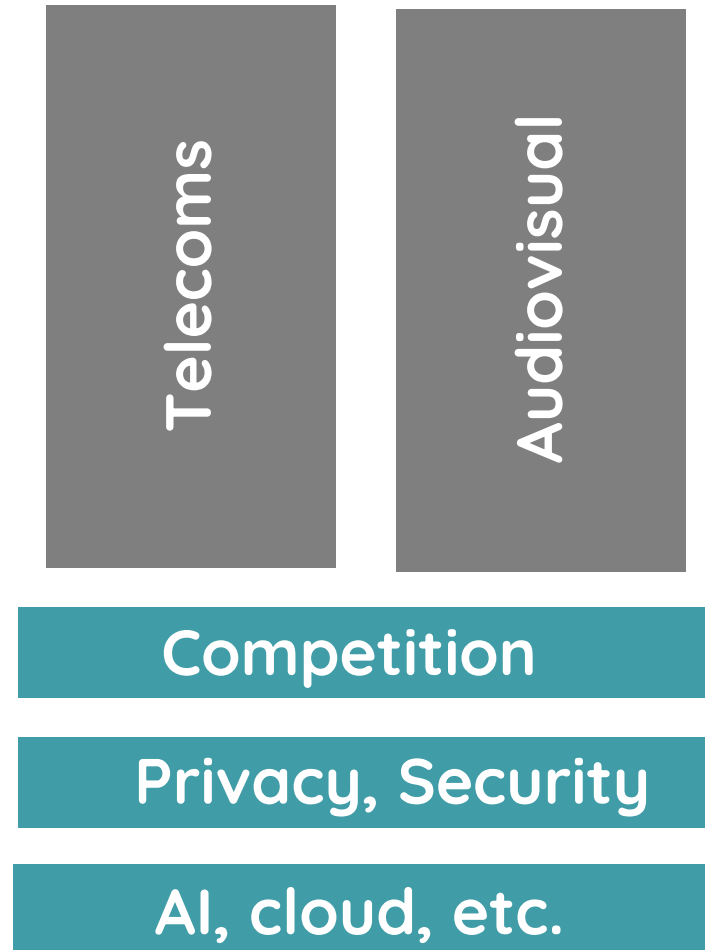
NBTC International OTT Symposium on Digital Ecosystem

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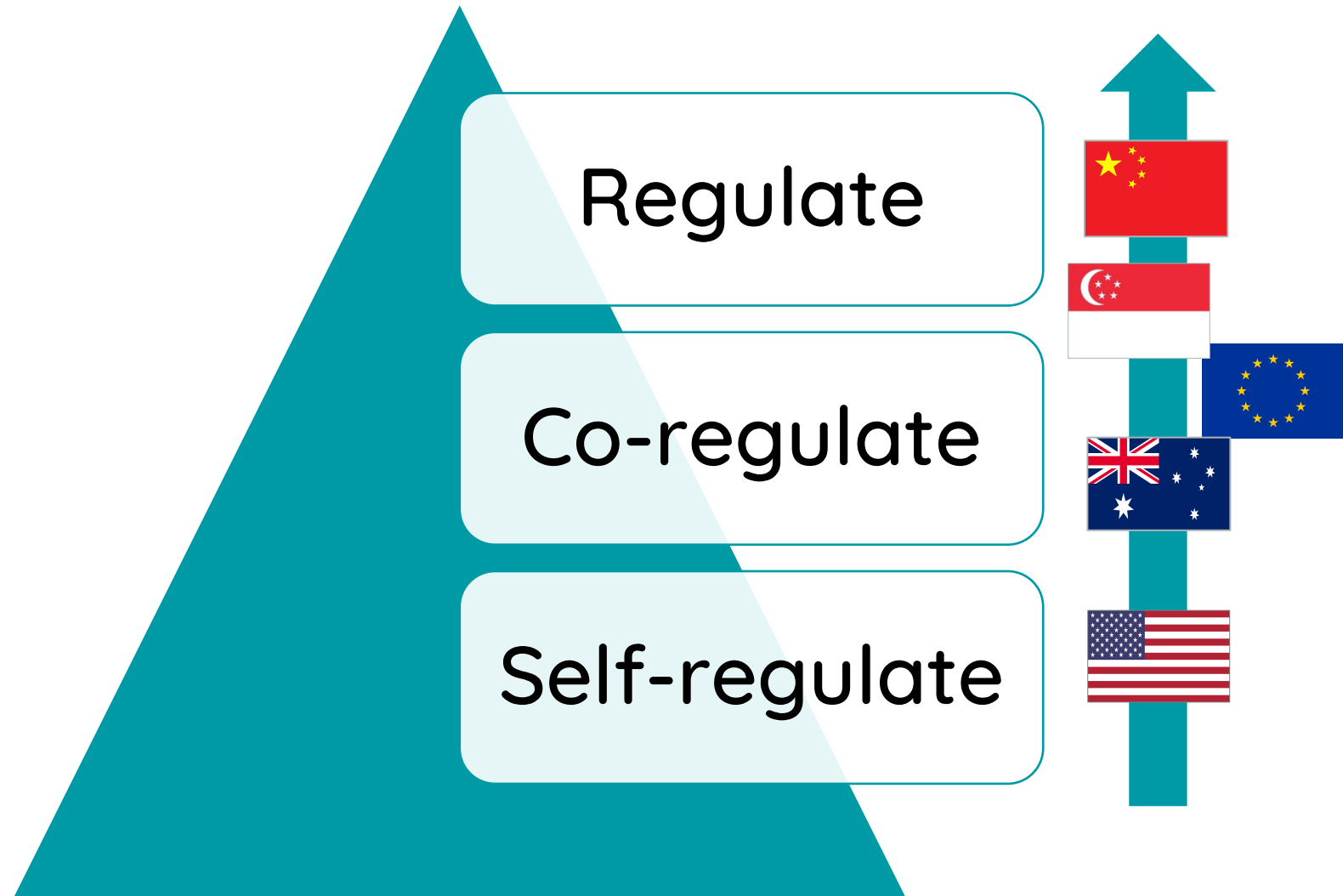
Challenge of regulating fast-evolving, multi-sided, interests and relations



The platform economy is generating regulatory transformation. That is happening both vertically, in industries, and horizontally, to protect general interests even in the use of new technologies



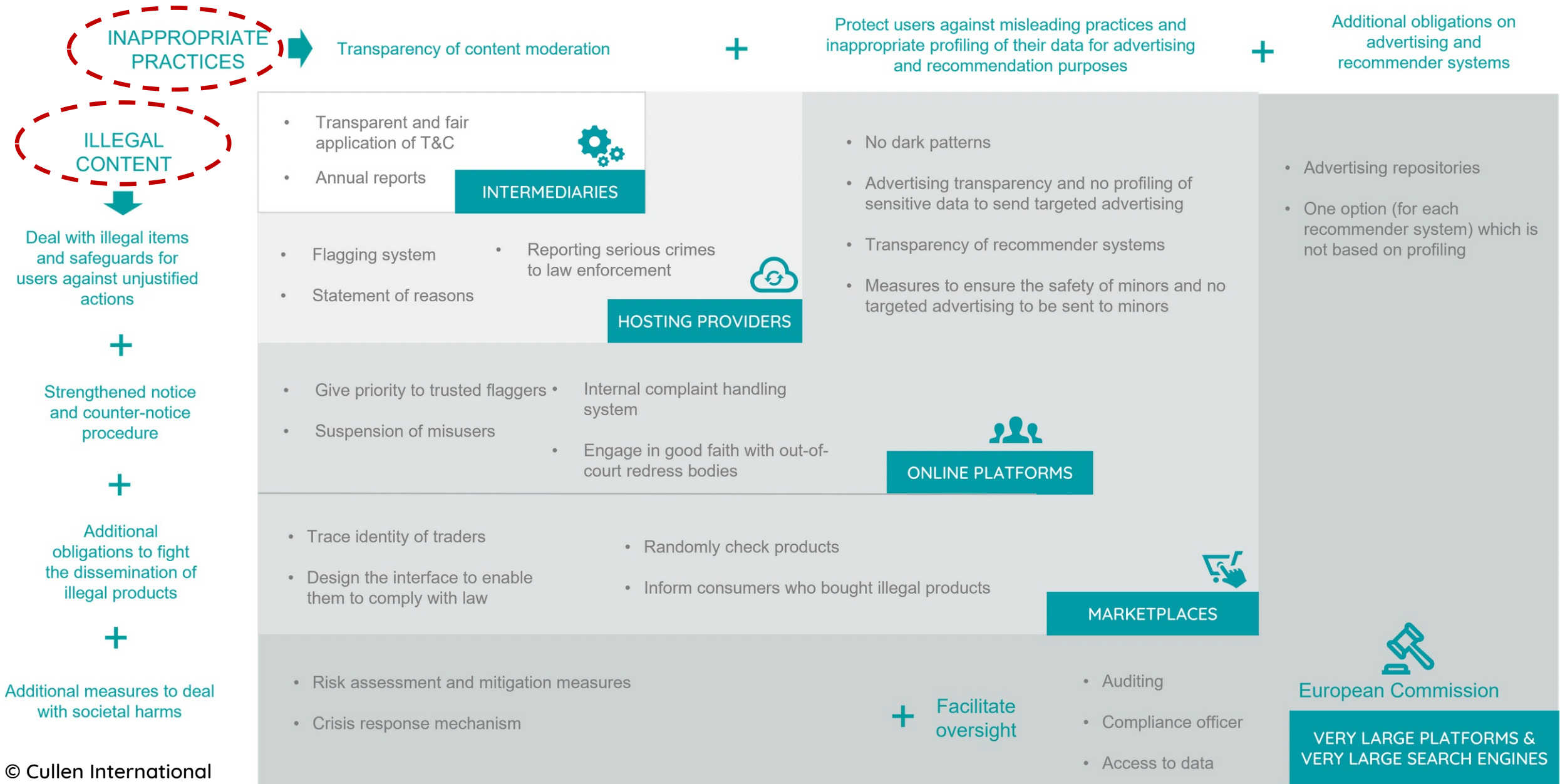
Approaches vary across jurisdictions but, depending on OTT-related topic, we usually see three main orientations



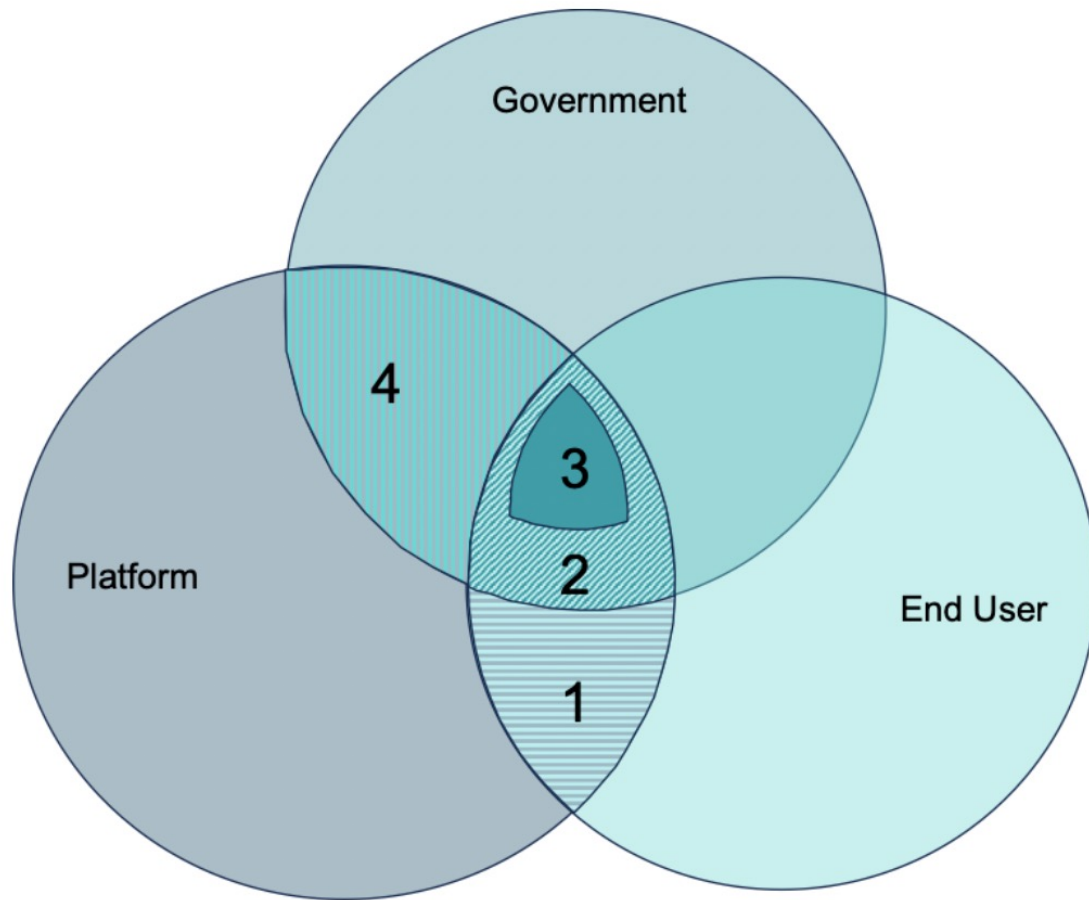
Case study: the EU




Key “vertical” regulation		Key “horizontal” regulation
Telecoms	Audiovisual	
EECC (2018) Definitions Symmetric access /co-invest. Light-touch regime for OTTs	AVMSD (2018) Revised rules VOD New rules on VSPs Terrorist content (2021) Remove content Detection/flagging systems	GDPR (2018) DSA (2022) Illegal content Inappropriate practices DMA (2023) Regulation of “gatekeepers” (impact on the internal market)
MAIN PROPOSALS		
Gigabit Infrastructure Act (2023) Deploying costs + “Fair contribution” (consult.)	Political advertising (2021) Child sexual abuse (2022) Media Freedom Act (2022)	AI Act (2021) Data Act (2022) Fair access to / use of data Cyber-resilience Act (2023)

DSA in a nutshell







Online content moderation

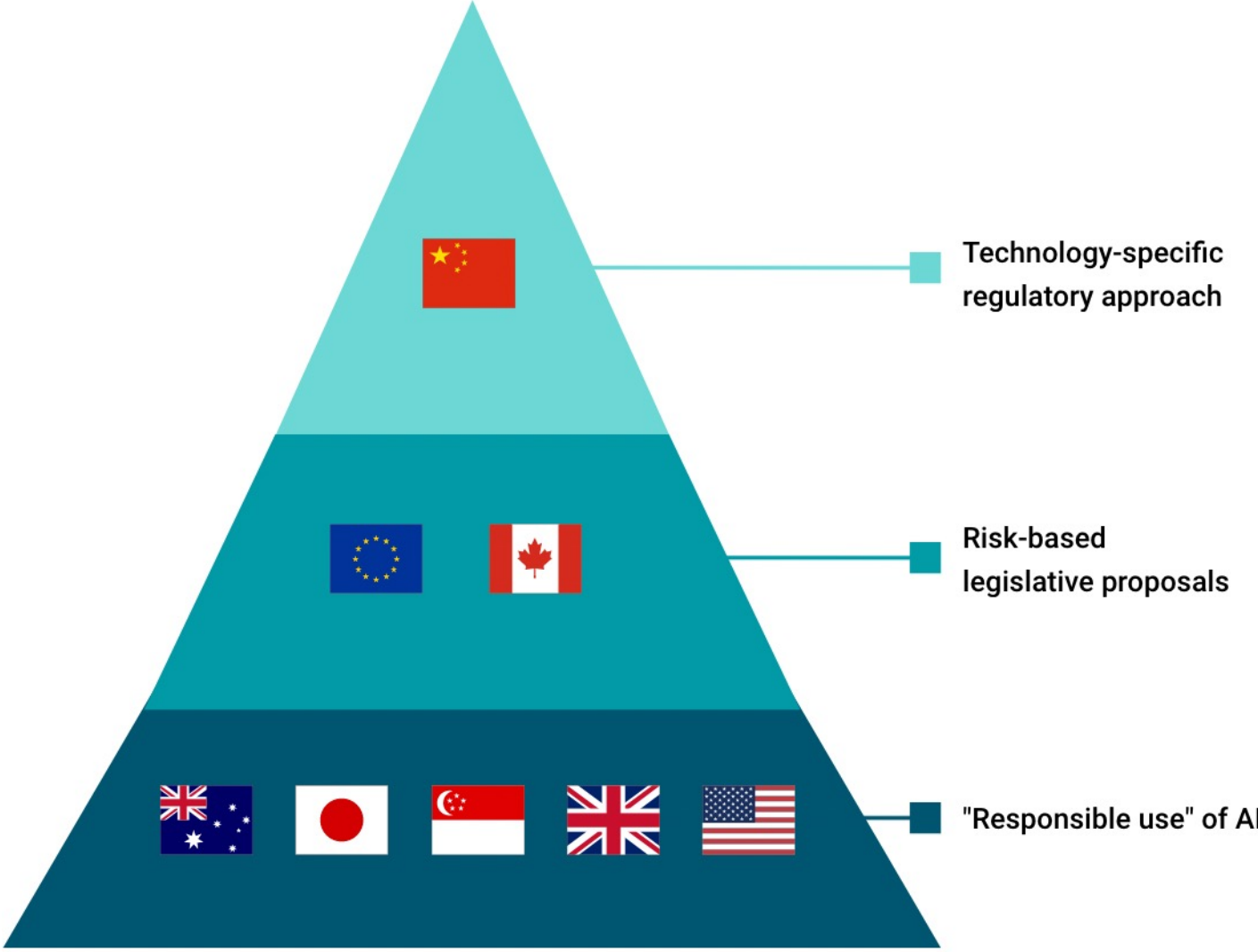


Level of CM	Description	Examples
1. Industry self-moderation	Unsupervised, voluntary moderation where failure to moderate has no legal consequences. Users may be liable.	 (Sec. 230)
2. Intermediate moderation	In general, these regimes require intermediaries to quickly remove illegal content when notified. Fines apply for failing to do so. Both users and intermediaries may be liable for violations.	 (DSA)
3. Higher moderation	Broader categories of content are forbidden to appear online. Intermediaries must actively monitor their platforms to keep such content from appearing. Violations may incur fines or prison sentences. Both users and intermediaries may be liable.	 (CSL 2016 + other Laws)

Approaches in the regulation of political advertising

	Argentina (Self-reg.) 	Brazil (Draft Law) 	EU (Draft Reg) 	US (FEC Consultation) 
Transparency		✓	✓	
Targeted comm.		✓	✓	
Content moderation	✓	✓		
Fake news	✓			
Deep fakes				✓

Different approaches also in the regulation of AI





Thank you

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