



ICLG

The International Comparative Legal Guide to:

Telecoms, Media and Internet Laws and Regulations 2013

6th Edition

A practical cross-border insight into telecoms, media and internet laws and regulations

Published by Global Legal Group with contributions from:

Alain Bensoussan Avocats
Attorneys at law Borenus Ltd
Bello, Gallardo, Bonequi y García, S.C.
Com advokatbyrå HB
Cugia Cuomo & Associati
DLA Interjuris Abogados, S.C.
Dr. Norbert Wiesinger, Law Offices
Ferchiou & Associés
Harris Kyriakides LLC
Heuking Kühn Lüer Wojtek
id est avocats
King & Wood Mallesons
MNKS
Mori Hamada & Matsumoto
NautaDutilh N.V.
Olswang LLP

Pachiu & Associates
Schoenherr
Shay & Partners
Simonsen Advokatfirma DA
Sociedade Rebelo de Sousa & Advogados Associados, RL
Squire Sanders
SyCip Salazar Hernandez & Gatmaitan Law Offices
Tashko Pustina
Tilleke & Gibbins
Udo Udoma & Belo-Osagie
Ulhôa Canto, Rezende e Guerra Advogados
Vasil Kisil & Partners
Webb Henderson LLP
Wigley & Company
Wilkinson Barker Knauer, LLP

GLG

Global Legal Group

Contributing Editor

Rob Bratby, Olswang LLP

Account Managers

Brigitte Descacq, Joe Houguez-Simmons, Dror Levy, Maria Lopez, Florjan Osmani, Samuel Romp, Oliver Smith, Rory Smith, Toni Wyatt

Sub Editors

Beatriz Arroyo
Fiona Canning

Editor

Suzie Kidd

Senior Editor

Penny Smale

Managing Editor

Alan Falach

Group Publisher

Richard Firth

Published by

Global Legal Group Ltd.
59 Tanner Street
London SE1 3PL, UK
Tel: +44 20 7367 0720
Fax: +44 20 7407 5255
Email: info@glgroup.co.uk
URL: www.glgroup.co.uk

GLG Cover Design

F&F Studio Design

GLG Cover Image Source

iStockphoto

Printed by

Information Press Ltd
September 2012

Copyright © 2012

Global Legal Group Ltd.
All rights reserved
No photocopying

ISBN 978-1-908070-36-4

ISSN 2050-7607

Strategic Partners



General Chapters:

1	An Overview of the EU Regulatory Framework - Dr. Christoph Enaux & Blanca Escribano, Olswang LLP	1
2	Mobile Broadband v. Broadcasting – Resolving the “Spectrum Crunch” in Europe and the US - Ann LaFrance & Aspasia Paroutsas, Squire Sanders	9

Country Question and Answer Chapters:

3	Albania	Tashko Pustina: Floran Pustina & Rudi Metaj	15
4	Australia	King & Wood Mallesons: Renae Lattey & Neil Carabine	21
5	Austria	Dr. Norbert Wiesinger, Law Offices: Dr. Norbert Wiesinger	29
6	Bosnia & Herzegovina	Moravčević Vojnović Zdravković in cooperation with Schoenherr: Matija Vojnović & Miljan Mimić	35
7	Brazil	Ulhôa Canto, Rezende e Guerra Advogados: Ewald Possólo Corrêa da Veiga & Ana Carolina Pellegrini Monteiro	41
8	China	King & Wood Mallesons: Rui Wang	49
9	Cyprus	Harris Kyriakides LLC: Michalis Kyriakides	56
10	Finland	Attorneys at law Borenus Ltd: Jukka Airaksinen & Henriikka Piekkala	63
11	France	Alain Bensoussan Avocats: Frédéric Forster & Edouard Lemoalle	70
12	Germany	Heuking Kühn Lüer Wojtek: Dr. Dirk Stolz & Gerhard Deiters	78
13	Italy	Cugia Cuomo & Associati: Fabrizio Cugia di Sant’Orsola & Mitchell Broner Squire	85
14	Japan	Mori Hamada & Matsumoto: Hiromi Hayashi & Akira Marumo	94
15	Luxembourg	MNKS: Gary Cywie & Agnès Mongin-Weiss	101
16	Macedonia	Moravčević Vojnović Zdravković in cooperation with Schoenherr: Slaven Moravčević & Andrea Radonjanin	108
17	Mexico	Bello, Gallardo, Bonequi y García, S.C.: Carlos A. Bello Hernández & Carlos Jesús Díaz Sobrino	114
18	Montenegro	Moravčević Vojnović Zdravković in cooperation with Schoenherr: Slaven Moravčević & Jelena Bezarević Pajić	122
19	Netherlands	NautaDutilh N.V.: Paul M. Waszink & Jolize J.R. Lautenbach	129
20	New Zealand	Wigley & Company: Michael Wigley & Jordan Carter	138
21	Nigeria	Udo Udoma & Belo-Osagie: Jumoke K. Lambo & Godson N. Ogheneochuko	144
22	Norway	Simonsen Advokatfirma DA: Torstein Losnedahl & Espen Tøndel	151
23	Philippines	SyCip Salazar Hernandez & Gatmaitan Law Offices: Rose Marie M. King-Dominguez & Ruben P. Acebedo II	159
24	Portugal	Sociedade Rebelo de Sousa & Advogados Associados, RL: Octávio Castelo Paulo & Luís Neto Galvão	165
25	Romania	Pachiu & Associates: Remus Ene & Gabriela Ivancu	173
26	Serbia	Moravčević Vojnović Zdravković in cooperation with Schoenherr: Matija Vojnović & Luka Lopičić	182
27	Singapore	Webb Henderson LLP: Anisha Travis & Jessica Gurevich	188
28	Sweden	Com advokatbyrå HB: Henrik Nilsson & Helene Hillerström Miksche	196

Continued Overleaf ➔

Further copies of this book and others in the series can be ordered from the publisher. Please call +44 20 7367 0720

Disclaimer

This publication is for general information purposes only. It does not purport to provide comprehensive full legal or other advice. Global Legal Group Ltd. and the contributors accept no responsibility for losses that may arise from reliance upon information contained in this publication. This publication is intended to give an indication of legal issues upon which you may need advice. Full legal advice should be taken from a qualified professional when dealing with specific situations.

GLG

Global Legal Group

29	Switzerland	id est avocats: Michel Jaccard & Sylvain Métille	203
30	Taiwan	Shay & Partners: Arthur Shay & David Yeh	209
31	Thailand	Tilleke & Gibbins: David Duncan	216
32	Tunisia	Ferchiou & Associés: Omar Ferchiou & Issam Mokni	222
33	Ukraine	Vasil Kisil & Partners: Anna V. Babych & Oksana Krasnokutska	228
34	United Kingdom	Olswang LLP: Purvi Parekh & Ginny O'Flinn	236
35	USA	Wilkinson Barker Knauer, LLP: Natalie G. Roisman & Bryan N. Tramont	244
36	Venezuela	DLA Interjuris Abogados, S.C.: Manuel I. Pulido Azpúrua & Anadaniella Sucre de Pró-Risquez	252

New Zealand

Michael Wigley



Jordan Carter



Wigley & Company

1 Overview

- 1.1 Please describe the: (a) telecoms; (b) audio-visual media distribution; and (c) internet infrastructure sectors in New Zealand, in particular by reference to each sector's: (i) importance (e.g. measured by annual revenue); (ii) 3-5 most important companies; (iii) whether they have been liberalised and are open to competition; and (iv) whether they are open to foreign investment.**

The incumbent fixed line operator was structurally separated in November 2011, with Telecom now owning the retail business and Chorus now owning the fixed line network operation. Each is a separate company listed on the stock exchange. Chorus has some open access obligations including providing access to new FTTP investments. See question 1.2. Telecom still holds a large part of the fixed line retail market, but there is substantial competition particularly from TelstraClear, Vodafone (the latter is seeking to acquire the former), CallPlus and Kordia. TelstraClear has the only HFC network, but that has a relatively limited footprint (in large parts of 2 cities).

For many years, Vodafone and Telecom were the only MNOs. In the last few years, 2degrees has set up a competing 3rd MNO. Telecom, in particular, is losing market share to 2degrees. 2degrees is extending its footprint. The MVNO market is weak and small.

The operators above are also the largest ISPs, although 2degrees will only be migrating in that direction during 2013. The ISPs are increasingly moving to supply content, often including retransmission of Sky content as noted below.

As for TV, the Free-to-Air space is dominated by channels operated by a New Zealand Government-owned company, TVNZ, plus by channels operated by commercial operation, Mediaworks, such as TV3. The Government charter obligations of TVNZ are largely removed so they have to operate commercially.

Sky TV (a company related to the international Sky group of companies) dominates PayTV. TelstraClear retransmits Sky material over its HFC footprint.

The markets in New Zealand in this sector are generally liberalised with only some restriction on foreign ownership in Chorus, plus some overseas investment compliance rules that may or may not apply in particular circumstances.

- 1.2 List the most important legislation which applies to the: (a) telecoms; (b) audio-visual media distribution; and (c) internet, sectors in New Zealand.**

New Zealand has general competition law (the Commerce Act).

This overlaps with telecommunications regulation (the Telecommunications Act), radiocommunications regulation (the Radiocommunications Act) and broadcasting regulation (the Broadcasting Act). (All legislation is available at www.legislation.govt.nz.)

Telecommunications regulation revolves around encouraging investment, competition, and the interests of consumers.

New Zealand is moving to a national Government-funded Public Private Partnership deployment of FTTP. This is the Ultra-Fast Broadband Fibre initiative (UFB). As much of UFB is provided by the incumbent, the Government has required it to structurally separate its network and retail units. In November 2011, the incumbent, Telecom, structurally separated into a network company (Chorus) and a retail company (Telecom). Each company is separately listed on the stock exchange.

This world-leading development replaces the UK-style functional separation. So, New Zealand is a case study for both functional and structural separation.

Supplementing the UFB initiative (that is, urban FTTP) is: (a) a broadband initiative for rural areas, based around fibre to most rural schools; and (b) xDSL and radio services – such as cellular – to other points from the schools. Together, these are the Rural Broadband Initiative (RBI), provided jointly by the incumbent and the other major mobile network operator, Vodafone.

Radiocommunication, as to spectrum allocation for mobile telephony and commercial broadcasting, applies an auction model (but with some exceptions such as in relation to public broadcast services).

Broadcasting has a light-handed regulatory model, and revolves around a best practice auction model, although the purity of that model has been eroded.

There are many policy papers, but none that cohesively set out the full regime. Some background is available at www.med.govt.nz and www.comcom.govt.nz.

- 1.3 List the government ministries, regulators, other agencies and major industry self-regulatory bodies which have a role in the regulation of the: (a) telecoms; (b) audio-visual media distribution; and (c) internet, sectors in New Zealand.**

Competition law, applicable to all sectors, is regulated via the Commerce Commission and the courts.

Telecoms is regulated by the Telecommunications Commissioner along with other Commissioners from the Commerce Commission.

AV media distribution is the subject of light handed regulation

under the Broadcasting Act if the content is broadcast (in broad terms if it is linear, and not non-linear broadcasting such as VOD: see question 5.2).

Content standards are impacted by the role of the regulatory Broadcast Standards Authority (and the censorship regulator as to more extreme material such as child pornography), plus the quasi-regulatory Advertising Standards Authority.

The internet does not have specific content regulation, but it is subject in many respects to the same regime, noted above, that applies to telecoms in respect to the mandatory supply of access services, etc.

1.4 Are there any restrictions on foreign ownership or investment in the: (a) telecoms; (b) audio-visual media distribution; and (c) internet, sectors in New Zealand?

No restrictions except there are limits on foreign holdings in the newly separated fixed line network operator, Chorus.

2 Telecoms

General

2.1 Is New Zealand a member of the World Trade Organisation? Has New Zealand made commitments under the GATS/GATT regarding telecommunications and has New Zealand adopted and implemented the telecoms reference paper?

Yes. New Zealand has also adopted most terms of the Reference Paper, as well as the Basic Telecommunications Agreement.

2.2 How is the provision of telecoms (or electronic communications) networks or services regulated?

Regulation, via the Telecommunications Act, encourages competition and investment, by regulating access to certain wholesale services. There is little retail regulation. Wholesale services which can be regulated are briefly specified in the Telecommunications Act. Those services are inserted in the Act, following a decision by the regulator (endorsed by the Minister) or by insertion by amendment to the Act.

On request, the regulator then determines price and non-price terms (or only non-price terms) for those services.

The major urban UFB FTTP and rural RBI initiatives are “regulated” under a combination of legislation, agreements and undertakings. There is facilitative legislation for the incumbent’s structural separation.

Spectrum relevant to AV content and mobile networks is – generally – regulated via an auction-based allocation model.

2.3 Who are the regulatory and competition law authorities in New Zealand? How are their roles differentiated? Are they independent from the government?

The Commerce Commission and the courts look after general competition law applicable to all sectors. The Telecommunications Commissioner is responsible for telecommunications regulation, within the Commerce Commission. The Commerce Commission is independent of the Government. The Telecommunications Commissioner is independent (as part of the Commerce

Commission), but may only regulate new services with the Minister’s agreement.

Radiocommunications are handled by a Government Department, the Ministry of Business, Innovation & Employment.

Broadcasting is managed by Government Departments.

2.4 Are decisions of the national regulatory authority able to be appealed? If so, to which court or body, and on what basis?

In the general competition law role, some decisions are made by the Commerce Commission and some by the court. Both can be appealed to the court as to Commission decisions (on the merits or on some other basis depending on the type of decision) and to the Court of Appeal as to court decisions (on normal court appeal grounds). Judicial review of Commission decisions may be possible.

The Telecommunications Commissioner can be appealed to the court (often only on points of law, depending on the type of decision) and can be judicially reviewed.

Radiocommunication and Broadcasting decisions by the Ministry are subject to judicial review by the courts.

Licences and Authorisations

2.5 What types of general and individual authorisations are used in New Zealand?

Authorisations and licences are not a requirement in New Zealand.

2.6 Please summarise the main requirements of New Zealand’s general authorisation.

This is not applicable in New Zealand.

2.7 In relation to individual authorisations, please identify their subject matter, duration and ability to be transferred or traded.

This is not applicable in New Zealand.

Public and Private Works

2.8 Are there specific legal or administrative provisions dealing with access and/or securing or enforcing rights to public and private land in order to install telecommunications infrastructure?

Yes, telecommunications operators have access rights over public and private land, and there is a special provision for fibre to the premises initiatives. This is outlined in the Telecommunications Act.

Access and Interconnection

2.9 How is network-to-network interconnection and access mandated?

Both interconnection and access are regulated under the Telecommunications Act; for example, PSTN interconnection,

mobile termination access, bitstream access, etc. Price and non-price terms are regulated.

2.10 How are interconnection or access disputes resolved?

These are initially resolved by the Telecommunications Commissioner. For example, the price and non-price terms can be changed, clarified, augmented, etc. by the Telecommunications Commissioner. Enforcement is by the courts.

2.11 Which operators are required to publish their standard interconnection contracts and/or prices?

New Zealand does not have a RIO regime, but price and non-price terms of regulated services are published at www.comcom.govt.nz.

2.12 Looking at fixed, mobile and other services, are charges for interconnection (e.g. switched services) and/or network access (e.g. wholesale leased lines) subject to price or cost regulation and, if so, how?

PSTN interconnection, mobile termination, backhaul, LLU and other services are regulated on a cost basis. Bitstream and other services, including bundles, are regulated on a retail-minus basis. However, bitstream pricing is moving cost-based. Mobile domestic roaming is potentially capable of regulation, but the regulator has not imposed regulation yet.

2.13 Are any operators subject to: (a) accounting separation; (b) functional separation; and/or (c) legal separation?

In November 2011, the incumbent moved from functional separation of its fixed line local access network to structural (legal) separation between its network and retail operations, to facilitate the incumbent participating in the FTTP UFB initiative. The two de-merged companies – Telecom and Chorus – are now listed on the stock exchange.

Regulatory reporting at a relatively light level is required on a different basis from accounting separation. This replaced the previous regime which imposed a combined functional and accounting separation model.

2.14 Are owners of existing copper local loop access infrastructure required to unbundle their facilities and if so, on what terms and subject to what regulatory controls? Are cable TV operators also so required?

The Telco network company, Chorus, must enable unbundling. There is no mandated access of any kind to the cable TV network; it only has a relatively limited footprint anyway.

LLU is available from Chorus exchanges to an end user, plus, via Chorus' cabinets, and sub-loop unbundling over the extensive FTTP network covering most of urban New Zealand, is also available. So far there has been widespread LLU uptake from urban exchanges, but little or no uptake of sub-loop unbundling (as the regulated price and cost of cabinet backhaul are too high to allow this, relative to the small addressable markets).

2.15 How are existing interconnection and access regulatory conditions to be applied to next generation (IP-based) networks? Are there any regulations or proposals for regulations relating to next-generation access (fibre to the home, or fibre to the cabinet)? Are any 'regulatory holidays' or other incentives to build fibre access networks proposed? Are there any requirements to share passive infrastructure such as ducts or poles?

Copper based bitstream is currently regulated at retail minus pricing, but will move to cost-based pricing. However, regulation of bitstream access at VDSL speeds is currently withheld by the regulator (to see how competition emerges).

New Zealand has an extensive FTTP network with regulated LLU access to cabinets, backhaul to the exchange and sub-loop unbundling. However, pricing has been too high so far as to enable carriers to unbundle the cabinets.

Therefore, over FTTP, and in view of the lack of regulation of VDSL-based bitstream, there is no effective regulated access to high NGN speeds.

Low frequency services – for voice – are provided over copper to use with bitstream services for broadband.

FTTP wholesale access from the UFB initiative is to be available initially at access prices negotiated with the Government. Regulatory review in the near term is unlikely. The Telecommunications Commissioner retains the ability to consider the regulation of fibre services under Schedule 3 of the Telecommunications Act, but given the contractual basis of access prices already established, most view such a step as unlikely.

Price and Consumer Regulation

2.16 Are retail price controls imposed on any operator in relation to fixed, mobile, or other services?

Only limited: the incumbent must provide toll free local calling; and the charges for the standard home package with that free local calling cannot rise faster than the Consumer Price Index. There is a prospect that, if the off-net/on-net pricing differentials do not reduce enough, the Commission will regulate in a way that effectively controls mobile retail prices.

2.17 Is the provision of electronic communications services to consumers subject to any special rules and if so, in what principal respects?

No, but it is subject to general trade practices and marketing law (for example, the Fair Trading Act that requires no misleading and deceptive conduct by Telcos (e.g. Telco claims about performance must be sustainable)).

Numbering

2.18 How are telephone numbers and network identifying codes allocated and by whom?

Numbers are allocated under the Number Administration Deed (NAD), signed between carriers. The NAD operates within industry group, Telecommunications Carriers Forum (TCF). For more information, see www.tcf.org.nz.

2.19 Are there any special rules which govern the use of telephone numbers?

There are a number of rules. More detail is available at www.tcf.org.nz. For example, certain number ranges can only be used geographically, nomadically or via mobiles. However, with NGN and VoIP, these limitations are changing. Overseas carriers and others interested in local numbers would need to work through the requirements.

2.20 What are the basic rules applicable to the 'porting' (i.e. transfer) of telephone numbers (fixed and mobile)?

Number portability is a regulated service, and the detail is handled by the Telecommunications Carriers Forum (TCF). See www.tcf.org.nz for full details. The processes are based around an Industry Portability Management System (IPMS), which facilitates number portability between carriers, but relies on carriers to configure and update their networks and support systems to ensure calls to and from ported numbers are correctly routed. The IPMS does not handle call routing.

3 Radio Spectrum

3.1 Is the use of radio spectrum specifically regulated and if so, by which authority?

Yes, but by a combination of legislation (the Radiocommunications Act and relevant regulations) and Ministerial direction. Spectrum is managed by the Government department, Ministry of Business, Innovation & Employment. The model, so far as it affects mobile and broadcast spectrum is – generally – based on auctions, but increasingly there are rules to prevent aggregation, and requiring “use it or lose it”. Digital Switchover means that allocation of freed-up spectrum is, like elsewhere, an issue.

3.2 How is the use of radio spectrum authorised in New Zealand? What procedures are used to allocate spectrum between candidates - i.e. spectrum auctions, comparative 'beauty parades', etc.?

See question 3.1. The relevant spectrum is auctioned.

3.3 Are distinctions made between mobile, fixed and satellite usage in the grant of spectrum rights?

In practice, spectrum is allocated by usage, particularly as New Zealand is a technology “taker” and therefore follows international standards on spectrum design and allocation in general. There have been examples where spectrum usage has been overtaken by technology developments.

3.4 How is the installation of satellite earth stations and their use for up-linking and down-linking regulated?

Only in relation to spectrum regulation.

3.5 Can the use of spectrum be made licence-exempt? If so, under what conditions?

Generally, this is unlikely for telecommunications carriers and

broadcasters. Some Wi-Fi applications (e.g. as provided by local government) may use licence-exempt spectrum. TV White Spaces technology may play a role in future.

3.6 If licence or other authorisation fees are payable for the use of radio frequency spectrum, how are these applied and calculated?

Apart from purchase cost (in particular, the price payable on auction), these fees are modest.

3.7 Are spectrum licences able to be traded or sub-licensed and if so on what conditions?

Yes. Trading cannot breach the general competition law, and, increasingly, there are restrictions that stop the aggregation of spectrum. Some licences contain other restrictions, depending on the category of licence.

4 Data Retention and Interception

4.1 Are operators obliged to retain any call data? If so who is obliged to retain what and for how long?

There are no specific rules requiring retention of call data. However, New Zealand has an OECD-based privacy/data protection regime, and there is a specific variation of that regime for telecommunications. This is in the Telecommunications Code under the Privacy Act. For more details, see www.privacy.govt.nz.

4.2 Are operators obliged to maintain call interception (wire-tap) capabilities?

Yes, pursuant to the Telecommunications (Interception Capability) Act.

5 Distribution of Audio-Visual Media

5.1 How is the distribution of audio-visual media regulated in New Zealand?

New Zealand has a light-handed regime largely limited to competition law (Commerce Act) and some content standard controls. Some aspects may be regulated under the Telecommunications Act. See question 5.2. Also there may be regulation of AV content as components in bundles of, for example, internet services.

5.2 Is there a distinction between the linear and non-linear content and/or content distributed over different platforms?

Yes. Linear content is governed by the light-handed Broadcasting Act. Non-linear content (such as video on-demand (VOD)) is not governed by that Act. There is a controversial issue as to the extent to which VOD-related services are governed by the Telecommunications Act.

The same distinction applies whether the content is transmitted over internet, cable TV or via radio waves.

5.3 Describe the different types of licences for the distribution of audio-visual media and their key obligations.

The only limit on distribution of AV material is, in the case of radio or TV broadcasting, the broadcaster having rights in spectrum.

6 Internet Infrastructure

6.1 Are conveyance services over the internet regulated in any different way to other electronic communications services? Which rules, if any, govern access to the internet at a wholesale (i.e. peering or transit) and/or retail (i.e. broadband access) level? Are internet service providers subject to telecommunications regulation?

Generally, only one network company, Chorus, has regulated obligations as to the supply of wholesale services: ISPs benefit from those regulated services as wholesale customers.

There is no peering, transit or retail regulation, although the incumbent, Telecom, is required by regulation to provide backhaul services over many links.

6.2 How have the courts interpreted and applied any defences (e.g. 'mere conduit' or 'common carrier') available to protect telecommunications operators and/or internet service providers from liability for content carried over their networks?

The New Zealand courts have rarely considered these issues and New Zealand in any event does not have a telecoms "common carrier" concept.

The position depends on whether the issue is defamation or copyright, etc. As to defamation, a carrier without notice of breach (a "mere conduit") is likely to avoid liability if it is just a carrier and has no notice. If it provides value added services, it is more at risk.

As New Zealand often applies precedents from the UK, Canada and Australia, decisions in those countries are useful. Additionally, the statutory regime (e.g. as to copyright) is often the same or similar.

6.3 Are telecommunications operators and/or internet service providers under any obligations (i.e. provide information, inform customers, disconnect customers) to assist content owners whose rights may be infringed by means of file-sharing or other activities?

Yes, there is the "3 strikes" model, under the recently introduced Copyright (Infringing File Sharing) Amendment Act. The Act provides safe harbours to ISPs in some situations where their customers infringe others' rights. For reliable information, see: <http://3strikes.net.nz/> (this site was established by the reliable NGO, InternetNZ).

6.4 Are telecommunications operators and/or internet service providers able to differentially charge and/or block different types of traffic over their networks? Are there any 'net neutrality' requirements?

Subject to the general regulatory and competition obligations, yes. However, net neutrality and related issues are under continued observation, as is happening elsewhere in the world. So change is possible in the medium to long term. If an operator was to act strongly anti-competitive in this area, the regulator or government may well move reasonably quickly.

6.5 Are telecommunications operators and/or internet service providers under any obligations to block access to certain sites or content?

There are no significant obligations to block access. ISPs may block sites that could breach censorship legislation (although they only applies to relatively extreme pornography, etc.). Many Telcos and ISPs will voluntarily comply with a Government-sourced black list as to, for example, child pornography.

6.6 How are 'voice over IP' services regulated?

They are not regulated currently, and there is no intention at present, for example, to regulate the quality of service or emergency services, etc. (save that emergency services and VoIP are under review by Government). There is increased uptake of VoIP services.

**Michael Wigley**

Wigley & Company
Level 7, 107 Customhouse Quay
Wellington
New Zealand

Tel: +64 44 991 841
Fax: +64 27 445 3452
Email: michael.wigley@wigleylaw.com
URL: www.wigleylaw.com

Michael Wigley is Principal of Wigley & Company. The firm specialises in IT, telecommunications, media and complex projects and disputes. Michael is one of the few telecommunications and media regulatory specialists in New Zealand, and also has a substantial practice outside New Zealand. He has particular experience in NGN and internet issues, as well as a functional and structural separation, on which New Zealand has led the world on many aspects.

**Jordan Carter**

Wigley & Company
Level 7, 107 Customhouse Quay
Wellington
New Zealand

Tel: +64 44 723 023
Fax: +64 21 442 649
Email: jordan.carter@wigleylaw.com
URL: www.wigleylaw.com

Jordan Carter's areas of expertise are the internet and telecommunications and the media/communications markets. His ideal project involves cutting through complexity, identifying the critical changes clients need, and devising ways to make them happen. Jordan's previous role was as Policy Director at InternetNZ, a Wellington-based non-profit organisation focused on the rights of internet users, where he was for several years until 2011.



Wigley & Company

BARRISTERS *and* SOLICITORS

Wigley & Company is a specialist law firm focusing on IT, telecommunications, regulation/competition, media and complex projects/disputes. The firm acts for Telcos, ISPs and other internet and telecommunications stakeholders, in New Zealand and internationally. Wigley & Company is known for its strong approach of meshing legal issues with economics, advocacy, contracts and pragmatic commercial and technical consideration. Pure law is only one part of the approach. Wigley & Company has been involved in most regulatory issues in New Zealand, as well as many of the largest IT and Telco projects.

Other titles in the ICLG series include:

- Aviation Law
- Business Crime
- Cartels & Leniency
- Class & Group Actions
- Commodities and Trade Law
- Competition Litigation
- Corporate Governance
- Corporate Recovery & Insolvency
- Corporate Tax
- Dominance
- Employment & Labour Law
- Enforcement of Competition Law
- Environment & Climate Change Law
- Insurance & Reinsurance
- International Arbitration
- Lending & Secured Finance
- Litigation & Dispute Resolution
- Merger Control
- Mergers & Acquisitions
- Oil & Gas Regulation
- Patents
- PFI / PPP Projects
- Pharmaceutical Advertising
- Private Client
- Product Liability
- Project Finance
- Public Procurement
- Real Estate
- Securitisation
- Trade Marks



59 Tanner Street, London SE1 3PL, United Kingdom
Tel: +44 20 7367 0720 / Fax: +44 20 7407 5255
Email: sales@glgroup.co.uk

www.iclg.co.uk