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To: "Chairman TRAI" <cp@traigov.in>, "Akhilesh Kumar Trivedi" <advmn@traigov.in>

Sent: Friday, September 29, 2023 1:09:46 PM

Subject: Joint letter from Indian Startups regarding TRAI's paper on Regulation and Selective Banning of OTT Services

To,
Dr. P. D. Vaghela,
Chairman, TRAI

And

Shri Akhilesh Kumar Trivedi,
Advisor (Networks, Spectrum and Licensing), TRAI

Dear sir,

As a key representative of the Indian economy and internet innovation ecosystem, 132 concerned startups would like to urge the Authority to continue their support for Net Neutrality principles and caution against any move towards overregulation of internet services being described as Over-The-Top ("OTT") services, which may have discriminatory consequences.

Thank you for your patience and we look forward to the Authority's support in the matter.

To,
Dr. P. D. Vaghela,
Chairman, TRAI
email: cp@traigov.in

And Shri Akhilesh Kumar Trivedi,
Advisor (Networks, Spectrum and Licensing), TRAI
email: advmn@traigov.in

Re: Joint letter from Indian Startups regarding TRAI's paper on Regulation and Selective Banning of OTT Services

Dear sir,

At the outset, we would like to thank TRAI for conducting this consultation and inviting comments from all sets of stakeholders. As a key representative of the Indian economy and internet innovation ecosystem, we are writing to urge the Authority to continue their support for Net Neutrality principles and caution against any move towards **overregulation of internet services** being described as Over-The-Top ("OTT") services, which may have discriminatory consequences. Internet services are already regulated under the IT Act, 2000.

We are principally against bringing such services under the same or similar regulatory framework as telecommunications service providers ("TSPs"). We believe that the premise largely relied upon in the consultation paper as well as some of the comments submitted by TSPs - i.e. internet services supposedly being direct substitutes of traditional services and thus stealing the latter's revenues and profits as well as the existence of a market failure, in which there is a lack of adequate financial incentive for large TSPs to invest in infrastructure due to the lack of compensation - is unfounded.

Internet applications and services are vibrant, dynamic, and innovative, and are rapidly evolving. Most services provide multiple functions and services to users, thus categorising them as 'substitute' services, or segmenting them as messaging, video and other applications, is incorrect. This simplistic understanding may stem from the use of the term "OTT", a terminology predominantly used by TSPs. We urge TRAI to understand that the regulatory difference between TSPs and internet applications/ service providers do not requisite an intervention, especially because there are inherent structural and functional differences between the two.

The internet is not a simple two sided market. Ours are internet services which consumers demand, and are delivered via a complex network of networks called the internet, and not value added services which are delivered by telecom operators. We host our services and pay for sending and receiving content via the Internet to our edge ISP, just like any other Internet user. In its explanatory memorandum to its order on "Prohibition of Discriminatory Tariffs for Data Services Regulations, 2016", the TRAI recognises the nature of how the Internet operates:

A particular TSP which is offering data services to the consumer does not control the internet infrastructure in its entirety. It is dependent on several other networks to facilitate this task. Thus, allowing a TSP which is at one edge of the internet to charge differentially for data that it does not alone process, could compromise the entire architecture of the internet itself. Were other TSPs across multiple tiers allowed to do this, then the openness of internet as we know, would be altered. Allowing price differentiation based on the type of content being accessed on the internet, would militate against the very basis on which the internet has developed and transformed the way we connect with one another.

We also believe that the suggested form of regulatory framework, where TSPs essentially have the power to tilt the playing field to favour one website/ application/ service or another, will inevitably lead to discrimination, non-level playing field, entry barriers, and increased compliance burden. Further, the suggested methods of categorising an application or services as “large traffic generators” and deciding the “fair and proportionate share/ contribution” are arbitrary and lack clarity, which may lead to such decisions being taken on a case-to-case basis.

We call for the internet to be maintained as an open platform on which network providers treat all content, application, and services equally, without discrimination. This includes not putting a service at a competitive disadvantage, either by imposing additional network fees or other regulatory obligations such as licensing under a telecommunications framework. Telecommunications licensing requirements, if extended to internet applications and services, may impose onerous obligations on Internet services, including costly legal compliances, and impact key product decisions which may harm India’s vibrant start-up ecosystem. If anything, these obligations will favour large multinational conglomerates who can afford to adapt to such regulations. Giving TSPs the key to be able to control these factors will very likely impact the thriving Indian start-up ecosystem.

We want to make in India and build for the world. The precedence that such discriminatory practices will set will impact our prospects in India and abroad, and greatly harm the vision behind Digital India. The demand to impose licensing and cost obligations on OTTs is directly at odds with the Government of India’s Startup India initiative. These initiatives aren’t complete without the support for Net Neutrality – a principle that assures telecom or internet service providers don’t discriminate for or against online apps and services, on the basis of availability, speed, or cost of access, leaving that choice to the end user alone.

It is worth remembering that the TRAI had in February, 2016, issued the Prohibition of Discriminatory Tariffs for Data Services Regulations, 2016, by which it restricted the charging discriminatory prices to consumers based on the content. This regulation saw the support of several start-ups back in 2016, who asked for TRAI’s continued support for Net Neutrality. In the spirit of this order, TRAI must caution against any demand to charge network fees from large traffic generators and prevent TSPs from yet again trying to engage in such rent-seeking behaviour, and not impose telecommunications licensing frameworks on Internet companies.

In context of the recent demands of the TSPs and its implications for the economy, we urge TRAI to further strengthen the principles outlined in the 2016 Regulations, rather than dilute it.

Thank you for your patience and we look forward to the Authority's support in the matter.

Signed by,
(in alphabetical order of company)

1. Rohith Bhat, Founder & MD, 99Games Online Pvt. Ltd.
2. Kunal Khattar, Founder, AdvantEdge Founders
3. Chinmay Pradhan, Founder and Director, Arima Analytics Private Limited
4. Pratish Pallath, Chief, AutoGrowth Private Limited
5. Ajay Kaushal, Director, Billdesk
6. Samikshan Bairagya, Founder, Head of Product and Technology, Blucap Health Technologies Private Limited
7. Ankit Prasad, Founder & CEO, Bobble AI
8. Deepak Shenoy, CEO, Capitalmind Financial Services Limited
9. Mithun Sacheti, MD, CaratLane Trading pvt ltd
10. Nitin Saluja, Founder, Chaayos
11. Mohit Dubey, CEO, Chalo Mobility Private Limited
12. Niteen Jadhav, Managing Director, Chrome Infosoft Solutions Pvt Ltd
13. Archit Gupta, CEO, Clear
14. Subbakrishna Rao, CTO, Clotrack Software Labs P Ltd
15. Ravi Sethia, Founder & CEO, Consights Tech Private Limited
16. Miten Sampat, CSO, CRED
17. Debayan Bhattacharjee, Director, D&D LEARNING LLP
18. Ajay Data, Founder & CEO, Data Xgen Technologies Pvt Ltd
19. Pawan Agarwal, Dy Managing Director, Db corp ltd
20. Hriday Biyani, CEO, Diadem Technologies Pvt.Ltd.
21. Shashikant Kore, Co-founder, Discrete Log Tech Pvt Ltd
22. Ruchir Dorwani, Founder, dubbz
23. Tarun Dua, CEO, E2E Networks Limited
24. Yashraj Akashi, Founder, Edge
25. Abhishek Sinha, Cofounder, Eko India Financial Services Private Limited
26. Avinash Sharma, Co Founder & CEO, ElectricPe
27. Rajiv Madhok, Investor, Fabapps
28. Hrush Bhatt, Co-founder, Fincen
29. Mukesh Choudhary, CTO, Finit Technologies
30. Shinjini Kumar, Co Founder, Five Salts Private Limited
31. Santosh Panda, Co-Founder, Foundership
32. Saurabh Jain, Founder, FUN2DO LABS PRIVATE LIMITED
33. Dev Aggarwal, Tech Founder, Gooney.AI
34. Vivek Lath, CEO, Goquest Media
35. Sai Krishna Kothapalli, Founder, Hackrew Infosec Private limited

36. Aakrit Vaish, Co-Founder & CEO, Haptik
37. Kiran Jonnalagadda, CEO, Hasgeek
38. Dewang Neralla, FOUNDER, Hiwi Forex Transactions Pvt Ltd
39. Kartik Raichura, Co-Founder & CEO, <http://websites.co.in/>
40. Pushendra Singh Rathore, CEO, India.To
41. Deepak Abbot, Cofounder, indiagold
42. Dinesh Agarwal, Founder and CEO, IndiaMART
43. Vineet Khunger, Co-founder, Indievisual.in
44. Alok Mittal, CEO, Indifi Technologies
45. Vishwas Patel, Jt. Managing Director, Infibeam Avenues Limited
46. Sachin Kate, CEO, Infogird informatics private limited
47. Ritesh Malik, Founder, Innov8
48. Akash Gehani, Co-founder, Instamojo
49. Himanshu Gupta, CoFounder, IntelliTicks Technologies Private Limited
50. Ninad Gupte, Director, Interpole Technologies Pvt. Ltd.
51. Allwin Agnel, MD, Inzane Labs Private Limited
52. Alope Bajpai, Group CEO & Co-Founder, ixigo (Le Travenues Technology Limited)
53. Nishchay Babu, CEO, Jar
54. Shankar Nath, Co-founder, Junio
55. Aditya Sibal, Director, Kanelle
56. Kaushik Das, Founder, CEO, Kaustav Dreamworks Pvt Ltd
57. Radhika Ghai, Founder, CEO, kindlife.in
58. Vinod Kumar Meena, Co-Founder & COO, Kuku FM
59. Ishan Talathi, CEO, Leapswitch Networks Pvt Ltd
60. Gaurang Kanvinde, Co-Founder, Learnwise Technologies Pvt Ltd
61. Shivam Singla, Founder, Leegality
62. Anshoo Sharma, cofounder/CEO, magicpin
63. Ashwin Naik, Founder, Manahwellness
64. Rohan Verma, CEO, MapmyIndia
65. Murugavel Janakiraman, Founder and CEO, Matrimony.com
66. Nikhil Pahwa, Founder, MediaNama
67. Angad Bhatia, Founder @MensXP, iDiva, Mensa Brands
68. Arvind Jha, Mithila Angel Network
69. Deven Dharamdasani, Founder, Momentus Digital Pvt Ltd
70. Sujoy Golan, Founder and CEO, Multiwoven
71. Ansh Agarwal, Founder, myGPTBrain
72. Vishal Gondal, Co founder, NCORE GAMES / GOQii
73. Ashish Sinha, Director, NextBigWhat
74. Rahul Attuluri, Founder & CEO, NxtWave Disruptive Technologies Pvt Ltd
75. Balu Ramachandran, Founder and CEO, Omnicuris Academy PVT LTD
76. Uttanshi agarwal, COO, One Future Collective
77. Chaitanya C, CPO, Ozonetel
78. Vijay Shekhar Sharma, Founder & CEO, Paytm
79. Shreyas Srinivasan, CEO, Paytm Insider

80. Anupam Mittal, Founder, People Group
81. Sameer Nigam, Founder & CEO, PhonePe Pvt Ltd
82. Yashish Dahiya, Founder and Chairman, Policy Bazaar Fintech
83. Shashank ND Singh, Founder & CEO, Practo
84. Ranjeet Pratap Singh, Co-founder / CEO, Pratilipi (Nasadiya Technologies Private Limited)
85. Ram Govindarajan, ProGrad Talent Solutions Pvt Ltd, Founder and CEO
86. Rajesh Chauhan, CEO, Qloudin Technologies Pvt Ltd
87. Abhimanyu Radhakrishnan, Managing Director, Qyuki Digital Media
88. Imthiaz Yunus, Co-Founder & CEO, RAAHO
89. Rishikesh SR, Cofounder, Rapido
90. Harshil Mathur, CEO & Co-founder, Razorpay
91. Shashank Kumar, MD & Co-founder, Razorpay
92. Brij Singh, Partner, Rebright
93. Sandeep Srinivasa, Founder, RedCarpetUp.com
94. Sameer Aggarwal, Founder, Revfin
95. Japan Vyas, Managing Partner, Roots Ventures
96. Diksha Pande, Founder, Samosa Party
97. Rahul Hari Saxena, Founder & CEO, Satvacart
98. Jaydeep Bose, Co Founder, Say Trip Hospitality Private Limited
99. Raj Desai, CEO, School of Accelerated Learning
100. Gautam Khurana, Cofounder & CTO, senseloaf.ai
101. Nitish Gupta, Co-FOUNDER, Shippigo
102. Nikhil Kumar, CEO, Simply Cue
103. Pranjal Modi, Founder and CEO, Skill and Scale Training Institute LLP
104. Manish Vij, Managing Partner, Smile
105. Mehul Dhakaan, CEO, SPANi
106. Vinay Singhal, Co-founder and CEO, STAGE (Catchup Technologies Pvt Ltd)
107. Gautham Gautham, COO, StartGlobal
108. Sudhir Syal, CEO, Startify
109. Amrita Tripathi, Founder, Tap In
110. Ritu David, Founder, The Data Duck
111. Anupam Varghese, co-founder, Tinkerbee innovations private limited
112. Zishaan Hayath, CEO, Toppr.com
113. Divij Goyal, Co-Founder, TradeX
114. Amber Pabreja, CEO, Trendlyne (Giskard Datatech Pvt Ltd)
115. Ronald Das, Co Founder, True Neural Technologies Pvt Ltd
116. Kanchan Kumar, Cofounder, Truly Financial.com
117. Snehil Khanor, Cofounder & CEO, TrulyMadly
118. Datta Dave, Partner, Tulsea
119. Manoj Dhanda, Founder & CTO, Utho Platforms Private Limited
120. Pratap Jain, Director, V Hunt Digital Media Pvt Ltd
121. Saurabh Nanda, Founder, Vacation Labs
122. Rohit Yadav, Director, Vcoi digital media pvt ltd

123. Dippak Khurana, Co-Founder & CEO, Vserv AudiencePro
124. Ravish Gupta, CEO, Webspiders Interweb Private Limited
125. Ankur Warikoo, Founder, Webveda
126. Vivekananda Hallekere, Ceo and Co founder, Wicked Ride Adventure Services (Bounce)
127. Sparsh Gupta, CEO, Wingify
128. Ajinkya Kulkarni, Co-founder and CEO, Wint Wealth
129. Yash Sakhlecha, COO, WYLD
130. Hitesh Mayani, Owner / Proprietor, YASH INFOSOLUTIONS
131. Naveen Dachuri, Co-Founder & CTO, Yulu Bikes Private Limited
132. Nithin Kamath, Co-Founder, Zerodha