



26 April 2017

Shri Asit Kadayan Advisor (QoS),
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg
New Delhi: 110 002
Republic of India

Dear Sir,

We would like to take this opportunity to respond to submissions from the Net Neutrality Consultation that have made reference to Netflix and features on our video streaming service. Specific points are made below.

Netflix's Data Saver feature does not throttle Internet traffic

Several submissions by other parties refer to our Data Saver feature, asserting that this is an example of “throttling” of Internet traffic. It is important to clarify that our Data Saver feature was created to allow consumers to control how much data they use when streaming on cellular networks. This is different from how Internet service providers might “throttle” data to free up bandwidth. In fact, our features are designed to empower consumers to make choices about their data usage while using Netflix, given that data charges and restrictive data plans remain a major concern for most consumers. If a consumer prefers to stream content at a higher bitrate, they can do so. For more information on how this works, please refer to our company blog¹.

Key aspects of the Data Saver feature for consideration within the larger Net Neutrality debate are:

- Choice of bitrate streaming remains in the hands of consumers, not Netflix or Internet service providers. We restate our position in our original submission, that gate-keepers should not be in a position to block, throttle or prioritise data based on payment, and that choice of legal content consumption should remain squarely in the hands of consumers.
- As a content provider, it is efficient that we build tools that enable our subscribers to consume our product in a way that best suits them - in this case, enabling them to enjoy shows on Netflix without incurring high data charges or exceeding their data caps. This should not be equated with making choices on behalf of consumers vis a vis their consumption of Internet content or privileging our content over others. Other content providers have similar innovations, and such tools only serve to make the Internet more efficient for consumers, content providers, governments and ISPs.

¹ <https://media.netflix.com/en/company-blog/netflix-introduces-new-cellular-data-controls-globally>

- It should be recognized that content providers have not been captured by net neutrality rules in other jurisdictions. Unlike ISPs, content providers have no ability to impact a consumer's broader Internet usage to advantage certain services over others. Content providers only have control over their specific service.

Exemptions to the “no paid prioritisation” rule hurt the Internet

Several submissions call for an exemption to the “no paid prioritisation” rule for video content. We respectfully submit that any exemption to this rule would empower gate-keepers to give an advantage to video content provided by platforms that can afford to pay for prioritisation, or to video content that they own. This would significantly impact the neutrality of the Internet. When an ISP or TSP advertises and sells access to the Internet, it is their duty to ensure that consumers are able to access any and all content at the speed that they pay for. An inability to provide sufficient bandwidth should not result in having legitimate content compromised or disadvantaged. Similarly, charges should not be extracted from content providers in addition to payments made by consumers of an ISP.

Use of Content Delivery Networks (CDNs) crucial to Internet infrastructure, does not violate Net Neutrality Principles

Finally, we restate our position that any Net Neutrality guidelines should facilitate non-discriminatory interconnection between CDNs and ISPs to enable a better and more efficient Internet. CDNs are not a violation of Net Neutrality as they do not prioritise or otherwise advantage certain traffic over others. Rather, CDNs move content closer to the edge user, enabling content to be delivered more efficiently, lowering transit costs for ISPs, and reducing congestion upstream on the network to the advantage of the broader internet. The use of CDNs bring about pro-consumer and pro-innovation outcomes while not violating Net Neutrality rules as they do not speed up or prioritise certain data over others.

Sincerely,



Sohni Kaur
Public Policy Manager, Asia Pacific
Netflix, Inc.