June 8, 2020

Ms. Aimee Meacham
Office of International Affairs
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW
Room 4701
Washington, District of Columbia 20230

RE: ACT | The App Association's Input on Proposals and Positions for the 2020 World Telecommunication Standardization Assembly (Docket No. 200504-0126 and RIN 0660-XC04)

ACT | The App Association (App Association) appreciates the opportunity to submit the following comments in response to the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA) request for input on priorities that advance international communications and information policies at the International Telecommunication Union (ITU).[1] We recognize that the upcoming 2020 World Telecommunication Standardization Assembly (WTSA 2020) meeting in Hyderabad, India, represents a critical juncture for ITU Telecommunications Sector (ITU-T) activities through 2024.

The App Association represents approximately 5,000 small- to medium-sized software application developers and connected device companies across the globe. Our members leverage the connectivity of smart devices to produce groundbreaking software solutions that impact Americans' everyday lives. App Association's members are at the forefront of the mobile revolution in both rural and urban areas, and innovate for a variety of sectors including healthcare, agriculture, finance, and entertainment, providing the touchpoint for the internet of things (IoT) across consumer and enterprise use cases. App Association member companies lead the $1.7 trillion app economy in the United States and employ tens of millions around the globe, including 5.9 million Americans. Because countless App Association member companies innovate and compete utilizing technical standards, ITU involvement in global standards has a direct impact on our community (and, therefore, U.S. leadership in the global digital economy).

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[1] *Input on Proposals and Positions for the 2020 World Telecommunication Standardization Assembly*, 85 Fed Reg 27390 (May 8, 2020).

While the global digital economy has enabled, and continues to hold great promise for, small businesses, App Association members face an array of challenges when entering new markets. These challenges may take the shape of laws, regulations, or policies that exclude goods and services from foreign markets and seek to artificially stimulate domestic industries. While these trade barriers use different means, they have the same end: impeding the availability of the global digital economy to internet end-users. For U.S.-based small businesses, such barriers reduce their ability to sustain, grow, and create new American jobs.

We call on the U.S. government to take all practicable steps to ensure that the ITU, within its mandate, seek consensus across stakeholder groups to reduce these barriers for the benefit of the billions of internet users around the globe. While larger corporations may be more equipped to absorb the costs associated with unnecessary regulations and trade barriers to market access, small businesses that cannot afford these expenses are effectively excluded from these markets. We specifically encourage a new and focused effort to raise the ability of U.S. small business digital economy innovators to engage with both the U.S. government on ITU-T activities, as well as to enable those small business innovators to engage directly in the ITU-T process. The U.S. government's strategy for WTSA 2020 (and ITU activities widely) should include a specific priority for enhancing U.S. small business engagement.

Initially, the App Association urges the U.S. government to ensure that ITU-T efforts are aligned with the ITU-T's mandate: developing and coordinating voluntary international standards ("ITU-T Recommendations") covering international telecommunications. The ITU-T has unfortunately exceeded this mandate repeatedly, launching efforts areas including data privacy, cybersecurity, artificial intelligence (AI)[2] and other IoT use cases (e.g., financial). Notably, the App Association has long been engaged with ITU-T on scope in advocating against ITU-T Study Group 3's interference into "over-the-top" (OTT) governance policies.[3] We appreciate NTIA's sharing topics that it expects to see proposals on in WTSA 2020, many of which exceed the mandate of the ITU-T. We call on the U.S. government to oppose the pursuit of topics that are clearly outside of the ITU-T's mandate (e.g., "consumer protection," "healthcare technology," and many others) during WTSA 2020, or alternatively to seek consolidating various IoT vertical proposals into being addressed in a single Study Group so that they are at least potentially manageable.

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[2] The App Association urges NTIA and others to consider its more detailed views on U.S. leadership in the AI field, which we have elaborated on in comments to NTIA in July 2019, available at https://actonline.org/wp-content/uploads/ACT-Comment-re-Draft-NIST-AI-Standards-Strategy-final-w-appedix-071919.pdf.

[3] *E.g.*, https://www.itu.int/dms_pub/itu-s/md/17/opcwgint5/c/S17-OPCWGINT5-C-0003!!MSW-E.docx.

The App Association requests that the U.S. government prioritize the avoidance of ITU-T duplication of existing standardization efforts. For example, the App Association is concerned with a new proposal in ITU-T to develop a "new" Internet Protocol that would allow unified/centralized control of the internet as a whole, in contradiction to today's internet architecture, when such standardization is already the responsibility of the Internet Engineering Task Force (IETF). Further, significant standardization is already occurring to advance 5G networks across a range of standard-setting organizations, including but not limited to 3GPP, IEEE-SA, and the Open Radio Access Network Alliance (O-RAN). ITU-T should avoid duplicating these efforts, and instead direct its limited resources to advancing its core mission. App Association members simply do not have the resources to participate meaningfully in duplicative standardization efforts outside of the fora in which they are already engaged. Any new Study Questions pursued by ITU-T as a result of WTSA 2020 should be limited to topics that are within ITU-T's mandate, for which standards are not already being worked on in other fora, and which are not being addressed through existing efforts within the ITU Development Sector (ITU-D). Accordingly, we support the NTIA and State Department proposals to:

- Retain the current structure of ITU-T Study Group 3 and increase its coordination role with ITU-D (and to move policy components of ITU-T to ITU-D in the longer term); and

- Merge Study Group 11 (signaling requirements, protocols, test specifications and combating counterfeit products) with Study Group 13 (future networks, with focus on IMT-2020, cloud computing and trusted network infrastructures) into a single group with a new name.

As NTIA notes, the potential for significant restructuring of ITU-T study groups may occur based on WTSA 2020 outcomes. The App Association believes this restructuring effort can be an opportunity to enhance transparency and participation in ITU-T processes. For example, in practice, few if any small business technology developers participate (or are even aware of) the ITU and its work across its various Sectors. ITU-T should enable greater participation by small businesses through focused outreach to new communities that would benefit by participating in ITU-T Study Groups, including the small business technology developer community, and through providing subsidies for participation fees and expenses. We encourage the U.S. government to secure a commitment for such outreach and subsidies through WTSA 2020 negotiations. Attaining such a commitment from ITU would significantly advance the U.S. government's priority for an increased U.S. presence and influence within ITU.

The App Association also notes support for ITU-T governance models that work from the bottom up, driven by the consensus of private sector, civil society, and technical stakeholders. However, this multistakeholder model is delicate, and the United States government should take all steps practicable to ensure that ITU's governance is not improperly gamed or influenced by governments hostile to U.S. foundations for commerce and personal freedoms. An ITU-T that is commandeered to adopt standards and policies outside of its remit for the purpose of substantiating certain countries' domestic laws and regulations that do not align with global legal norms and/or unduly restrict the free flow of data and basic rights would represent a significant threat to U.S. commercial and national security interests. The U.S. government should prioritize enhancing transparency and inclusivity in ITU-T's processes through WTSA 2020.

The App Association appreciates the opportunity to provide its recommendations on priorities that advance international communications and information policies at the ITU.

Respectfully submitted,

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