

Publications

Net Neutrality: How Recent Developments Could Affect Content Companies and Other IP-Intensive Businesses

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In an article published by IPWatchdog on March 16, Ben Hodges and Melodie Virtue discuss recent developments in net neutrality.

Net neutrality is the idea that all internet service providers should provide equal access to content, at an equal speed, without discrimination against particular sources.

"Proponents of net neutrality point out the importance of equal access to consumers on the internet for companies creating content and intellectual property on the internet...Those opposing net neutrality viewed Federal Communications Commission (FCC) regulations as overreaching and unnecessary, while supporters argued that it kept the internet on an even playing field," explain the authors.

Proponents of net neutrality were delivered a blow in October 2019, when the D.C. Circuit Court of Appeals ruled that the FCC could legally repeal the net neutrality regulations put forth by the Obama administration. One provision the court rejected relates to the FCC's attempt to prevent states from passing their own net neutrality rules. The D.C. Circuit did not rule that state regulations could not be challenged once passed, only that the FCC could not preemptively halt states from passing their own regulations.

"State regulation and related litigation is already well underway. Well over half of states have introduced some version of net neutrality rules," said Hodges and Virtue. Adding that, "Thirty-four states had bills or resolutions introduced in their 2018 legislative sessions and 29 had bills or resolutions introduced in their 2019 sessions. These rules and proposals have varying degrees of similarity to the Obama-era FCC net neutrality regulations."

The authors emphasize that whether through national legislation, a change in FCC position or state laws and the accompanying lawsuits, the debate regarding net neutrality is not over yet and the year ahead will likely hold many new developments.

For the full article, you may click [here](#).

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