

ICT Weekly Update

INDEX

NEW FINDINGS, JUDGMENTS AND ANNOUNCEMENTS

Page 1

NEW PROCEEDINGS

Page 1

PENDING PROCEEDINGS - REPRESENTATIONS DUE

Pages 1

PENDING PROCEEDINGS - OUTCOME AWAITED

Page 2

LISA THORNTON INC PUBLICATIONS

Page 3

Feel free to forward this ICT Weekly Update, without alteration, to friends and colleagues.

If you would like to obtain copies of any of the documents mentioned in this ICT Weekly Update or require additional information, please send a request to info@thornton.co.za.

If you would like to subscribe to this ICT Weekly Update, go to <http://lists.internet.org.za/mailman/listinfo/weeklyupdate>.

Legal, regulatory and policy developments in the ICT industry

Prepared by Lisa Thornton Inc for clients and colleagues

NEW FINDINGS, JUDGMENTS AND ANNOUNCEMENTS

ICASA

- Icasas has changed the due date for comments in respect of the Kaya FM licence amendment application from 2 Feb 2009 to 5 Jan 2009.
- Icasas will hold hearings in respect of licence fee regulations on 13-15 Jan 2009.

.za Domain Name Authority

- Amendments to the Memorandum and Articles of Association were adopted and will be forwarded to the Minister for approval.

MDDA

- Ms Phumelele Ntombela-Nzimande and Dr Tanja Bosch have been appointed to the Board.

Competition Tribunal

- The Tribunal has received a complaint referral from Entelligence against Google South Africa.
- The merger between Industrial Electronic Investments and CIE Telecommunications was approved.

International News

- COMPTTEL has submitted comments to the USTR that SA is in violation of its WTO commitments.

NEW PROCEEDINGS

ICASA

- SABC has applied to expand the coverage areas of Munghana Lonene FM, Thobela FM, Ikwekwezi FM, Ligwalagwala FM, Good Hope FM, Lesedi FM, Umhlobo Wenene FM, and SABC 3. Comment is due **9 Jan 2009**.

PENDING PROCEEDINGS - REPRESENTATIONS DUE

ICASA

- Carrier pre-selection regulations. Comment is due **9 Jan 2009**.
- Terrestrial broadcasting frequency band plan relating to the digital migration process. Comment is due **16 Jan 2009**.
- Regulations relating to the commissioning of independently produce South African programming. Comment is due **16 Jan 2008**.
- Bids for GSM investigation and monitoring software and for a 110 GHz spectrum analyzer. Due date is **22 Jan 2008**.
- Kaya FM has applied to amend its broadcasting licence. Comments are due **5 Jan 2009**.
- Invitation for ECNS, ECS and BS licensees to apply (ITA) for two blocks of spectrum in each of the metropolitan areas, Johannesburg/ Pretoria, Cape Town, and Durban, for the provision of mobile digital broadcasting services. Responses to the ITA are due **27 Feb 2009**.

PENDING PROCEEDINGS - OUTCOME AWAITED

Parliament

- * Broadcasting Amendment Bill
- * South African National Space Agency Bill
- * Prohibition of Interception of Communications and Provision of Communication-related Information Amendment Bill
- * Films and Publications Amendment Bill
- * Constitutional Amendment Bill
- * Intellectual Property Rights from Publicly Financed Research Bill

Minister of Communications

- * Policy direction to Icasa re the licensing of Broadband Infraco
- * Policy direction to Icasa to invite applications for ECNS licences for the provision of satellite infrastructure
- * Study on the trends of digital local content and uptake rates
- * International peer benchmarking study on the costs to communicate
- * Guidelines for the rapid deployment of electronic communications facilities (re undersea cables)
- * ICT Charter regarding BEE

Department of Communications / Icasa

- * Under-serviced area licences (second and third rounds)
- * GMPCS licences

ICASA

[Pending decisions about individual licenses and complaints have not been included in this list]

- * Licence fee regulations
- * Digital broadcasting Migration Regulations
- * Radio frequency band plan
- * E-rate regulations
- * Findings in enquiry on interpretation of under serviced areas in the Cell C licence
- * Must Carry Obligations

- * Schedule for periodic review of relevant markets
- * Regulations for monitoring and investigating anti-competitive behavior
- * Significant market power determinations
- * Pro-competitive licence terms and conditions
- * Methodology to determine effectiveness of competition
- * Methodology to define and identify relevant markets
- * Technical standards for power line communications
- * Technical standards for electronic communications equipment
- * Interconnection Regulations
- * Facilities Leasing Regulations
- * Essential Facilities Regulations
- * Conversion of licenses in terms of chapter 10 of the EC Act
- * Regulations with regard to functional specification for geographic number portability
- * Findings in section 27 enquiry into a satellite licensing framework
- * Findings in respect of the Discussion Paper on the Review of Community Sound Policy
- * Radio regulations regarding new standards for telecommunications equipment
- * Regulations with regard to telecommunications equipment approval
- * Regulations in respect of standards for analogue terminal equipment
- * Regulations regarding amateur radio
- * Regulations regarding local television

USAASA

- * Recommendations on definitions of universal service, universal access, under serviced areas, and needy persons.

South African Law Reform Commission

- * Report on Privacy and Data Protection Bill

Department of Science and Technology

- * National Space Science and Technology Strategy

Minister of Justice and Constitutional Development

- * Ratification of Council of Europe's Convention on Cyber crime (dealing with computer-related fraud and forgery and infringement of copyright). An additional protocol regarding racist and xenophobic acts committed through computer systems has yet to be signed by South Africa.

Minister of Trade and Industry

- * Proposed new merger thresholds. The due date for comments is **31 October 2008**.
- * Proposal to increase the fees for filing merger notices. The due date for comments is **31 October 2008**.

.za Domain Name Authority

- * Memorandum and Articles of Association
- * .za Domain Policy and Procedure

Website Use Policy

This policy, developed in line with South African law, is for sale. If you would like to purchase it, please send a request to info@thornton.co.za.

Communications Systems Use Policy

This policy for employee and consultants' use of employers' communications systems, has been developed in line with South African law. If you would like to purchase the policy, please email a request to info@thornton.co.za.

LISA THORNTON INC PUBLICATIONS

International Comparative Legal Guide (IPLG)

The Global Legal Group has published the International Comparative Legal Guide to Telecommunications Law and Regulations 2009 (2nd edition). If you would like a copy, please email lat@thornton.co.za

Telecommunications Law in South Africa

If you would like to purchase Telecommunications Law in South Africa, edited by L Thornton, et al, please contact STE publishers at angela@ste.co.za. It is available online at www.idrc.ca/en/ev-87910-201-1-DO_TOPIC.html, and link.wits.ac.za/papers/tele-download.

Email Compliance

If you would like a copy of A Guide to Achieving Email Compliance - a South African perspective, please contact info@thornton.co.za.

Protecting Minors from Harmful Content via Mobile Phones

This report is available online at lhr.org.za/news/2007/protecting-minors-harmful-content-mobile-phones.

The State of Competition in the Telecommunications Sector in South Africa

This report is available online at internationalcompetitionnetwork.org/media/library/conference_5th_capetown_2006/AppendixIII.pdf.

World Communications Regulation Report

BNA International has published a series of articles by Lisa Thornton Inc on South African ICT issues

- Court Rulings, Licence Conversion, and the Future of Electronic Communications in South Africa, Dec 2008
- Radio Frequency Spectrum, October 2008
- High Court Ruling Paves the Way for Competition, September 2008
- Recent Legal Challenges, May 2008
- Update on the Licence Conversion Process, April 2008
- A New Broadband Infrastructure Company, February 2008.
- Regulation of Submarine Communications Networks, November 2007.
- Interception of Electronic Communications, October 2007.
- The Minister's Policy and Policy Directions, September 2007.
- How the Communications Regulator exercises its Powers and Functions, July 2007.
- The Making of subordinate Legislation, May 2007.
- Rights of Way, April 2007.
- Competition Matters, March 2007.
- Universal Service, February 2007.
- The Regulation of Broadcasting Services, December 2006.
- Interconnection and Facilities Leasing , November 2006.
- The Powers of the Minister and of the Independent Regulator, October 2006.
- The Electronic Communications Act, September 2006.

This ICT Weekly Update is subject to copyright protection. Reproduction or distribution of it or its content, or any part thereof, except as otherwise permitted herein, other than for educational purposes or personal use, without the consent of Lisa Thornton Inc, is prohibited.

Although every attempt is made to ensure that the information contained in this ICT Weekly Update is accurate, all liability for the accuracy and comprehensiveness of the information provided is disclaimed.

If you want to unsubscribe, go to <http://lists.internet.org.za/mailman/listinfo/weeklyupdate>.

Lisa Thornton Inc
PO Box 1377, Saxonwold, 2132,
South Africa

