

Cite as: 3 Tech. L. Rev. 163 (2006)

Fundamental Regulatory Issues in the Era of Digital Convergence

Jyh-An Lee

Abstract

With the advancement of the Internet and digital technologies, digital convergence has become a significant trend in the communications industry. In terms of technology, digital convergence means the integration between different digital products; it also symbolizes the vertical integration between different communications industries. Nonetheless, digital convergence has brought rigorous challenges to the existing regulatory framework, which divides up the landscape based on traditional services and technologies. Moreover, such convergence may enable businesses to further leverage their market power to neighboring markets, and, thus, lead to antitrust concerns. In order to cope with regulatory issues with regard to digital convergence, the Taiwanese government just enacted Communications Basic Law, and established the National Communications Commission (NCC). This paper not only portrays the challenges facing NCC, but also introduces some potential regulatory responses, such as layered model and technology neutrality doctrine.

Keywords: digital convergence, NCC, FCC, Communications Basic Law, Telecommunications Law, layered model, technology neutrality