# Net Neutrality: Problems And Legal Aspects

Network neutrality emphasizes on the equality between all of the internet service providers' ( ISPs ) usage of the internet and that everyone should have the freedom to use it as they like regardless of ethnicity, platform or any form of categorization that can be used to divide people into groups and limit their access based on each one. Internet service providers are not able to block or slow down any kind of activity or content online but without net neutrality ISPs would have the ability to limit or prioritize access to certain types of groups.

Advocates of net neutrality want the information to be available to the public with no discrimination of any kind and ISPs to be the neutral medium allowing that information to flow. While the idea of everyone having access to the same material without any limitations to certain groups seems ideal, it does have severe constraints. Companies that offer any kind of service could, for example, charge more for faster delivery of their product or by blocking a portion of their services and charge customers extra money to be able to use it. This is also the main opposition those against net neutrality have since their primary concern is that net neutrality rapidly slows down business growth.

Those opposed to net neutrality argue that if certain groups or companies had priority rather than being "lumped up" with everyone else, based on the money gained from higher rates or any other form of profit, would not only gain more money as a result of the system prioritizing them but also could use that position and extra money gained to keep providing their services and maybe start providing, even more, depending on the needs of the particular country. Another problem mentioned regarding companies with video streaming services is that the percentage of bandwidth needed to stream video or music is disproportionately large, which in essence means that these companies are providing their services without the corresponding profit and also prevents new companies in that area from having the chance to grow even if an ISP would allow companies to pay for priority treatment, over time companies and organizations either wont be able to afford priority treatment or they wont even be offered access thus not keeping the internet an open field which is crucial for innovation.

It really is a much deeper rooted problem since it has to do with freedom of speech and we end up stifling the opinion of every individual because for most people, the only source of information is the internet and thus most of our opinions on current matters do come from the way these issues are presented and conveyed on the internet. Clearly due to the entire concept of net neutrality, if a number of media or social platform companies were to have priority over others, information could be manipulated depending on the point of view of said companies or on the reality they are trying to enforce onto the public. As a consequence, we would have a lot of misinformed individuals causing the general public to have a very different perspective on a matter rather than what actually happened. Media companies have to always make sure that the way information is conveyed to the public is always 100% objective and reduce the probability of being influenced as a result of any form of subjectivity.

In January 2014, the district court struck down the FCC's net neutrality rules. It was clear to the court that the FCC had authority over internet access but the entire concept of an open internet was built on a flawed legal foundation, leaving it up to FCC to decide what to do next. During

the same year, the FCC introduced a new set of rules in an attempt to solve the issues ISPs would have to deal with if net neutrality would be implemented, by accepting opinions from the public. With this set of new rules implemented the FCC would be able to enforce net neutrality and be in line with the court's previous decision. On February 2015, after massive support from the public, the FCC voted to pass the Open Internet Order, enacting the strongest net neutrality rules in history but the decision faced multiple legal challenges from the wireless and cable industries, but the Circuit Court of Appeals upheld the FCC's rules in June 2016 and denied petitions to reconsider its decision in May 2017.

In January 2017, there was a public outcry in support of net neutrality greater than what the FCC had experienced in 2015 but despite that, a proposal for repeal was able to overturn the Open Internet Order. Currently, there are no rules of preventing blocking of websites, services or content online or slowing down the traffic of websites and no rules for preventing paid prioritization.

Regarding the legal aspect of net neutrality, the government is trying to find out how ISPs should be regulated and what role the government plays in overseeing their network management practices. The FCC's Restoring Internet Freedom Order places primary jurisdiction over ISPs' network management practices to preempt states from enacting similar ISP network restrictions while being overseen by the Federal Trade Commission.

Hence, while regarding the economic benefits certain groups of people or organizations would have due to network neutrality, it could never be implemented as we have no way of categorizing people and companies and creating a fixed amount of levels to normally distribute those people, in a rational way. Even if certain services require more resources to be used, they should still not be passed over with money as the prime factor for that decision. Net neutrality also poses a great risk for the public to be misinformed as a result of the way information would be spread and affect how people view current, past and future matters and it also violates the rights of each individual as to access any kind of information or service with, again, no objective reason. In general net neutrality allows freedom of expression and promotes innovation and competition while giving everyone a fair chance with no limitations.

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