

**ELSA MOOT COURT COMPETITION (EMC<sup>2</sup>) ON WTO LAW  
2007-2008**

**CLARIFICATIONS TO THE CASE**

***Teleland – Measures Affecting Telecommunications Services***

by

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**Q1.** Are both countries (Teleland and Digiland) members of ITU?

*Answer:* Yes.

**Q2.** Did Teleland and Digiland conclude any preferential trade agreement?

*Answer:* No

**Q3.** In order to establish an international gateway for calls such as the one owned by TeleCom, is it necessary to obtain a license from Teleland authorities, i.e., the TCC? Why is TeleCom Teleland's only operator with an international gateway at this time? Is this a result of governmental regulation, or does this follow from technical or economic reasons?

*Answer:* You must only argue on the claims brought by Digiland as listed in the end of the Case. TeleCom's *de facto* status as the only operator with an international gateway does not give rise to any legal issues in this Case. The rate charged by TeleCom for passing a telephone call through its facilities is not disputed. (*see* Case para. 5).

**Q4.** Are the three mobile operators in Teleland each charging a different rate?

*Answer:* Yes. However, while the rate of each Teleland operator is different, they are all approximately \$10 Teleland dollars. (*see* Case para. 5).

**Q5.** In Digiland, the end-user international calling rates are below \$ .10 Digiland dollars. Is this per minute, per call, or a flat fee?

*Answer:* Per minute.

**Q6.** Does a Digiland end-user making a phone call to someone outside Digiland pay less than \$ .10 Digiland dollars plus a "mobile surcharge" if this international phone call terminates in a mobile network and if the country terminating such a phone call maintains a CPP regime?

*Answer:* Yes.

- Q7.** Is the reason that Teleland's mobile operators charge a mobile termination rate eight times higher than in other CPP-regime-countries based on a desire to have higher profit margin or does it simply reflect higher maintenance costs?

*Answer:* You need to make your own assessment of this if you think it is relevant.

- Q8.** Why does the Regulation on Universal Services impose a higher surcharge for terminating on fixed networks than it does for terminating on mobile networks?

*Answer:* Teleland has not provided the WTO with this information.

- Q9.** Does the term "Operators in Teleland" refer to operators from any country of origin currently with a commercial presence (mode 3) in Teleland?

*Answer:* The available information is in Case paras. 2, 8-9 and Attachment I (Teleland-Schedule of Specific Commitments).

- Q10.** Are funds raised from all incoming international calls via the universal services surcharge exclusively used for the "Universal Teleland Project"?

*Answer:* Yes.

- Q11.** Is a small portion of the contribution of 1% of annual revenues of operators in Teleland allocated to the "Universal Teleland Project"?

*Answer:* Yes.

- Q12.** Is the universal services surcharge on incoming international calls originating from Digiland operators directly paid to the Teleland government, or indirectly through Teleland operators?

*Answer:* Indirectly through Teleland operators, but the Teleland operators simply collect the fund for the government. The surcharges are not considered a part of the Teleland operators' revenues.

- Q13.** What are the possible criteria for the TCC to exercise its discretionary power regarding the additional licenses for mobile telecommunications services?

*Answer:* You need to make your own assessment of this if you think it is relevant.

- Q14.** When was the Data Protection Act of Teleland passed and when did it become effective?

*Answer:* The Data Protection Act of Teleland has been in operation for over 10 years.

**Q15.** What kind of personal data of the subscribers should the Database contain? And what interests do the Teleland measures protect?

*Answer:* The available information is in Case paras. 10-11.

**Q16.** Under MOC's interpretation of the Data Protection Act, are Database Administrators required to supply their database services through a commercial presence (mode 3) in Teleland?

*Answer:* You need to make your own assessment of this if you think it is relevant.

**Q17.** Are there any Database Administrator Services in Teleland?

*Answer:* No. At the time of panel establishment, DigiStar was the first and the only database management company that T-GlobalTone, T-Net and T-Mobility had entered into a contract for Database Administrator Services.