



Cat Kelly
Networks & Communications
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

22nd February 2022

Dear Cat,

RE: Ofcom Consensus Position options Paper WG22(02)

Thank you for the opportunity to comment on Ofcom's consensus position paper as discussed at the last Ofcom Working Group. I am writing on the instructions of Alex Blowers (INCA Chair), Max Fernando (Chair, INCA Standards Group) and Malcolm Corbett (INCA CEO).

To confirm, INCA is supportive of the Ofcom paper. We previously submitted a detailed position paper from the INCA Standards Group. This was later sent to the INCA Board. It has been updated in the light of Ofcom's Consensus Position Paper as attached to the email covering this letter.

The INCA position paper recommended the adoption of a scheme which:

- a) Clearly identifies a product which is gigabit-capable
and
- b) Clearly identifies the different connection types.

INCA therefore supports the Ofcom consensus paper with a preference for Option 1, detailed common terms. In INCA's view, the Ofcom paper:

1. makes it very clear which connections are "gigabit-ready";
2. allows for the essential distinction between Full Fibre and not-full-fibre;
3. allows future technologies to be included.

You ask for suggested amendments to any elements. Our comments are:

One issue is the definition of "gigabit-ready". There is already discussion about whether or not particular networks are "gigabit-ready". This definition needs to be clarified. Is this measured where the connection enters the premise or after the ONT (CPE)? Is it total speed or delivered speed after overhead?



Since the standards work came out of a decision by DCMS to support the roll-out of “gigabit-capable”, we suggest this should be clarified with BDUK as the National Competence Centre in this regard.

We note that their document “Detailed overview of the Gigabit Infrastructure Subsidy scheme 1 June 2021” states “Normally available and minimum download speeds may include the usual framing and packet overheads of the technologies used, provided that they amount to no more than a few percent of the total traffic i.e. data speed is defined as (user data traffic + overheads) / time”. It also indicates that this applies to the infrastructure itself. In this definition, a network connection that is rated at 1000 Mbps which allows a retailer to deliver a service of 900 Mbps would qualify as “gigabit-capable”.

This approach is something INCA supports. Further, it would be a source of confusion if the Ofcom Standards definition was different to BDUK’s – both reducing consumer confidence and providing a source of contention between organizations and Ofcom.

Another issue is the use of the word “current”. This may be correct now but in 5 years? The mobile phone and wireless industries use 3G / 4G / 5G and Wifi 5 / Wifi 6. Such an approach seems acceptable to consumers and is widely used. A similar approach for network technologies could be that we are now at Gen2 with Gen3 to come. Exact “generations” and what they would be termed would need to be discussed and agreed.

INCA suggests a protected trademark for gigabit-ready (“Gigabit Tick”) analogous to the “Digital Tick” in the TV industry changeover from analogue to digital. That worked really well for the consumer and was adopted throughout the industry from manufacturer to retail. It also provided a simple and low-cost mechanism by which correct use of the trademark could be controlled and, therefore, ensured consumer confidence in the marking.

INCA notes the use of protected logos in the same TV technology migration to communicate simply and clearly some technical concepts to the consumer – such as “HD-Ready”. This encapsulated some quite detailed technical issues in one protected name / logo. Again the same could be done for the different technologies: FTTP, FTTC, Cable and so on.



The benefits of such schemes in communicating clearly with and supporting the confidence of consumers will be well known to the relevant departments in Ofcom and DCMS and establish a useful precedence.

INCA agrees with the comments made in the last Working Group meeting that using common terms only “at point-of-sale” is too late. It opens the door to earlier descriptors in the customer journey being different and hence both a source of consumer confusion and a potential of misleading the consumer with concomitant issues under consumer protection legislation.

In INCA’s view, the agreed terms should be used throughout in all consumer communications from first to last. Schemes such as “Digital Tick” and “HD-Ready” are successful exemplars of how this could be done in our industry.

Lastly, INCA notes that Ofcom already clear definitions of different connection & network technologies both in the General Conditions of Entitlement and the Connected Nations report. All CPs should be well aware of these and use of them should not be contentious or debatable in any way. They are established industry and regulatory terms.

INCA suggests that one route forward could be taken straight away while the industry attempts to come to a consensus in the Ofcom WG (which may take longer than desirable). Ofcom could advise the ASA that these definitions already exist and are published and the ASA could use them to inform any deliberations they may have when considering whether a piece of communication meets their Code or not. They could also form part of any new code that may be drawn up when Ofcom has completed the current work.

In a nutshell, INCA supports the Ofcom consensus position paper. The above comments are intended to be positive and help improve any future Code. We will continue to support the work in Ofcom’s Working Group

Yours sincerely,

Mike Locke DCIM MCIM
Secretariat, INCA Standards Group