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gLAWcal
Comment #299

**PROVIDING THE INTERNET IS A
TELECOMMUNICATION SERVICE**

Based on

**Danny Friedmann “Rise and Demise of
US Social Media in China. A Touchstone
of WTO and BIT Regulations”**



gLAWcal
Global Law Initiatives for Sustainable Development



Routledge
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A **gLAWcal** comment on Danny Friedmann “Rise and Demise of US Social Media in China. A Touchstone of WTO and BIT Regulations” in Paolo Davide Farah and Elena Cima (Eds.) **China’s Influence on Non-Trade Concerns in International Economic Law**

The provisions of the General Agreement on Trade in Services (GATS), is a provision of WTO membership to allows access to domestic markets of telecommunications by foreign companies. This is generally cited by Chinese authorities as having little to do with allowing social media sites like Facebook, Twitter, and YouTube to operate unabated. Instead, their contention is that Internet is not a telecommunication service. On the contrary, the US Internet providers enjoy their telecommunication providing status, allowing them to have relatively little in the way of regulating what travels across their communication lines, noted as common carrier protections. Yet, this US principle would not do well in China, as the state would not enjoy common carrier protections. By the taxonomy cited in the text, social me-

dia is listed as internet information service, not offered the same protections as a full-fledged telecommunications service. The flood of information into the nation via foreign content creators is a headache for the Chinese government, who wish to curtail the influence of foreign governments on their citizens, and effort that requires them to be much more strict on their address of these products as compared to the US and EU, respectively. Instead, it may be necessary to consider this as an acceptable Non-trade Concern with future negotiations and iterations of this Article. China must be willing to give other concessions to allow such a remarkably different tolerance for foreign media as they have been thus far.

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The gLAWcal comments are insight and short analytical pieces written by the gLAWcal team. The gLAWcal comments are based on, and inspired by, the books and chapters published within one of the [gLAWcal book series](#) published by Routledge Publishing (New York/London).

gLAWcal is an independent non-profit research organization (think tank) that aims at providing a new focus on issues related to economic law, globalization and development, namely the relationship between international economy and trade, with special attention to a number of non-trade-related values and concerns. Through research and policy analysis, gLAWcal sheds a new light on issues such as good governance, human rights, right to water, rights to food, social, economic and cultural rights, labour rights, access to knowledge, public health, social welfare, consumer interests and animal welfare, climate change, energy, environmental protection and sustainable development, product safety, food safety and security.

OUR MISSION

To collaborate with Government, Civil society and business community to balance the excess of globalization with Non Trade Concerns.

OUR GOALS

To influence policymakers, to raise awareness over Non Trade Concerns, to encourage stakeholder participation, and to disseminate gLAWcal’s publication results.



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