

SECTION 23 NOTICE BY
THE INFORMATION AND COMMUNICATIONS TECHNOLOGY AUTHORITY
TYPES OF INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT)
NETWORKS AND SERVICES WHICH REQUIRE TO BE LICENSED BY THE
AUTHORITY

Date.....

Licensing provisions

1. This Notice is issued by the Information and Communications Technology Authority (the “Authority”) in accordance with the Information and Communications Technology Authority Law, 2002 (the “Law”). Section 23(2) of the Law requires the Authority to publish in the Gazette a notice specifying which types of Information and Communications Technology (ICT) Networks and Services are required to be licensed.

Types of ICT Networks and ICT Services which are required to be licensed

2. The Authority has determined that all ICT Networks are required to be licensed by the Authority with the exception of :

- a. Fixed Communication Systems used solely for a Person’s own use; or
- b. Free Space Communication Systems which are used solely for a Person’s own use and are operated within the spectrum range and the power limitations to be determined and published in the Gazette after consultation by the Authority;

3. For greater certainty, the following types of ICT Networks require a licence:

- a. public switched telephone networks, whether fixed, wireless or cellular, using either packet or circuit based switching or routing techniques;
- b. Communication Systems used for Interconnection;
- c. cable networks, cables and cable landing points, whether undersea or on land, which originate on, or terminate on, or traverse the territory of the Cayman Islands;
- d. Communication Systems incorporating orbiting or geo-stationary satellites, including Very Small Aperture Transmission (VSAT) satellites, which are used for the transmission of Messages; and
- e. dark fibre or other unlit fibre.

4. The Authority has also determined that all ICT Services that use an ICT Network to provide services to the public, whether or not for a fee or for commercial profit, are required to be licensed, except for Information Security Services specified in Note 1 of Table 2 in this Notice.

5. For greater certainty, the following types of ICT Services require a licence:

- a. Telephony -
 - i. All forms of wholesale telephony or any other form of supply of Communication System capacity, whether as interconnection services or as airtime, by one ICT licensee to one or more other ICT licensees;
 - ii. All forms of retail telephony involving the transmission to and from Subscribers of signals over Communication Systems, including the domestic and international transmission of voice, data, facsimile, moving image or still image messages, regardless of the method of transmission;
 - iii. All forms of providing (including selling, leasing, renting, gifting etc.) dark or unlit fibre to any Person;
- b. Television Services -
 - i. All forms of terrestrial television broadcasting transmitted from a station in the Cayman Islands;
 - ii. All forms of television broadcasting distributed by cable or satellite from a distribution point located in the Cayman Islands
 - iii. The streaming over the Internet of video material that originates in the Cayman Islands.
- c. Sound broadcasting services -
 - i. All forms of sound broadcasting transmitted from a station in the Cayman Islands:
- d. Internet and Applications services -
 - i. Internet Service Providers, regardless of the scope or type of services provided.
 - ii. Applications Service Providers, regardless of the scope or type of services provided.
- e. Other services -
 - i. Computer back-up and disaster recovery services which use any form of Communication System except if used solely for a Person's own use.
 - ii. The supply of directories listing in any medium, format or sequence information whereby the identity of Subscribers may be made public.
 - iii. The sale by wholesale or retail of ICT equipment by a supplier or intermediary located in the Cayman Islands.

Licence applications

6. Applications for new licences and for the renewal of existing licences must be made only to the Authority.
7. Subject to paragraph 8, with immediate effect, the Authority will consider applications for ICT network and service licences of the types listed in the following Tables 1, 2 and 3:

Table 1: ICT Network licences

| Type | Description | Comments or explanatory notes |
|-------------|----------------------|--|
| A | Mobile (cellular) 2G | Mobile networks usually referred to as "second generation" or "2G" and normally operating in the 800 to 900 MHz or 1800 to 1900 MHz frequency bands. |

| Type | Description | Comments or explanatory notes |
|------|---|--|
| B | Mobile (cellular) 2.5G | Mobile networks usually referred to as “two and a half generation” or “2.5G” and normally operating in the 800 to 900 MHz or 1800 to 1900 MHz frequency bands. |
| C | Mobile (cellular) 3G | Mobile networks usually referred to as “third generation” or “3G” and normally operating in the 1800 to 2200 MHz frequency bands. |
| D | Amateur radio | Radio transmitting and receiving equipment which is: (a) used for non-commercial purposes by private individuals; (b) operates on radio frequencies to be specified by the Authority following consultation; and (c) is limited in output power to a level to be specified by the Authority following consultation. |
| E | Aircraft radio | |
| F | Ship radio | |
| G | Spacecraft radio | |
| H | Private two-way radio (See note 1) | Radio transmitting and receiving equipment which may be fixed, portable or mobile and (a) is used (i) for commercial or non-commercial communication between private individuals; or (ii) between individuals working within one and the same organisation or on the same site; (b) operates at radio frequencies to be specified by the Authority following consultation; and (c) is limited in output power to a level to be specified by the Authority following consultation. |
| J | Fixed or “wireline” network | |
| K | Wireless network | |
| L | Microwave network | |
| M | Infra-red network | |
| N | Laser network | |
| P | Other free space optical network | |
| Q | Cable network (other than fibre) | |
| R | Cable network (using lit fibre) | |
| S | Cable network (using unlit or “dark” fibre) | |
| T | Satellite network | |

Note 1

Certain types of radio equipment which the Authority will require to be licensed in due course have not yet been fully defined for licensing purposes. The Authority will initiate public consultations in order to arrive at usable definitions, and these definitions will be published in a further Notice in this Gazette.

Table 2: Service licences

| Type | Description | Comments or explanatory notes |
|-------------|--|--|
| 1 | Fixed (“wireline”) telephony | |
| 2 | Wireless telephony (other than mobile) | |
| 3 | Mobile telephony | A service licence for mobile telephony may be issued where the applicant intends to construct no cellular network of his own but resells, under his own name or brand, capacity on the cellular network of another licensee. Such mobile telephony service operators are sometimes known as “virtual” operators. |
| 4 | Resale of telephony | Sometimes referred to as calling card services |
| 5 | Internet telephony | Voice over Internet and Voice over Internet Protocol |
| 6 | Public Service Television Broadcasting | Sometimes referred to as “on air” broadcasting |
| 7 | Subscription Television Broadcasting | Sometimes referred to as “cable broadcasting” or “wireless cable broadcasting”. Applicants should note that a Type 7 licence will not be issued without a Type 6 licence. In other words applicants wishing to provide a subscription television service must also provide public service television broadcasting. |
| 8 | Sound broadcasting | |
| 9 | Internet or Applications Service Provision | |
| 10 | Information Security Service Provision | Licensing by the Authority is optional at the discretion of the applicant. (See note 1) |
| 11 | Providing access to dark or unlit fibre | |
| 12 | Retail sale of ICT equipment | |
| 13 | The publication of directories derived from ICT subscriber records | |

Note 1

Information Security Services may be licensed by the Authority on application from Persons who wish to be so licensed, but such licensing is not mandatory. Where a Person wishing to provide Information Security Services makes application to the Authority for an ICT Service licence, the Authority will process that application in the same manner and to the same standards as it would process applications for any other type of ICT Service licence, and the Authority may decline to award such licence.

Table 3: Service licences issued by the Governor in Council under Section 23(3) of the Law, for the development of the Sister Islands

| Type | Description | Notes |
|------|--|---|
| 100 | The provision of off-site ICT Disaster Recovery and associated Services. | Applicable only to licensees operating within and from Cayman Brac or Little Cayman, and as further defined in their licence. |

8.
 - a. With the exception of sub-paragraph (b), the Authority may award licences of any type with immediate effect, but may specify a date or dates before which certain types of ICT Networks or ICT Services may not be put into operation.
 - b. No Licences relating to ICT Networks and ICT Services in which Cable & Wireless (Cayman Islands) Limited (“C&W”) currently holds exclusive rights of supply will be issued until the issuance of the Governor in Council Notice pursuant to section 75(4) of the Law. Such Licences, when issued, may be subject to deferred commencement and may not become operative until the effective date of the termination of the agreement between the Government of the Cayman Islands and C&W as specified by the Governor in Council in the notice published in the Gazette in accordance with section 75(4) of the Law.

APPENDIX TO NOTICE**Definitions**

1. The following terms have the same definition as those provided in the Law:

Authority
ICT
ICT Network
ICT Service
Interconnection
Internet Access
Licence

Licensee
Message
Person
Subscriber

2. In this Notice:

“Communication System” means facilities, equipment or components which are used for the emission, transmission or reception of Messages by any wire, cable, radio, wireless, microwave, laser, satellite, optical (including all free space optical techniques) or other electromagnetic system, or by any similar technical system, provided the facilities, equipment or components are located in the Cayman Islands, or operated from ships, aircraft or spacecraft registered or operating in the Cayman Islands. For the purposes of this Notice, the term “Communication System” includes a whole Communication System, equipment or facilities forming part of a Communication System, or an individual component of a Communication System.

“Free Space Radiation” means the transmission of a Message without the use of a conductor, and includes transmission through the use of: any part of the electromagnetic spectrum; radiation or other free space optic techniques; radio; microwave; wireless techniques; infra-red techniques; laser; or satellite.

“Free Space Communication System” means a Communication System that uses Free Space Radiation.

“Fixed Communication System” means any Communication System that does not use Free Space Radiation.

“Information Security Services” has the meaning given in the Electronic Transactions Law 2000.

“Internet Service Provider” means a Person who provides Internet Access to Subscribers.

“Notice” means this notice issued under section 23(2) of the ICTA Law.
