

Case Reference	R/E/I/043
Title	StarHub Cable Vision's (SCV) MaxOnline Diagram "Shared vs. Dedicated Access"
Case Opened	22 June 2004
Case Closed	26 August 2004
Complainant	SingNet Pte Ltd ("SingNet")
Respondent	Please see IDA's determination below.
Case Summary	<p>SingNet alleged that SCV's MaxOnline diagram on its webpage had breached Section 7.4.1 of the Telecom Competition Code ("Code"). Specifically, SingNet alleged that the diagram is factually inaccurate and is reasonably likely to confuse or mislead end users into believing that:</p> <ul style="list-style-type: none"> (a) SCV MaxOnline offers its end users dedicated connectivity – through one pipe dedicated to each individual end user – up to SCV's "MaxOnline Reservoir" (i.e. the cable broadband network) prior to entering the internet gateway; (b) the cable modem capacity is not shared until the "Gateway to the Internet"; (c) ADSL access speeds offered by ADSL providers are limited and constrained and less than that offered on cable modem (e.g. that the ADSL provider does not offer end users the actual speed that they subscribe for) whilst SCV's MaxOnline service appears to provide symmetrical upload and download speeds at much larger bandwidths; and (d) that the network capacity supporting the cable modem network is significantly larger than the network capacity supporting ADSL.

IDA's Determination	<p>IDA has assessed SingNet's request and concluded that SCV's MaxOnline Diagram has not contravened Section 7.4.1 of the Code. IDA notes that the diagram does not make actual reference to what the specific components of the illustration mean, so it can be open to interpretation. IDA is of the view that a reasonable reader would interpret the diagram in the context of the article that accompanies the diagram and the article does not make any of the claims as alleged by SingNet. Specifically, on the issue of dedicated vs. shared access, the article does state that "no Internet Service Provider can claim the advantage of a real end-to-end 'dedicated' access or a consistent speed at all times" due to the globally and publicly shared nature of the Internet, and SCV has also differentiated the diagrammatic depiction of cable and ADSL services through the label "Dedicated" for the latter service. As for the allegation on access speeds and network capacity, SCV has included a statement that the "MaxOnline 3000 product is the one with the highest download speed in Singapore for residential broadband, up to 3Mbps (3000Kbps), while ADSL plans in the market can only provide lower download bandwidths", which is not factually wrong.</p> <p>On balance, in reading SCV's webpage in its totality, IDA is of the view that there is no strong evidence to suggest that SCV's webpage as a result of the diagram is confusing and misleading to readers, and has the effect of restricting or is likely to restrict competition in the telecommunication market. IDA therefore rejected SingNet's Request for Enforcement against SCV for the breach of Section 7.4.1 of the Code.</p>
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