



# IoT: Understanding the Regulatory Framework

---

September 7, 2017  
SCG Legal Annual Meeting

**Anna M. Gomez**

[agomez@wileyrein.com](mailto:agomez@wileyrein.com)

202.719.7261

@AMG8697

# What is the Internet of Things?

- “Devices or sensors—other than computers, smartphones, or tablets—that connect, communicate or transmit information with or between each other through the Internet.” FTC
- 50 billion devices predicted to be connected by 2020
- Major growth driver for innovation in many industry sectors

# Industry Sectors

- Agriculture
- Automotive
- Health and Fitness
- Home Products
- Industrial/Shipping
- Retail
- Security
- Smart Cities/Buildings
- Unmanned Aircraft
- Utilities

# The Policy Issues

- Privacy
- Security
- Interoperability
- Spectrum and equipment/device certification
- State and local jurisdiction
- And more

# Regulatory Framework

- Very little U.S. IoT-specific regulation
- “Soft” vs. “Hard” Regulation
  - Reports and guidance vs. risk-based regulation
  - Enforcement (e.g., FTC)
- Even spectrum allocations are flexible allocations, not specific to IoT

# Innovation Blurs Traditional Regulatory Responsibilities

- Connected cars: DoT/NHTSA, FTC, FCC, state regulators
- Wearable health monitors: FTC, FDA, FCC
- Consumer products: CPSC, FTC, FCC, state enforcement
- Smart meters: DoE, FCC, FTC, state public utility commissions
- Inventory tracking: FTC, DoD, FCC
- Unmanned aircraft: FAA, DHS, FCC, states
- Everything IoT: NTIA, NIST

# Agency Examples

- Federal Trade Commission
  - Advocates consumer protection and developing codes of conduct
  - Staff report: *Internet of Things: Privacy and Security in an Interconnected World*
  - Power to pursue “unfair and deceptive” trade practices under the Federal Trade Commission Act

# Agency Examples (cont'd)

- National Telecommunications and Information Administration
  - IoT Green Paper on Fostering the Advancement of the Internet of Things
  - Multistakeholder processes to develop codes of conduct and best practices
- National Institute of Standards & Technology
  - Cybersecurity Framework and Cyber Physical Systems guidelines



# Agency Examples (cont'd)

- Federal Communications Commission
  - Assigns spectrum used by IoT products
  - Regulates devices that emit radio frequencies
- National Highway Traffic Safety Administration
  - Vehicle-to-vehicle communications rulemaking
- Federal Aviation Administration
  - Rules for unmanned aircraft systems



## Anna M. Gomez

[agomez@wileyrein.com](mailto:agomez@wileyrein.com)

202.719.7261

---