

IAMAI Submission on TRAI Consultation Paper on Regulatory Framework for Ground-Based Broadcasters

Established in 2004, the Internet and Mobile Association of India (IAMAI) is a not-for-profit industry body with 540 members, including Indian and multinational corporations, as well as start-ups. IAMAI has been instrumental in shaping India's digital economy. IAMAI advocates free and fair competition, and progressive and enabling laws for businesses as well as for consumers. The overarching objective of IAMAI is to ensure the progress of the internet and the digital economy. Its major areas of activities are public policy and advocacy, business to business conferences, research, promotion of start-ups and promotion of consumer trust and safety.

At the outset, we would like to thank the Telecom Regulatory Authority of India (TRAI) for giving stakeholders the opportunity to comment on Regulatory Framework for Ground-Based Broadcasters. Ground-based broadcasting is an emerging field which is not regulated at present. We commend TRAI's efforts to recommend a framework for Ground-based Broadcasters (GBBs). In order to facilitate the growth of GBBs, it is recommended that a light-touch regulatory framework be put in place rather than onerous compliances.

In addition to our issue-wise responses below, we would like to highlight the following:

- i. De-regulation will benefit the entire sector: While considering the regulatory framework for GBBs, it is suggested that there should be simultaneous levelling down of regulations for satellite-based broadcasters (SBBs) as well as distributors, while moving towards de-regulation of the entire sector, which will fuel the much-needed growth for all stakeholders. For example, the concept of the "must provide" obligation is outdated and discourages innovation and inefficiency, thereby negatively impacting consumer interests. Such concepts, along with price controls and other prescriptive obligations should be done away with for all players, whether broadcasters or distributors.
- ii. "terrestrial" should not be used to describe services of GBBs: The term "terrestrial" should not be used to define the technology for ground-based broadcasting as it creates confusion.
- iii. GBBs are more similar to platform services than satellite TV channels: Channels offered by GBBs are distinct from channels offered by satellite-based broadcasters (SBBs), as they generally cater to local audiences and show local programming on their channels.¹
- iv. Light-Touch regulatory framework: A light-touch regulatory framework would facilitate growth for GBBs. Similarly, the entire sector would benefit from light-touch regulations. Levelling down would accelerate growth and innovation for all stakeholders.

¹ Our member, Airtel has divergent views from the views expressed under this point.

IAMAI Submission

Q2. Should there be any distinction between ground-based broadcasters (GBB) and the satellite-based broadcasters (SBBs)? If so, what aspects/criteria should define such distinction? Please provide detailed justification for your response.

In 2014, TRAI made Recommendations on platform services offered by cable TV operators, in which it included *suo motu* recommendations on a regulatory framework for ground-based broadcasters providing “local channels” to cable operators.²

It is also worth noting that ground-based broadcasters are not restricted to single satellite-based transmission methods, like satellite broadcasters are. They can leverage multiple delivery channels, including fibre, terrestrial wireless technologies as well as cellular mobile technologies like 5G Broadcast, thereby allowing greater flexibility to ground-based broadcasters.

IAMAI Recommendation

It is stated that since GBBs and SBBs are distinct and there should be a separate regulatory framework for GBBs.³ In the event that GBBs are considered comparable to SBBs, an equivalent legal, licensing, and regulatory framework for both SBBs and GBBs is necessary to ensure a level playing field.

Q3. Under the scope of GBBs, should all terrestrial transmission medium(s) (excluding satellite communication) such as fibre, broadband, cloud, etc be permitted? If not, please provide detailed justification for your response.

The definition of “Ground-based broadcasting” provided in Question 1 of the Consultation Paper refers to programming services using terrestrial communication mediums to distributors of television channels. However, the interpretation under the current question appears to broaden the scope of terrestrial transmission mediums to include fibre, broadband, cloud, etc. This interpretation is inconsistent with the fundamental nature and framework of terrestrial transmission mediums and seeks to unjustifiably broaden the scope of the definition without any reasonable explanation.

IAMAI Recommendation

The word “terrestrial” should not be used to define the technology for ground-based broadcasting as it creates confusion. Terrestrial transmission is essentially transmission of signals over-the-air through terrestrial frequency bands and not by use of fibre, cloud, etc. Therefore using “terrestrial” would exclude transmission to distributors by other means, defeating the objective of defining ground-based broadcasters.

² Our member, Airtel has divergent views from the views expressed under this point.

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