

Times Network's Comments on

Consultation Paper

on

Ministry of Information and Broadcasting (MIB) back reference on TRAI's Recommendations dated 19.11.2014 on "Regulatory Framework for Platform Services" and MIB reference on TRAI's Recommendations on "Platform Services offered by DTH Operators" dated 13.11.2019.

Issued by Telecom Regulatory Authority of India

On

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WITHOUT PREJUDICE

INTRODUCTION :

The platform services are offered by the Distribution Platform Operators (DPOs) to give value added services to their customers and also to differentiate their offering from others with a view to not only attract more customers and also to retain existing customers. Such services also help in innovation and creativity and there is enrichment in the viewing experience of the consumers by such services. For example – the value added services in the form of interactive games, cartoon stories, question & answers, religious programs, weather updates, local information etc. are appreciated by different age-group of viewers. In addition, the platform services can offer premium or niche content in the form of showcasing the latest movies or recent movies or a movie premier on its platform which by payment of fee can be availed by subscribers who wish to watch. There may be certain exclusive content which a particular DPO would like to offer to its subscribers in the form of platform services.

It is good to know that the MIB is in process of evaluating and making a policy with regard to the platform services. We sincerely hope that this would be a light touch regulation. We find that most of the recommendations of TRAI which were made to MIB are considered favourably. We find that the Times Network's Comments dated 4th October, 2019 on the Consultation Paper on "Platform Services offered by DTH Operators" are also broadly aligned with TRAI's recommendations.

With the above preface, please find enclosed our comments on the issues raised in the consultation paper :-

(i) **Para 2.39 of the TRAI's Recommendations dated 19.11.2014**

TN Comments :

We concur with MIB's recommendation that the move to mandatorily convert the entities providing platform services, into companies, may defeat the objective behind the policy of ease of doing business.

However, at the same time, as suggested by TRAI, a uniform compliance structure should be worked out for Distribution Platform Operators (DPOs) providing PS, requiring them to provide full disclosures *including* ownership status, capital structure and details of KMPs and ensuring that they are covered within the ambit of the programming code and advertising code, as applicable to the broadcaster TV channels.

(ii) **Para 2.45 of the TRAI's Recommendations dated 19.11.2014**

TN Comments :

The number of platform services should be linked to the channel capacity of the DPO. We feel that a large number or unrestricted number of PS services interferes with the TV watching experience of the viewer and hence may not be desirable. Therefore, the PS channel number may be restricted to 5% of the channel carrying capacity subject to a maximum number of 15 TV channels.

LCOs may not be permitted to operate the Platform Services as with more than estimated 60,000 LCOs in business presently, it will be an uphill task to monitor the content from the point of view of Program and Advertisement Code. Secondly, as pointed out in TRAI's CP, this may not be technologically feasible in DAS environment where the content is inserted at headend level.

The above suggestions were made in our response to the previously issued CP on PS dated 28.08.2019, in respect of DTH Operators.

We agree with the Recommendation of TRAI that the maximum number of PS channels allowed should not exceed 15. Further, there is no need to have a separate provision for LCOs.

(iii) **Para 2.52 of the TRAI's Recommendations dated 19.11.2014**

TN Comments :

We agree that since the platform services offer programs being broadcast over a large audience, there has to be a security clearance of the DPOs offering PS services.

We concur with MIB's viewpoint that MIB would obtain the security clearance of all MSOs who wish to offer PS but were not MHA security cleared at the time of registration, while they run their PS.

It is further agreed that in case the MIB, before obtaining the security clearance, comes across any programming service offered on PS and registered on the online system being inimical to India's national security/ public interest, it may require the MSO / LCO to withdraw from distribution of the PS Channel or the programming service and / or cancel its registration.

(iv) Para 2.7 of the TRAI's Recommendations dated 13.11.2019

TN Comments :

We agree with the extension of the PS definition to all forms of DPOs viz. DTH, HITS, IPTV, MSO. However the word “exclusive” in the PS definition needs reconsideration.

(v) Para 2.16 of the TRAI's Recommendations dated 13.11.2019

TN Comments :

It is a logical step that the recommendations in respect of DTH are also extended to other distributors of TV channels i.e., MSO, HITS & IPTV.

(vi) Para 2.37 of the TRAI's Recommendations dated 13.11.2019

TN Comments :

Yes the option for activation/ deactivation of platform services should be provided to the viewer. However, in case the PS services are offered free of cost by the DPO, then it may be given even without exercise of option to the viewer, but if the viewer specifically chooses to unsubscribe even such FOC PS services, he should be provided with an option for that as well. Further, the PS channels should not be counted for the purpose of NCF by DPOs.

(vii) Para 2.45 of the TRAI's Recommendations dated 13.11.2019

TN Comments :

The PS services shall be categorised under “Platform Services” in the EPG along with the display of MRP if any. The insertion of caption “Platform Service” Or “PS” is required for distinguishing these from the regular TV channels.

- **Comments on any other issue relevant to the present consultation.**

TN Comments :

The proposed definition of Platform Services needs to be re-considered as “exclusive” content may pose certain operational difficulties. This may have far reaching consequences. For example – a content producer, once having shared the content with a particular DPO for showcasing the same on its platform service, will not be able to further monetize the same on other DPO platforms, which will result in restrictive practices and non-monetisation of

the content to the extent possible. Any such restrictions can only be through the business negotiations and arrangement between the parties. Even otherwise, in today's converged world, there cannot be a totally exclusive program and it will give rise to numerous disputes in the industry.

Thanking you,

Sanjay Agarwal
Times Network