

10th July, 2014

Telecom Regulatory Authority of India
Mahanagar Door Sanchar Bhawan
Jawahar Lal Nehru Marg
(Old Minto Road)
New Delhi – 110002

Subject: Response to the Consultation Paper No. 07/2014 on the Regulatory Framework for Platform Services

Kind Attn: Mr. Agneshwar Sen, Advisor (B&CS)

Dear Sir,

We thank the TRAI for this opportunity to express our views on the above captioned consultation paper and the same are as follows.

At the outset, we would like to refer to the letter dated 17th January, 2013 of the Ministry of Information and Broadcasting ('MIB') based on which the present consultation paper has been initiated. A bare perusal of the said letter clearly indicates that the reference made by the MIB is in relation to the transmission of local channels or ground based channels by Cable operators / MSOs only and there is no reference of DTH platforms in the said letter. Accordingly, it is clear that the Licensor of the DTH platform does not feel that any regulation is required for the services being provided by the DTH operators since the same are in line with the terms and conditions laid down under the DTH License. The intent of the MIB is to regulate the Platform Services ('PS') being offered by the Cable operators/ MSOs which are branded marketed and provided in a manner similar to permitted broadcaster channels and which are either in violation of Intellectual Property Rights of a third party or any applicable law of territory. It is an admitted fact that no such violation takes place in case of a DTH platform based on which the MIB required the TRAI to provide its recommendation on the PS of Cable operators/ MSOs. The TRAI has accordingly erred in placing the PS of DTH operators akin to PS of Cable operators / MSOs.

Our response to the consultation paper is without prejudice to our rights and contentions that the PS provided by Cable operators / MSOs cannot be compared with the PS provided by the DTH operators for the following reasons:

- 'Ground based, local channels' are channels over which the subscriber has no control over, are non-interactive, and as also specified in the MIB's letter, are apparently being shared inter and intra state between MSOs and are basically operating as State/Regional/National channels like permitted private satellite TV channels without getting any permission.
- On the other hand, PS offered on DTH platforms are services which subscribers can control and are interactive in nature. Unlike 'ground based, local channels', because DPOs are functioning on different combinations of operating standards and core technology, such interactive services cannot be shared with other platforms.

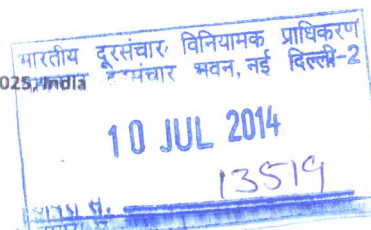
Further, even the MIB does not require the TRAI to conduct any consultation process for in respect of PS offered by the DTH operators.

In addition to our submissions below, we would like to state that MSOs have been granted the right to transmit 'ground based, local channels' under the Cable Television Network (Regulation) Act, 1995. In view of Government's current digitization drive, the TRAI should now ensure parity between

Advisor (B&CS-III)
Dy. No. 20
Date 9.7.14

DTH Association

3rd Floor, C-1, Wadia International Centre (Bombay Dyeing), Pandurang Budhkar Marg, Worli, Mumbai – 400 025
Tel +91-22-6613 3000 Fax +91-22-6613 3030





ASSOCIATION

DPOs by permitting DTH platforms to also transmit such 'ground based, local channels' as a regulated service similar to the requirements required by broadcasters.

1. Do you agree with the definition for platform services proposed in paragraph 1.6? If not, please suggest an alternative definition. Please elaborate your response with full justification.

Response:

The definition of and approach to PS provided in the consultation paper needs to adequately cover the 2 types of services being offered by the DPOs. Further, the meaning of the word 'Program' in the definition needs to be clarified.

2. Kindly provide comments on the following aspects related to programs to be permitted on PS channels:
 1. PS channels cannot transmit/ include
 - 2.1.1. Any news and/or current affairs programs,
 - 2.1.2. Coverage of political events of any nature,
 - 2.1.3. Any program that is/ has been transmitted by any Doordarshan channels or TV channels permitted under uplinking/ downlinking guidelines, including serials and reality shows,
 - 2.1.4. International, National and State level sport events/ tournament/ games like IPL, Ranji trophy, etc.
 2. PS channels can transmit/ include
 - 2.2.1. Movie/ Video on demand
 - 2.2.2. Interactive games,
 - 2.2.3. Coverage of local cultural events and festivals, traffic, weather, educational/ academic programs (such as coaching classes), information regarding examinations, results, admissions, career counseling, availability of employment opportunities, job placement.
 - 2.2.4. Public announcements pertaining to civic amenities like electricity, water supply, natural calamities, health alerts etc. as provided by the local administration.
 - 2.2.5. Information pertaining to sporting events excluding live coverage.
 - 2.2.6. Live coverage of sporting events of local nature i.e. sport events played by district level (or below) teams and where no broadcasting rights are required.

Response:

A negative list of content which the PS should not include, such as pornographic channels, secret/anti national message, any content which hurts religious sentiments, content which violates the Program Code and Advertising Codes, may be provided instead of a list of permitted content, to ensure active innovation in interactive services to ensure additional choice and variety to subscribers. In this regard, it is also important to note that the DPO should be required to have the permission from the owner of a movie before making the same available on its platform. It is common knowledge that movie piracy takes place on the Cable platform and the present consultation papers aims to establish a framework under which the Cable platforms are not permitted to violate any third party rights.

3. What should be periodicity of review to ensure that the PS is not trespassing into the domain of regular TV broadcasters?

