

Date: 4/5/2018

To,

Advisor
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
New Delhi-110002.

Subject: IMCL response on TRAI's Consultation Paper on "Issues related to Placing of Television Channel on Landing Page"

Dear Sirs,

We thank you for giving us the opportunity to respond to the consultation note on above

Same is enclosed for your review and consideration

We have herewith enclosed our comments on the consultation paper questions.

Yours sincerely,

Subhashish Mazumdar
(IndusInd Media & Communications Ltd)



**INDUSIND MEDIA & COMMUNICATIONS LTD
HINDUJA MEDIA GROUP
RESPONSE TO CONSULTATION PAPER OF TRAI**

Q1. Do you feel that emerging concept of placing TV channel on landing page can influence TRP ratings? Suggest the action which may address the issue with justification.

- 1.1 The question posed by the TRAI is framed in a manner that it assumes certain facts and therefore it is relevant to set out a brief background before answering the issue of the influence on TRP Ratings.
- 1.2 A distinction requires to be made between “impact on television ratings” by exercise of consumer choice and “distortion of television ratings” without the exercise of consumer choice. There are various legitimate means for broadcasters to attract consumers to their content and thereby improve their television ratings without distorting television ratings or impacting consumer choice.
- 1.3 The safeguarding of consumer choice has been adequately provided through the implementation of an electronic programming guide and by providing under the DAS Regulations 2013 (i) every broadcaster declare the genre of its channel (ii) each channel appear in its genre and only once. The placement of TV Channels in the Electronic Programme Guide is the right of the MSO under the Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) Regulations, 2012
- 1.4 One of the cornerstones of broadcasting regulation is that the consumer should be given a choice to view the content of its choosing and the broadcaster should be given the opportunity to place its content before the consumer. The electronic programme guide organizes channels within genres in an easily accessible manner such that the consumer is able to move to a channel of its choosing either thorough channel number or by scrolling at all the available options within the genre menu in the electronic programme guide.
- 1.5 . Within every genre the first channel within the genre may attract more views than the fifth channel. However, ultimately the consumer would have access to all the channels within the genre in an easily accessible manner by way of electronic programme guide. the aspects of charging placement fee by MSOs is the charging

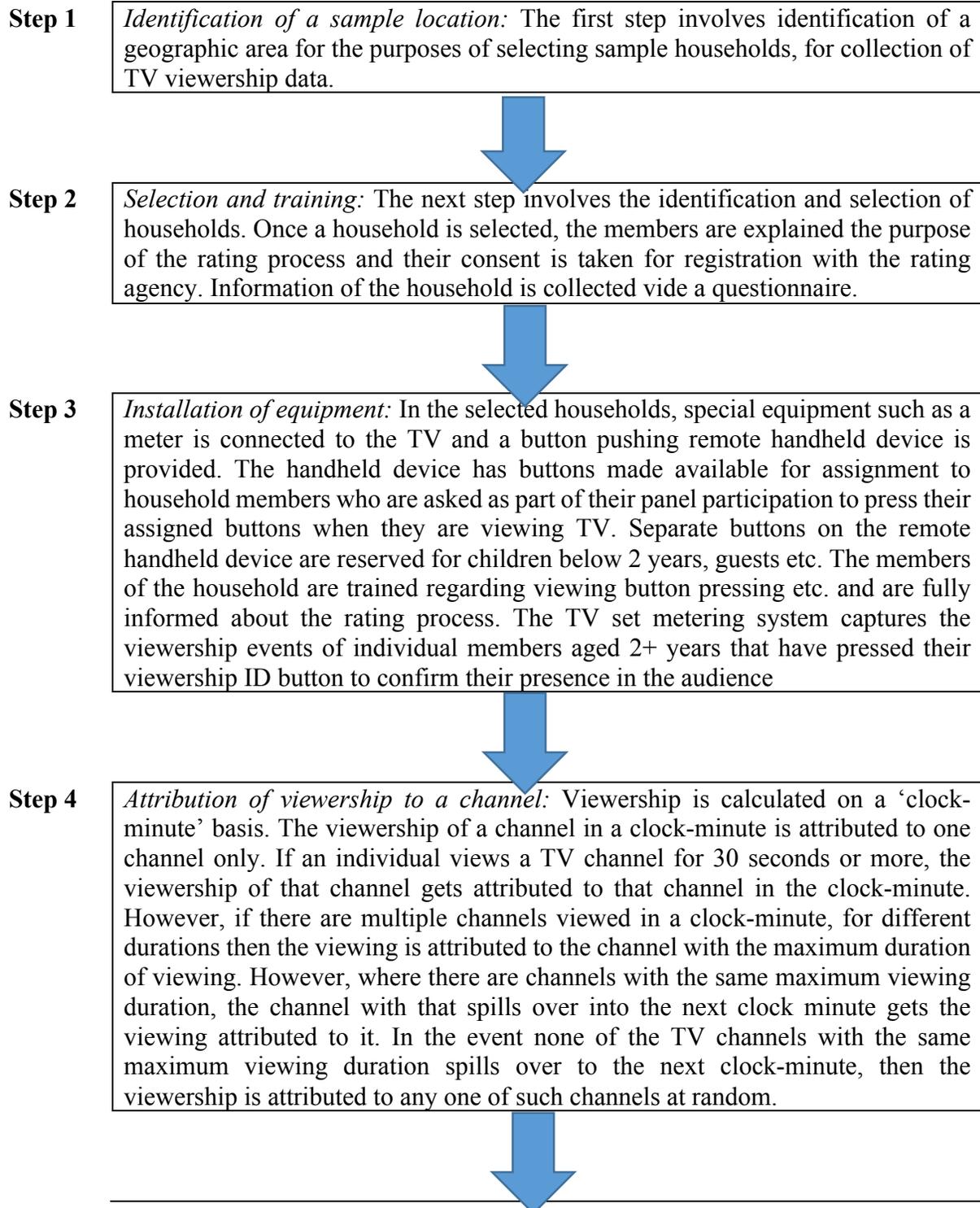
of a fee for placing a channel in at a number where it can attract viewers to its content and allow the viewer to exercise the choice to view that content

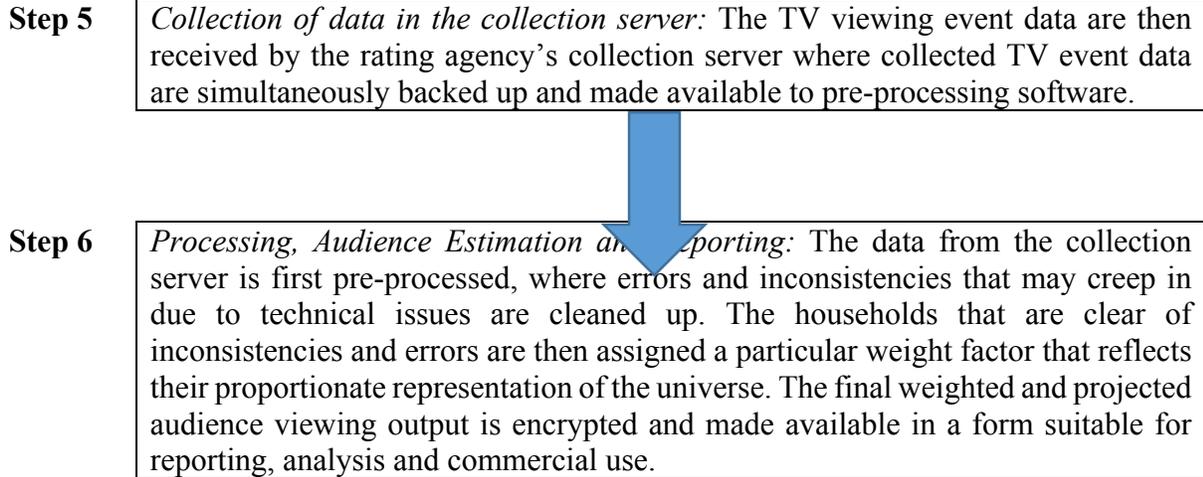
- 1.6 Indeed placing a channel on the landing page is not the only way in which broadcasters attract viewership for their content. For example, certain sports content is advertised regularly across channels resulting in attracting viewership to that content and thus increasing the TRP of the channel which displays that content. Indeed, the entire revenue model of the Broadcasters is based on advertising products to consumers through selling ad-slots. A product that is advertised extensively also achieves more sales. However, this can not be assumed as a distortion of consumer choice, but indeed a means for the advertisers to bring their products to the consumers by means of displaying the product available to the consumer. It always depends on the choice of the consumer that which channel it wishes to watch and not the position of the channel.
- 1.7 In the above context we must examine the role of the landing page on consumer choice. The landing page is the page that opens when the step top box of a subscriber is switched on after it has been switched off. The landing page offers the channel the opportunity to present its content before the viewer who may not be aware of the channel or the option to view such content.
- 1.8 There is no restriction or obligation placed on the subscriber to view the channel which opens as the landing page. The consumer may by a simple click of the button on the remote open the channel of its choosing through the user friendly electronic programme guide or may choose to view the landing page channel only if the channel is to the consumer's liking.
- 1.9 The landing page therefore has no effect on consumer choice and on TRPs. However if a channel being placed on a landing page and consumer stays on that particular channel then it is not a distortion of consumer choice, but an expression of consumer choice.
- 1.10 The inherent mistake in the TRAI approach to the issue of landing page is that the TRAI's entire approach is based on a very basic understanding of consumer choice and consumer behaviour and does not appreciate the benefit that the advantageous placement of a channel on the landing page has on enabling consumer choice to view new and different content, if the consumer so chooses.
- 1.11 The TRP ratings are a measure of consumer preferences and not the basis of consumer preferences. The TRP is only meant for advertiser and has nothing to do

with the subscribers and even this can be ascertained that a normal subscriber does not subscribe to the reports on TRP.

- 1.12 There is no study which suggests that TRP has any influence on subscriber viewing rather it is a tool for generating advertisement by the Broadcasters. The subscriber is not bothered about which channel is coming first or last and it sees only that channel which the subscriber wishes to watch. Therefore placing TV Channels on landing page cannot distort TV ratings/restrict consumer choice.
- 1.13 The basic reason why landing page does not distort consumer choice is that a consumer is not required to stay on the landing page and the electronic programme guide allows the consumer to seamlessly navigate to the channel of its choice. The choice of the consumer to remain and continue to watch landing page content is as much an informed choice as a choice to switch to a channel.
- 1.14 The only potential distortion that is highlighted in the consultation paper is that a consumer may involuntarily provide a TRP minute to a channel on the landing page if a consumer views the channel for 30 seconds prior to exercising its choice. The consumer always has choice to go to its wished channel as soon as he switches on the STB. The same can be achieved in few seconds leave aside 30 seconds. There is no study by TRAI which suggests any impact of rating due to first 30 seconds viewership.
- 1.15 The advantage of the landing page is not as TRAI envisages – i.e. a conspiracy to distort television ratings by seeking to garner rating for a potential/perceived risk of first 30 seconds of involuntary viewership, which itself has not been demonstrated.
- 1.16 The advantage and purpose of the landing page is to inform the consumer and enable the consumer to exercise the choice to view the channel that appears on the landing page. The landing page like any other form of advertisement is thereof an enabler of choice and ultimately any increase in television ratings of a channel placed on landing page, if it occurs, is a consequence of the consumer choice to view the content and not change the channel on Electronic Programme Guide. Anyways when the subscriber switches on the STB then it will land on some LCN and from there he can surf the remaining channels which is exactly the same case when any LCN is designated as landing LCN. It may be noted that it is the LCN which becomes as landing page and not the particular channel.

1.17 In fact, the entire TV rating measurement process itself provides adequate safeguards on the TV rating process. The entire process of collection of TV rating data is briefly represented below in a step flow chart (Source:BARC)





The Consumer who participate in BARC ratings are well trained and informed about the process involved in capturing the data hence there is no probability of having any impact on capturing the viewership data from such household.

From the above rating methodology it is clearly borne out that landing page will not affect ratings as the TV set metering systems capture the viewership events of individual members aged 2+ years that have pressed their viewership ID button to confirm their presence in the audience. Even otherwise, it is the consumer’s choice (only from a sample household) which impacts the ratings. The viewers in the sample household make an informed choice while viewing channels so as to contribute to the collection of data for viewership of channels and therefore any possible distortion of ratings is unlikely.

Finally, it is important to emphasise that the practise of placing a channel on the landing page is not an emerging practise. It is a consistent practise that has been followed for several years .

Q2. Should concept of landing page be defined? If so, please suggest the definition of the landing page with justification.

2.1 The landing page is the LCN number that opens when the set top box is switched on. This term is well understood and does not require any definition.

Q3 Will defining Framework for placing TV channels on landing page affect the present business model of distributors? If so, will it be considered impacting the freedom to do business by distributors of TV channels? Give your suggestions with justification.

We believe that the placement of channels within the electronic programme guide is already regulated in the DAS 2012 regulations. The DAS regulations and the electronic programme guide represent sufficient and reasonable restrictions on the placement of television channels. Any further restriction would amount to interference and intrusion and day to day micro management of business affairs of the DPOs which in turn will clearly be unreasonable and fall foul of the constitutional right of the MSOs to freely operate their business.

Q4. Is landing page a natural choice of consumer while viewing TV channels? If not, why should channels, whose TV ratings are released by TV rating agency, be placed on landing page? Give your comments with justifications.

- 4.1 The landing page is the natural choice of the consumer or not is totally a misnomer as it always dependent on the consumer choice to stay on that LCN or navigate to any other LCN. In fact such a presumption bring into question the entire utility of having an electronic programme guide to allow seamless transition to channels of choice.
- 4.2 The landing page is only the channel which opens when the set top box is switched on. The viewership of the channel is not dependent on being placed on the landing page, but in the decision of the consumer to stay on the landing LCN. Consumers are well aware of the ability to change a channel and the viewership of the channel is only indicative of a choice to view that channel without any restriction or compulsion.
- 4.3 In response to question 1 it is already explained that the TV channels seek to be placed on the landing LCN not because there is a direct nexus between the landing LCN and increase in TRP ratings, but because the landing LCN offers a potential to inform the consumer of the choice to view the channel on the landing LCN.

Q5. Whether placing of a TV channel on landing page increases television ratings? If yes, why TV Channels, whose TV ratings are released by TV rating agency, should not be barred from being placed on landing page? If no, why broadcasters are eager to place their channels on landing page? Give your suggestions with justification.

- 5.1 There is no nexus demonstrated between placing a channel on the landing page and television ratings in the experience of the MSO's there have been no instances where the landing page channel increase in ratings significantly, while in other cases this may have a de-minimums or no impact. In our opinion the whole assumption of TRAI that placing a channel on landing LCN distorts consumer

choice without undertaking any kind of study is completely de hors the realities of business prevalent today.

5.2 The landing LCN only offers an option to the consumer to view the channel appearing on the landing LCN. The landing LCN therefore provides an opportunity to broadcasters to showcase their content and inform the users of about their content. The direct and proximate cause of any increase in television ratings of a TV channel after having been placed on the landing LCN, is not the placement on the landing LCN, but the consumer choice to continue to watch the channel in question. This explains why there is no linear correlation between landing page and ratings.

Q6. What should be the criteria/consideration to put a TV channels on landing page? Give your suggestion with justification.

6.1 There should be no such criterion for placing a channel on landing page as explained in response to 1 above.

Q. 7 Do you think the influence, if any, in television ratings by placing of TV channels on landing page can be mitigated through changes in measurement methodology of television ratings? Give your suggestions with justifications?

7.1 As stated above, in our opinion the whole assumption of TRAI that placing a channel on landing LCN influence Television rating is misnomer and current consultation is based on presumption and surmises without undertaking any kind of study

7.2 Further as stated above there is no correlation between channel rating and placing channel on landing LCN hence the above question does not arise.

Q8. Please comment on the feasibility to implement user's 'last visited page' as landing page in distributors' network?

If technically feasible, there is no issue

Q9. Should the landing page be used to place TV channels not having TRP rating or only to provide platform specific information? Give suggestions with justification.

If the TRP is not reported for the landing page channel, broadcasters and advertisers would not be able to judge the benefit of advertising on the landing page. It is very short sighted to stop the TRP reporting of the landing page. Even if a channel chooses not to be reported on TRP but consumer continues to watch it on the landing page the channel will still attract advertisers. The non-reporting of TRP will only create an information deficit.

We feel hence that there is no nexus between TRP rating and channel placed on landing LCN hence this question itself is irrelevant however any more regulation than what it is prevalent today will be an intrusion in Freedom of DPOs to do the business and moreover there is no classification of TRP and non TRP channels and further there is no list prescribed for TRP and non TRP channel by any authority. .

Q10. Any other suggestions/comments related to the issue under consideration?

NIL