

**WITHOUT PREJUDICE**

**TIMES NETWORK'S COMMENTS ON THE CONSULTATION PAPER ON  
PLATFORM SERVICES OFFERED BY DTH OPERATORS DATED 28<sup>TH</sup>  
AUGUST, 2019**

**DATE OF SUBMISSION OF COMMENTS: 4<sup>TH</sup> OCTOBER, 2019.**

**INTRODUCTION:**

The platform services are offered by the DTH operators 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 but 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 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 DTH operator would like to offer to its subscribers in the form of platform services. However such platform services should not turn into a regular TV channel, for which there are specific regulations and compliances. There is a need to have some kind of light touch regulations for the same in view of the fact that similar services are also being regulated for regular TV channels.

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

**Q 1: Do you think programmes of the PS should be exclusively available on one single DTH operators' network only to qualify as a PS channel for the DPO ? Should there be any sharing of such programmes with other DPOs ? If yes, please provide justification and if no, the reasons thereof.**

Ans : The condition of programmes being exclusive to a single DTH operator is not warranted. This can have far reaching consequences. For example – a content producer, once having shared the content with a particular DTH operator for showcasing the same on its platform service, will not be able to further monetize the same on other DTH / DPO platforms, which will result in restrictive practices. 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.

There should be no restrictions on sharing of the content with other DPOs. To substantiate this by an example, if a new movie is released by one DTH operator on its MOD or PPV platform, can there be restriction that it cannot be shown on any other DTH/DPO platform at any point of time? Hence such restrictions would be unwarranted and not logical.

**Q 2: In case answer to Question 1 is no, how it can be ensured that programmes of the PS are exclusively available only on single DTH operators' network? What conditions are to be imposed in registration/license/guidelines ?**

As stated above, there is no need to define the platform services by the exclusivity of the content.

**Q 3 : Is there a need to revisit/review the earlier recommendations of the Authority dated 11th November, 2014, relating to keeping recording of all PS channel programs for a period of 90 days and maintaining a written log/ register of such program for a period of 1 year by the DPO from the date of broadcast and the role of Authorised Officer and the State/ District Monitoring Committee and MIB as monitoring authorities.**

In view of the massive growth of online video and content, further restrictions on the video on the traditional forms of broadcasting is unwarranted as it can lead to creation of non-level playing field. However it is important that the content available on the platform services adhere to the program and advertisement code and hence the stipulation of 90 days of recording can be made in respect of platform services similarly on the lines of the requirement for TV channels. However there is no need for further mandating the maintaining of a written log/register of such program for a period of 1 year. The monitoring authority shall only remain with MIB and not with state/district monitoring committees as there are only 4-5 DTH service providers in the country and MIB through its present mechanism can effectively monitor the same.

**Q 4: What should be the Registration fee/Annual fee for PS per channel? And how it is to be estimated?**

The registration fee can be kept at around Rs. 1,00,000/- to register each PS channel. Annual fees should also be charged for the PS channel.

**Q 5: How many PS channels are to be allowed to DTH operators and Why ?**

The number of platform services should be linked to the channel capacity of the DTH service provider. Hence , the PS channel number may be restricted to 5% of the channel carrying capacity subject to a maximum number of 15 TV channels. A large number or unrestricted number of PS services interferes with the TV watching experience of the viewer and hence may not be desirable.

**Q 6: Whether PS channels should be placed separately on EPG to distinguish them from regular TV channels ? If yes, how these channels are to be placed ?**

Yes PS channels should be placed separately in the EPG. As the TV channels are placed in the different genres, a separate EPG genre may be made by the DTH operators and all PS channels should be placed there so that the viewer is clearly able to navigate and get access to the PS services whenever he likes. It will also not cause confusion in the mind of the viewer.

**Q 7: Should there be any provision for displaying name and sequence number of PS channels in a particular font size under the heading 'PS' or 'Value Added Services' on TV screen so as to distinguish them from the regular TV channels ? If yes, please provide justification.**

Yes, there shall be a provision for displaying name and sequence number of PS channel in a particular large font size under the heading PS or VAS on TV screen so that they are distinguishable from the regular TV channels. This will not cause confusion in the mind of the consumer and he will be able to easily identify such channels and may watch such channels accordingly by way of payment / free viewing. Such segregation will also help the viewer to look for PS channel when he wishes to watch the particular programming related to information, weather, traffic, games etc.

**Q 8: Should PS channels be also categorised in specific genre such as 'Devotional' or 'General Entertainment' or 'Infotainment' or 'Kids' or 'Movies' or 'Music' or 'News and Current Affairs' or 'Sports' or 'Miscellaneous'? Please provide proper justification for your answer**

There is no need to categorize PS channels under different genres. But they should be grouped separately in the EPG to avoid intermingling with the regular TV channels. Such inter-positioning of PS services also interrupts consumer viewing. No PS channel shall be allowed to be placed in between the broadcaster channels which actually, in effect, change the order of the channels in the genre and any such practices should be considered as discriminatory and should not be allowed. For example- if a viewer of news

channel is surfing through the news genre to know the different stories being carried on different channels, he may find it irritating to find a PS channel inserted in between.

**Q 9: Stakeholders may also provide their comments on any other issue relevant to the present consultation.**

The PS channels should be treated as VAS and not as separate channels as the regular channels are subject to various regulatory compliances. Further the subscription to such channels by the viewers should be purely on optional basis.

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