



भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA

भारत सरकार/Government of India

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DIRECTION

Dated: 2nd February, 2016

Subject: Direction to Broadcasting TV service providers, under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997, to stop display notice of disconnection or discontinuation or non-availability of TV channels by way of full or partial 'on screen display' messages on TV screens.

No. 3-104/2015-B&CS –Where as the Telecom Regulatory Authority of India [herein after referred to as the Authority], established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as TRAI Act, 1997), has been entrusted with discharge of certain functions, inter alia, to regulate the telecommunication services; lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect interest of the consumers of telecommunication service;

2. And whereas the Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunications), vide its notification No.39,

(a) issued in exercise of powers conferred upon the Central Government by the proviso to clause (k) of sub-section (1) of section 2 of the TRAI Act, and

(b) published under notification number S.O.44(E) dated the 9th January, 2004 in the Gazette of India, Extraordinary, Part III, Section 4, has notified broadcasting services and cable services to be telecommunication services;

3. And whereas the Authority has, in exercise of powers conferred by the TRAI Act, 1997, read with notification of the Government of India, in the Ministry of Communication and Information Technology (Department of Telecommunication) No.39, made the Telecommunication (Broadcasting and Cable Services) Interconnection Regulations, 2004 (13 of 2004) as amended from time to time, (hereinafter referred to as the regulations);

4. And whereas, instances have come to the notice of the Authority wherein the service providers display full screen or partial screen on screen display (OSD) messages conveying, inter alia, the information to the consumers regarding disconnection or discontinuation or non-availability of channels.

5. And whereas the 'on screen display', in general terms, refers to text messages or graphics displayed over the TV screen, partially or fully hiding the view of the programmes run on the TV screen.

6. And whereas, the sub-regulation 4.2 and 4.3 of regulation 4 of the regulations reads as under:-


2/2/16

"4. Disconnection of TV channel signals

4.2 No distributor of TV channels shall disconnect the re-transmission of any TV channel without giving three weeks notice to the [broadcaster or multi system operator or HITS operator, as the case may be] clearly giving the reasons for the proposed action.

4.3 A broadcaster/ multi system operator/ distributor of TV channels shall inform the consumers about such dispute to enable them to protect their interests. Accordingly, the notice to disconnect signals shall also be given in two local newspapers out of which at least one notice shall be given in local language in a newspaper which is published in the local language, in case the distributor of TV channels is operating in one district and in two national newspapers in case the distributor of TV channels is providing services in more than one district. The period of three weeks mentioned in sub-clauses 4.1 and 4.2 of this regulation shall start from the date of publication of the notice in the newspapers or the date of service of the notice on the service provider, whichever is later.

Explanation

1. In case the notice is published in two newspapers on different dates then the period of three weeks shall start from the latter of the two dates.
2. Broadcaster/multi system operator/ distributor of TV channels may also inform the consumers through scrolls on the concerned channel(s). However, issue of notice in newspapers shall be compulsory."

7. And whereas sub-head "Finger Printing requirement" of the schedule IV annexed with the regulation provides as under:-

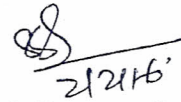
"(B) Fingerprinting Requirements:

1. The finger printing should not be removable by pressing any key on the remote.
2. The Finger printing should be on the top most layer of the video.
3. The Finger printing should be such that it can identify the unique STB number or the unique Viewing Card (VC) number.
4. The Finger printing should appear on all the screens of the STB, such as Menu, EPG etc.
5. The location of the Finger printing should be changeable from the Headend and should be random on the viewing device.
6. The Finger printing should be able to give the numbers of characters as to identify the unique STB and/ or the VC.
7. The Finger printing should be possible on global as well as on the individual STB basis.
8. The Overt finger printing and On screen display (OSD) messages of the respective broadcasters should be displayed by the MSO/LCO without any alteration with regard to the time, location, duration and frequency.
9. No common interface Customer Premises Equipment (CPE) to be used.
10. The STB should have a provision that OSD is never disabled. **provides that the STBs should have provisions that the On Screen Display is never disabled and the Overt finger printing and On screen display (OSD) messages of the respective broadcasters should be displayed by the MSO/LCO without any alteration with regard to the time, location, duration and frequency.**

8. And whereas as per the industry practice an alpha-numeric number is displayed on the screen in a random fashion to identify the piracy of TV channel.

9. And whereas, the publication of such 'on screen display' which obstructs the viewing of TV programmes, to convey the information regarding disconnection or discontinuation or non-availability of channels severely disturbs normal viewing, causes annoyance and affects the quality of viewing of the consumer.

10. Now, therefore, the Authority, in exercise of the powers conferred upon it under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), to protect the interest of service providers and consumers, directs all the Broadcasters, DTH operators, HITS operators, IPTV Operators and MSOs to stop displaying notice of disconnection or discontinuation or non-availability of TV channels by way of full or partial on screen display messages on TV screens immediately and report compliance within 21 days to the Authority.



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