

**DEN**

**COMMENTS BY**  
**DEN NETWORKS**  
**LIMITED ON**  
**CONSULTATION PAPER**  
**ON ISSUES RELATED**  
**TO PLACING OF**  
**TELEVISION CHANNEL**  
**ON LANDING PAGE**



## **PREAMBLE**

At the outset, we at **DEN NETWORKS LIMITED** (DEN) wish to express our sincere gratitude to the Telecom Regulatory Authority of India (the Authority) for its support, cooperation in the establishment and growth of Broadcasting & Cable TV industry in India and also resolving various issues, which have arisen from time to time.

In continuation with its vision for growth, streamlining and revamping the said industry, the Authority has been pro-actively working towards resolving various issues that have been arisen in the due course of operations of the stakeholders, be it the Multi System Operators (MSOs), Broadcasters, Cable Operators etc.

Now, keeping the view the complaints received by the Authority on the issue of Landing page may affect or influence the TV viewership and may lead to unnatural benefits to the ratings and accordingly, the Authority has come up with a Consultation Paper on "Issues related to Placing of Television Channel on Landing Page" to understand the view of the Industry players.

We specially thank the Authority for providing us an opportunity to submit our response on the same.

## **COMMENTS ON THE CONSULTATION PAPER ON CONSULTATION PAPER ON ISSUES RELATED TO PLACING OF TELEVISION CHANNEL ON LANDING PAGE**

**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.

**Den's Response** – Before commenting on any of the issues, we would like to clarify that landing page would not be a proper term as it's the LCN which is assigned. It is respectfully submitted that there is no conclusive study or report which suggests that placing of TV channels on landing LCN influences TRP ratings. Hence, we disagree that placing of TV channel on landing LCN can influence TRP rating. There are variable factors responsible for affecting TRP ratings such as content of the channel, prime time, viewing pattern of consumers, telecast of live events etc. For



example if we agree with above proposition in affirmative in that case only channels having placed on landing channel should top the TRP ratings irrespective of other factors such as content on channel or live telecast of some sports event or event of national importance. Thus, attributing TRP influence to landing page is not only vague but lacks conviction.

Further, the Consultation paper itself suggests that there are various factors which affects the TRP ratings and if at all landing may have any impact or bearing on the TRP it may be of negligible magnitude.

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

**Den's Response** – The concept of landing LCN has been existing in industry parley for a long period may be not in form of definition though. So far the understanding of landing LCN across industry has been that any channel which is viewed as default on switching on of TV screen by the consumer.

Hence, we would respectfully submit that the Authority may define the concept of landing page based on industry practice without any rider or conditions.

**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.

**Den's Response** – Yes, any definition of landing LCN deviating from current industry understanding will certainly affect the present business model of distributors. It is respectfully submitted that the concept of landing LCN has been in existence from Analogue regime much before the idea of Digital Addressable System (DAS) was mooted. In fact, the Authority has also acknowledged in this consultation paper that landing LCN has been a source of income for Distributor of TV channels and Broadcasters have exercising these services as tool for promotion. It can be noted from the Reference Interconnect Offers (RIOs) of different Broadcasters that incentives offers are also based on positioning of Channels including landing LCN.

We would also take this opportunity to point out to the Authority that recent implementation of DAS has taken a toll on the finances of the Distributor of TV channels as all the investments were solely made by the any new regulation negatively impacting the revenue may lead to a situation where business for Distributor of TV channels is likely to become unsustainable and pushing them to the verge of collapse.

**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.



**Den's Response-** No, the landing LCN is not natural choice of the consumer while viewing TV channels. However, the consumer may or may not like the content being retransmitted on the landing LCN and naturally the consumer shifts to its choice of channel after switching on the television set. It is respectfully submitted that in case of scenario where no landing channel is assigned, number 1 channel of first genre will automatically become the landing LCN and again consumer may or may not like the same. Further, the classification of channels of whose TV ratings are released by TV rating agency has nothing to do with consumer choice. Again the consumer may or may not like the content of channels of whose TV ratings are not released by TV rating agency.

We would also like to submit that it is postulate to say that landing LCN impacts the well-established eco system of TV rating agencies. Further, landing LCN serves as platform for the broadcasters to reach out wider audience for launce of new programming/content. Thus, in our view, there should not be any restriction on placing of any channel irrespective of TV ratings over 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.

**Den's Response –** So far there has been no conclusive study or report confirming the fact that placing of TV channels on landing LCN increases the Television Rating. Assuming but not accepting that placement of TV channels increases TV ratings, the TV Channels on landing LCN should always top the chart irrespective of other factors whereas the fact is the TV ratings keeps changing every week regardless of placement of TV channels on landing LCN. Similarly, we have not come across any study which suggest otherwise also as TV channels ratings dropped after displacing the channel from landing LCN.

The Broadcasting sector has been seeing a healthy competition and in our limited knowledge, what we can say is that Broadcaster is using landing LCN as a tool to promote its channels on the similar lines as they uses hoardings, radio messages, electronic and newspaper etc. This is similar service to that of home LCN on website accessed by the consumer which prompts interest of the consumer in the programming services and consumer can take the informed decisions to either stay or switch to another TV channel.

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

**Den's Response –** In our respectful submission, we would like to state that there should not be any restriction on placing of TV channels on landing channels. We



would like to submit that such call should be left to market forces. Further, any restriction on landing LCN at moment will adversely affect the already debt ridden Distributor of TV channels who have invested heavily in the process of digitization.

**Q7.** 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?

**Den's Response** – We understand from the letter dated 05 April 2018 whereby the Ministry of Information & Broadcasting has directed the TV rating agency to discontinue adoption of landing channel for the purpose of measurement of television ratings.

Further, the current methodology suggests that the channels where the consumers views the TV channels for at least a minute and maximum time spent in that one minute over a channel is recorded for the purpose of audience measurement of TV ratings. Thus, a consumer would have to spend at least 30 seconds on a single channel and it is unlikely that consumer would stay on TV channel for more than 30 seconds without having interest in the TV channel.

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

**Den's Response** – In our respectful submission "last visited page" would require huge infrastructure cost and certainly doesn't address the issue of consumer's natural choice as the customer may or may not like to view the same channel on switching on television set and will again choose the TV Channel of choice.

We would like to recommend that ultimate choice should be given to consumer to choose whether continue with landing LCN provided by the Distributor of TV channels or choose its own landing LCN. We can take guidance from telecom sector where authority issued direction to consumer to opt of by sending text message to avoid unsolicited commercial communications. Needless to say that such exercise can only be prospective in nature and can be implemented in phase wise manner.

**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.

**Den's Response** – In our respectful submission, market forces should decide what should be placed on landing channel. Any such restriction would only harm the business in its current state and will certainly be detrimental to the business of Distributor of TV channels.

The Authority had time and again recognized the freedom of Distributor of TV channels to place channels over its network by way of placement fees which was recognized Hon'ble Telecom Dispute Settlement and Appellate Tribunal in various rulings.



Thus, we would like to submit that there should not be any restriction on placing of TV Channels over landing LCN.

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

**Den's Response** – We would like submit that the Distributor of TV channels have not yet starting getting the desired result from the entire exercise of digitization due to multiple challenges, taking away this important revenue source from them would further aggravate the situation and shall not be conducive for the industry as a whole.

It is hereby submitted that our comments above are without prejudice to our pleadings/argument in Broadcasting Appeal No. 2 of 2017 pending before Hon'ble TDSAT and all our rights are hereby reserved.

To conclude our submissions, we once again express our deepest gratitude to the Authority for taking up an exhaustive exercise. Further, we request the Authority to consider our comments/suggestions made above.

In case of any queries or clarification required by the Authority, we further request the Authority to contact Mr. Ashish Yadav –Deputy General Manager – Legal @ [ashish.yadav@denonline.in](mailto:ashish.yadav@denonline.in) DEN Networks Limited.