Response to the Consultation Paper on Platform Services offered by DTH Operators dated 28th August, 2019

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The consultation paper has been issued with the DTH services in view , in the digital regime it does not makes difference if it is a DTH service or Digital cable services, both of the distribution platforms are similar in nature except the transmission mechanism used, thus recommendations should cover both, as after a short time we will be discussing a similar topic for the digital cable. It is a matter of fact that Digital Cable has more capacity then DTH platform to carry the platform services and thus this capacity can be exploited more for platform services.

Q 1: Do you think programs 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 programs with other DPOs ? If yes, please provide justification and if no, the reasons thereof.

Response :

It is important that the Platform service be defined appropriately as these can be used as a tool to circumvent various guidelines and provisions as applicable today. The origin of the platform services was from the channel which the DPO used to provide information about its services, recharge etc. , which was commonly known as Barker services and with the implementation of the middleware in the STB's and commonly used with a Red Bug to take to the platform service from the main service of the linear channel. The programmers used this opportunity to create programs , gaming services, and other such interactive services which were earlier known as the Active Services. The subscriber had a choice to himself to subscribe and use the service or leave it.

The DPOs used the platform services to augment their revenues and consumer retention tool by trying to provide the popular content such as live telecast from certain places of interest to certain group of subscribers, gaming etc.

The apprehension is that this trend of platform services should not become a tool to circumvent the up linking and downlinking guidelines and all the licensing guidelines for the DPO and Broadcasters.

Platform services can be of three broad categories based on the content generations

a) The animated content or having animated content with narration : mostly these are the gaming , quiz etc
b) Content curated or aggregated by the DPO and a platform service is curated from it. This is only available on the platform of the DPO and is not shared with other DPO's. example when an advertisement of the car comes on a channel , a red button appears and on pressing the subscriber can be taken to the channel which is giving detailed features of the car to make its advertisement complete. The DPO makes revenue from the advertiser here, similarly a red button press on a program can take the subscriber to watch a short looped content showing the making of that particular program.
c) A service created by third party and is provided to multiple DPOs, this can be in the genre of entertainment, news, education, sports etc and can be an alternative linear channel and is just named as a service.

The question here to be addressed is that if the DPO are allowed to create their own platform services then what should be the nature of the same. As by creating service and terming it as a platform services, is it should not be becoming a Broadcaster by itself and is it then following the Licensing guidelines and other guidelines ?. This raises a concern that it may drive the platform to get exclusive rights of events and disturb the must provide balace.

In our view , the Platform Service should be the service which is only available on one single DPO and should be created or curated by the platform or for the platform it self.

If the Pltaform service is allowed to be shared with other DPO then it can be used to circumvent the uplinking and downlinking guidelines, one can create a channel and then give it to the multiple DPO's to transmit and say it is a platform service which will keep it out of the ambit of various regulations and guidelines.

We see many platform have active services, which are now close to be becoming a linear channel as they do not offer any interactivity. Active service was intended to bring out the interactivity between the subscriber or its family and the application, the gaming being one of them.

Thus the definition of the Platform services and it being unique to the platform is the key and except for the barker channel the platform services should offer interactivity either by way on STB remote interaction or telecom interaction (like sending OTP etc) or via the IP back channel.

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

Response.

Once the interactivity comes in to the platform services then they become unique to the platform. In few cases this may not be possible then an undertaking be taken from the platform at the time of the registration that this is the own production of the DPO and will not be shared and provision for the stiff penalties be there which

may include asking the DPO to discontinue the platform services on that platform a particular period of time.

As most of the platform services today are sponsored or draw advertisement revenue for the platforms thus it should discourage the DPO's , as banning of platform services for a month will mean considerable revenue loss for the platforms.

In addition to the above the DPO should give an undertaking that the platform services is the DPO's production or the own service of the DPO , the remedial action if any to be taken has to be taken by the DPO and DPO cannot take an excuse that it has to be done by the third party.

DPO should preserve the records of the provision of the service to the consumers each activation of the PS to the consumer should be recorded in the SMS and the billing system.

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 Authorized Officer and the State/ District Monitoring Committee and MIB as monitoring authorities.

Response:

The recording be available for the stipulated period of 90 days , along with the printed logs which should be system generated for a period of one year from the date of broadcast.
The DPO should also be asked to preserve the record in their SMS and subscriber accounting that which subscriber was provided which active service, was it a demand from the subscriber then a record of the same be preserved or was the service provided suo motto from the DPO end without taking the consent of the subscriber.

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

Response :

Considering that Platform services have been attracting considerable Advertisement and subscription revenue , the registration fee for the Platform services be increased to Rs 1 lac per service per annum.

The process of registration be simple, an online form by the DPO , giving the start date of the service, genre of the service and proof of deposit of registration amount for the service be sufficient , so that the time to market is minimum for the DPO.

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

Response:

It will be good to restrict the Platform services on a platform, as the Platform services should not be used a tool to restrict the carriage of the broadcast channels and thus depriving the carriage of the channel which may impede the consumer choice or give an excuse to demand carriage from the channels. In our estimation Platform services should not consume more then 3% of the capacity of the network in terms of the Bandwidth usage for the DTH platforms and 5% of the channel carrying capacity of the network on the cable networks.

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 ?

Response

Barker channel which is a platform service remains a Barker channel, as it provides instant information to the subscriber of the services.

Traditionally the Red bug services which were the start of the interactive Platform Services were placed together and thus were convenient to the subscribers that they could locate all the Platform services together and it did not disturbed their viewing of the linear channels.

Thus in our opinion the Platform services should be placed under a separate bunch of the services, these channels depending on the platform so that it does disturbs the pattern of channel zapping for the viewer. It may be left to the DPO that how does it wishes to place in its EPG listing, in the start , in the middle at some place with all the services bunched together or in the end.

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.

Response

As the Platform services are suggested to be placed together by the DPO , and by mentioning the world PS in the bracket after the service should suffice the purpose, For example there is a service name Kids Education then it may be displayed as Kids Education (PS). Defining the size and the type of the font may pose a challenge to few DPO's as it will have an impact on the fonts stored in the box, thus mention of the word PS will serve the purpose.

This will also indicate to the consumer that these are not linear channels and if they wish to subscribe the services then they need to subscribe it separately than their subscription of the linear channels.

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.

Response

The Platform services should be categorized in two genres, news and non news and then under the same could be sub categorized in to General Entertainment, Infotainment , kids or any other specific genre , this will be in line with the current uplinking & downlinking guidelines.

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

Response
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The Platform services were a big thing when the return path via IP was not available and the growth of internet was less or non existent and were aimed at subscribers who were living in remote areas and could get the services , the gaming was big draw for all the age groups.
Over the years the internet services now being affordable to all the platform services are now becoming another means to circumvent the up linking and downlinking guidelines. The content providers who are short of getting the up linking and downlinking services, launch the channel and name it as a platform service. This is a not a desirable practice and a watchful eye needs to be kept on such practices by the Regulator and the Licensor.

In few cases it has been seen that services are provided to the subscribers as a free services with a caveat that if it is not warranted the customer can call and get it deactivated. This is not a fair trade practice, customer can never find out as it is mostly prepaid service and he only realizes this when his renewal is due , thus under no circumstances the DPO should be allowed to charge the amount without the concurrence of consumer in a positive manner, that he has called and asked for the service activation or has selected the service from the other service activation mechanism like SMS, website etc.