



22nd December 2020

To,
Shri Arvind Kumar,
Advisor (B&CS)
Telecom Regulatory Authority of India ('TRAI')
Mahanagar Doorsanchar Bhawan,
Jawaharlal Lal Nehru Marg,
New Delhi – 110002

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Ref: Consultation Paper dated 07.12.2020 on Ministry of Information, Broadcasting (MIB) back reference on TRAI's Recommendations dated 19.11.2014 on "Regulatory Framework for Platform Services", and MIB reference on TRAI's Recommendations on "Platform Services offered by DTH Operators" dated 13.11.2019.

Dear Sir,

We write to you in response to the Consultation Paper promulgated by TRAI on 07.12.2020 on Ministry of Information and Broadcasting (MIB) back reference on TRAI's Recommendations dated 19.11.2014 on "Regulatory Framework for Platform Services" and MIB reference on TRAI's Recommendations on "Platform Services offered by DTH Operators" dated 13.11.2019 ("**Consultation Paper**").

Please find enclosed herewith our response to the issues raised by you in the Consultation Paper in the interest of various stakeholders and the orderly growth of the Broadcasting Industry.

You are requested to kindly take the same into consideration and oblige.

Thanking you,

Yours Sincerely,

For Sony Pictures Networks India Pvt Ltd

Name: Pranav Bhatnagar
Designation: Senior Associate – Legal

Encl: Comments on the Consultation Paper.



COMMENTS OF SONY PICTURES NETWORKS INDIA PRIVATE LIMITED TO THE CONSULTATION PAPER

At the outset we would like to thank the Authority for giving us an opportunity to express our views on the issues raised in the said Consultation Paper.

Since this Consultation Paper is in connection with the platform services offered by DPOs, our response stated herein is brief and to the specific issues raised by the Authority.

Issue 1: Legal Status of DPOs offering Platform Services (PS)

Sony's response: We agree with the viewpoint of MIB and the Authority i.e. any DPO wishing to offer PS needs to obtain MIB registration (DAS license). As correctly emphasized by the Authority that MIB should specify a compliance structure to ensure that those providing PS make full disclosure of its ownership status, capital structure, details of the Key Managerial Personnel and at the same time mandated to comply with the programme and advertising codes prescribed under the Cable Television Network Rules, 1994 while providing PS.

In addition to the above viewpoint, we feel that in order to promote greater transparency and better control over the content available on these PS, DPOs may be advised to register themselves as a "One Person Company" (if not as a Company) under the Companies Act 2013 wherein the process has been greatly simplified and expedited.

Further, as rightly suggested we agree that PS should be applicable to all kinds of DPOs such as DTH, HITS, IPTV and MSO.

Issue 2: Capping on the number of PS channels that can be offered by DPOs

Sony's response: Capping on the number of PS channels per DPO is necessary with a view that sufficient channel carrying capacity is required for registered TV channels. Each DPO carrying less than 500 permitted satellite channels should be allowed a maximum of 10 PS. Whereas, DPOs carrying more than 500 permitted satellite channels should be allowed a maximum of 15 PS.

A large number or unrestricted number of PS services would interfere with the television watching experience of the subscribers and hence may not be desirable.



Further, allowing uncapped PS channels would mean that the subscribers of the DPOs will not have the option of viewing any newly launched channel as the DPO may not be left with any capacity to carry the newly launched channel.

As regards LCOs we are of the view that in view of the large number of LCOs, they should not be permitted to operate the Platform Services since it would be difficult to monitor the content from the point of view of Program and Advertising Code. Further, this may not also be technologically feasible in DAS environment where the content is inserted at the headend level.

Issue 3: Security Clearance of DPOs offering PS

Sony's response: We agree with TRAI and MIB's suggestion that every DPO offering PS should undergo the process of security clearance by MHA . It is extremely important that each entity providing PS should be completely transparent in its operation and existence.

There should be suitable regulatory checks and balances in place to ensure that the contents broadcasted by the DPOs on their PS is not prejudicial to anyone's interest and with that end in view there can be a common regulatory framework to supervise the same.

Adequate safeguard measures should be in place for ensuring that in the event if it is brought to the notice of MIB that any PS contents any programme which is detrimental to the public interest or national security of the Country, the said DPO should be immediately instructed to withdraw the same from its PS Channel and suitable action to be initiated against the concerned DPO including but not limited to cancellation of its registration.

Issue 4: Definition of PS

Sony's response: We suggest a minor addition in the below definition. The addition has been highlighted in yellow colour:

"Platform services (PS) are programs transmitted by Distribution Platform Operators (DPOs) exclusively to their own subscribers within their area of operations and does not include Doordarshan channels and registered TV channels. PS shall not include foreign TV channels that are not registered in India."

Registered TV channels or television channels means a channel, which has been granted downlinking permission by the Central Government under the policy guidelines issued or amended by it from time to time and reference to the term "channel" shall be constructed as a reference to "television channel".

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Issue 5: Restrictions on Programmes that can be transmitted on PS

Sony's response: The one primary condition that needs to be adhered to is that the programmes available on PS comply with the stipulations of the Programme and Advertising codes prescribed under the Cable Television Network Act and Rules framed thereunder and provisions of Article 19 (2) of the constitution of India. Further, we agree with recommendations put forth by the MIB and TRAI in this regard.

Issue 6: Activation/deactivation of PS offered by DPOs

Sony's response: We are in agreement with MIB recommendation. We feel since all distributor of channels are governed by the TRAI Regulations, the carriage services provided by them including PS ought to be governed by TRAI. Hence, like Broadcasters' channels these individual PS ought to be subject to activations and deactivations based on consumer choice and demand and if the subscriber wishes to unsubscribe the PS services, that option should be provided by the DPOs.

Issue 7: Separate categorisation of PS in the EPG

Sony's response: Yes, there should be separate categorization of PS in the EPG under the genre "Platform Services" which should appear after the registered channels and DD channels. There should be a provision for displaying name and sequence number of PS channels in a particular font size under the heading 'PS' on TV screen so as to distinguish them from the regular TV channels. This would enable the subscribers to identify PS channels of the DPOs easily vis-à-vis channels of the Broadcasters and would avoid confusion between these two.