

Information note to the Press (Press Release No 04/2021)
For Immediate release

Telecom Regulatory Authority of India

TRAI releases Recommendations 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.

New Delhi, 2nd February 2021 - The Telecom Regulatory Authority of India (TRAI) has today issued its recommendations on 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.

2. MIB vide its letter dated 23.10.2020 had referred back TRAI's Recommendations dated 19.11.2014 on "Regulatory Framework for Platform Services" as per proviso to Section 11(1) of the TRAI Act 1997, for reconsideration of the recommendations that have been approved with modifications.

3. Further, MIB vide its another letter dated 23.10.2020 had referred to TRAI's Recommendations on Regulatory Framework for Platform Services dated 19 November 2014 and TRAI's Recommendations on "Platform Services Offered by DTH Operators" dated 13.11.2019. Vide this second reference, MIB has proposed to adopt the certain recommendations on four issues, in respect of Platform Services offered by MSOs also by appropriately replacing the word "DTH" with "MSO" and requested TRAI to furnish its views on the above proposal.

4. In this regard, TRAI had issued consultation paper on 7.12.2020 for seeking comments of all the stakeholders. The last date of submission of comments was 14.12.2020 and counter-comments was 21.12.2020, which were extended up to 19.12.2020 and 26.12.2020 respectively, on request of some stakeholders. TRAI received comments on consultation paper from 31 stakeholders which are available on TRAI website. However, no counter-comment was received.

5. After considering all comments received from stakeholders during consultation process and further analysis of the issues, the Authority has finalised its recommendations. The salient features of the recommendations are given below:

- (i) TRAI has no objection to accept Ministry's view that anybody registered as a DPO, either with MIB or with post office, shall be eligible to carry Platform Services (PS) channels, provided that Ministry of Information and Broadcasting is able to specify compliance structure to ensure that those

providing platform services make full disclosure on ownership status and comply to the Programme and Advertising codes. Further, the Authority recommends that any person/ entity desirous of providing local news and current affairs as PS, or is already providing such services, must be incorporated as a company under the Indian Companies Act, 2013.

- (ii) A maximum of 15 PS channels may be offered by MSOs, IPTV Operators and HITS operators.
- (iii) TRAI agree with the suggestion given by MIB that MIB will obtain security clearance of all MSOs / LCOs, who wish to offer PS and were not MHA security cleared at the time of registration, while they run their PS. However, if at any time before the MIB obtains the security clearance, it is determined that the programming service offered on PS and which has been registered on the online system is inimical to India's national security or to the public interest, MIB may require the MSO / LCO to withdraw from distribution of the PS Channel or the programming service and / or cancel the registration. Further TRAI recommended that MIB may establish a procedure to review the security clearance of all DPOs (who are offering PS) including those wherever there is any change in their ownership/control. MIB may obtain requisite undertaking from the DPOs at the time of granting permission for offering PS.
- (iv) Authority, agrees with the views of MIB. The definition of Platform Services (PS) shall be:
"Platform services (PS) are programs transmitted by Distribution Platform Operators (DPOs) exclusively to their own subscribers 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'.

- (v) The Authority agrees with the views of MIB. The Authority recommended that:
- (a) The programme transmitted by the DTH operator/ MSOs/ IPTV/ HITS operator as a platform service shall be exclusive and the same shall not be permitted to be shared directly or indirectly with any other Distribution Platform Operator (DPO).
- (b) Programme transmitted by the DTH operator/ MSOs/ IPTV/ HITS operator as a platform service shall not directly or indirectly include any

registered TV channel or Doordarshan channel or foreign TV channel. Time-shift feed of registered TV channels (such as +1 services) shall not be allowed as a platform service.

(c) DTH operator/ MSOs/ IPTV/ HITS operator shall ensure and provide an undertaking to the Ministry in the format prescribed by the Ministry that the programme transmitted is exclusive to their platform and not shared directly or indirectly with any other DPO.

(d) In case the same programme is found available on the PS of any other DPO, MIB/TRAI may issue direction to immediately stop the transmission of such programme. MIB also reserves the right for cancellation of registration of such PS of the DTH operator/ MSOs/ IPTV/ HITS operator.

(vi) The Authority agrees with the views of MIB. The DTH operator/ MSOs/ IPTV/ HITS operator shall provide an option of activation/deactivation of platform services as prescribed in the orders/directions/regulations issued by TRAI from time-to-time.

(vii) The Authority agrees with the views of MIB. For the DTH operator/ MSOs/ IPTV/ HITS operator:

(a) The platform services channels shall be categorized under the genre 'Platform Services' in the Electronic Programmable Guide (EPG) subject to orders/directions/regulations issued by TRAI from time-to-time.

(b) The respective maximum retail price (MRP) of the platform service shall be displayed in the EPG against each platform service subject to orders/directions/regulations issued by TRAI from time-to-time.

(c) A provision for putting a caption as 'Platform Services' may be required to distinguish the platform services from the linear channels. Government may decide the caption in a size which is visually readable by the consumers.

6. Full text of the recommendations is available on the TRAI's website www.trai.gov.in.

7. For any clarification/ information, Shri Anil Kumar Bhardwaj, Advisor (B&CS) may be contacted at Tel. No.: +91-11-23237922.


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