



19 April 2018

To,

The Advisor (B&CS)

Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawahar Lal Nehru Marg,
Old Minto Road,
New Delhi - 110 002

Dear Sir,

Re: Submissions to Telecom Regulatory Authority of India ("TRAI") in response to the Consultation on Issues related to Placing of Television Channel on Landing Page

At the outset, we would like to thank the Authority for giving us an opportunity to tender our views on the "Issues related to Placing of Television Channel on Landing Page".

In regard to the present consultation process, we submit that we have perused the "Issues related to Placing of Television Channel on Landing Page" carefully. We hereby submit our comments attached as **Annexure**. The said comments are submitted without prejudice to our rights and contentions, including but not limited to our right to appeal and/ or any such legal recourse or remedy available under the law.

The same are for your kind perusal and consideration.

Yours Truly,

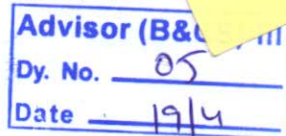
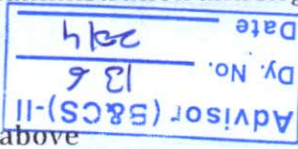
For ABP News Network Pvt. Ltd.



Kishan Singh Rawat

Head - Administration and Regulatory Affairs

Encl: As above



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BY HAND/ELECTRONIC MAIL

**Re: Submissions to Telecom Regulatory Authority of India ("TRAI") in response to the
"Issues related to Placing of Television Channel on Landing Page"**

Kind Attention:

Advisor (B&CS)

Telecom Regulatory Authority of India,

Mahanagar Doorsanchar Bhawan,

Jawahar Lal Nehru Marg,

Old Minto Road,

New Delhi - 110 002

INTRODUCTION

The exceptional growth of the number of TV channels combined with the inherent limitations of analogue cable TV systems had posed several challenges, mainly due to capacity constraints and non-addressable nature of the network. The evolution of technology has paved way for bringing about digitization with a marked increase in number of channels and carrying capacity of a Distribution Platform Operator ("DPO"), coupled with increase of subscribers receiving TV channels through various Digital platforms penetrating to every household including to the rural areas of the country. Thus leading to a high intensity in competition amongst the broadcasters with the challenge to tap the maximum viewership, which in turn is the ultimate end to higher revenues.

The television ratings of a channel are an important challenge to every broadcaster, to put its channel on a higher pedestal amongst the other channels available. Accordingly, the practice of placing a channel on the landing page has been resorted to by the broadcasters. The said practice is a boon as well as a curse for the broadcasting industry, however if regulated in the right manner can be beneficial to the industry.



The landing page is certainly the prime property owned by a DPO, which ideally is meant for promoting and advertising; however it is also a high and easy revenue earning property, wherein the said property is given away by the DPO to the highest bidder which necessarily is a broadcaster to place its channel at the said prime LCN.

However, this practice is a curse for the industry wherein, big players in the industry use it as an easy tool to increase its television rating to score a better ranking amidst the channels available, amounting to discrimination between channels of the same genre who are located at a lower LCN in the said genre or cannot afford and compete to have itself placed and located on the prime landing page of a DPO.

Therefore, it is important with the Authorities to bring clarification to address the said issue in a manner that would in turn be beneficial for all stakeholders in the industry without prejudicing the interests of other broadcasters.

Therefore ABP News Network Private Limited is responding to the questions as put forward by the Authority in the present Consultation paper.

RESPONSE TO ISSUES FOR CONSULTATION:

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.

Yes, the concept of placing TV channel on landing page certainly influences the TRP rating of a channel. Wherein, with a simple switching on of the STB by a subscriber lands the consumer to the landing page until he/she decides the channels he/ she wants to watch, which is a time consuming process wherein the consumer first scrolls through the guide/ main menu, reading the description of the content telecasted on the channel and deciding basis his/her mood to watch. While the BARO-O Meter implanted is running calculating the clock minute of the subscriber's stay on the said landing page.

With the present Audience measurement methodology adopted, wherein a unique watermark code is embedded in the audio component of the channel to calculate the clock minute of the each channel and evaluate the TRP which undoubtedly is a brilliant mechanism to calculate the TRP, any channel on the landing page will get a undeniable distinct advantage in the TRPs it receives as and when a subscriber switches on the STB basis the clock minute the subscriber continues to stay on the landing page intentionally or unintentionally.

As stated above, Landing Page can be derogatory for the industry, especially when bigger players already well established use it as a platform to increase its Television Ratings/viewership/coverage.

Therefore it is suggested, in the interest of all stakeholders in Broadcasting industry, that the concept of the placing live TV channels on landing page should be done away with and the Landing Page shall only be allowed to be used for its original purpose, i.e., for publicity and marketing with the condition that it shall have no watermarking and the promos shall be allowed for a maximum time of 3 minutes at a stretch. Further, Authority is also requested to determine the price for placement of a channel on the landing page.



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

Yes, it is of utmost important to define the Term "Landing Page" for better clarity without giving any further scope to interpret in accordance to convenience. The landing page should be defined as *"the initial display on the screen the moment a Set Top Box is turned on by the Subscriber when the required subscription fees has been paid and when the Set Top Box of the Subscriber has not been blocked for any reason."*

Thus a well- defined term will leave little scope for ambiguity while setting industry standards regarding the same.

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.

Landing page currently is of course a high revenue business model for a distributor, however the right framework regulating the said concept can balance the present scenario without impacting the freedom to do business by Distributors of TV Channels, while being a win-win situation for all stakeholders in the industry.

As suggested above, Landing page should continue to be a platform with the intent it carries i.e. promotion/ advertisement of a channel/ content with restrictions as already pointed in reply to Point 1 above but at the same time without being at an advantageous position to compete in the race to earn TRPs/viewership/coverage as calculated by Broadcast Audience Research Council (hereinafter referred to as "BARC").

Thereby, maintaining the sanctity of freedom to continue to current business model while maintaining public interest and healthy competition amidst various stakeholders in the industry.

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.

Landing page is most often not the ideal choice for consumers while viewing a TV Channel. Therefore any rating of channels that is generated out of the Landing Page is most often not true and correct. In view thereof, live channels should not be permitted on the Landing Page of any DPO.

Further, DPO's and BARC shall be asked to devise a strategy and come up with a solution to nullify any impact of the landing page on the TRP's/viewership/coverage.

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.

As stated above, placing Channels on the landing page undoubtedly increases TV Ratings of the channel, whose ratings are released by TV rating Agency. Therefore, as suggested above live channels shall not be permitted to place itself on the landing page.



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

Though we are not in favour of live channels being made available on landing page, if at all channels are allowed on landing page, in our opinion, channels which are watermarked for calculation of TV Ratings should only be placed with the condition that only channels without the unique watermark code embedded in the audio component would be permitted to be placed on the landing page, thus not permitting the said channel to be in the race competing for higher TRP, so that the TRP's/viewership/coverage of any channel can be nullified on account of its availability on the landing page. DPO's shall also be asked to provide details of channels, duration during which they were placed on the landing page, to BARC and the Authority.

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?

The present audience measurement methodology is undoubtedly a good mechanism, however BARC may be directed to look for a suitable alternate methodology to ensure that there is no misuse of landing page. However, as suggested above channels being placed on the landing page should under no condition be permitted to compete in the television rating process.

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

We believe that the 'last visited page' model is not feasible at all as this takes away the Distributor's freedom to continue the present business model with the concept of landing page meant for promotional purposes. Therefore, it is not suggested to implement the user's last visited page as landing page in Distributor's Network. Further, it is re-iterated that the Authority determines the price for placement of a channel on the landing page.

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.

As suggested above with justification, landing page should be allowed for marketing and promotional purposes of TV channels/content/new launches, but only with restrictions as mentioned in reply under Point 1. Live TV shall not be allowed on the Landing Page.

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

The broadcasting sector has unfortunately been at the receiving end of a spate of certain stringent regulations in the past one decade. It must be borne in mind that the very object and purpose of Regulation is to promote competition and orderly growth of the Sector and any Regulations that lead to a contrary outcome must not be implemented / enforced by the Authority. Having said that, the endeavour should be to ensure that no DPO or broadcaster misuses the Landing Page by streaming live TV on landing page. Further, it is re-iterated that the Authority determines the pricing policy for placement of a channel on the landing page, depending upon areas they cater and any other factors such as number of Set Top Boxes, genre(s), etc.

