



Via: Courier/ Email

August 27, 2013

To:

Mr. Wasi Ahmad

Advisor (B & CS)

Telecom Regulatory Authority of India

Mahanagar Doorsanchar Bhawan

Jawahar Lal Nehru Marg

New Delhi – 110002

E-Mail: traicable@yahoo.co.in

Re: MPDA views on Consultation Paper No.8/2013 on Distribution of TV Channels from Broadcasters to Platform Operators

Dear Sir,

The Motion Picture Dist. Association (India) Pvt. Ltd. (herein after the 'MPDA') at 215 Atrium, A Wing, 206, Chakala, Andheri- Kurla Road, Andheri (East), Mumbai 400059, Maharashtra, appreciates this opportunity to comment on the Telecom Regulatory Authority of India (TRAI) Consultation Paper No. 8/2013 on Distribution of TV Channels from Broadcasters to Platform Operators”

MPDA (India) represents the interests of six Hollywood studios: Paramount Pictures Corporation, Sony Pictures Entertainment Inc., Twentieth Century Fox International Corporation, Universal City Studios LLC, Walt Disney Studios Motion Pictures and Warner Bros. Picture International.

The Consultation Paper published by TRAI appears to be based on the assessment that ownership structures of distribution agencies (i.e. aggregators) appointed by broadcasters reveal ownership or control vested in broadcasters. Similarly the paper also alleges that platform operators also retain cross holdings in distribution agencies leading to the 'ill-effects of vertical integration and abuse of dominance by such entities/ groups'.

We also note the statement in the Explanatory memorandum to the Paper which states, *“With time, consolidation has taken place in the aggregators” business and now the top*



four aggregators control around 73% of the total pay TV channel market and wield substantial negotiating power which can be, and is often misused". It would seem to us that this concern is already dealt with and addressed under extant law namely under the Competition Act, 2002 ("the Act"), specifically in relation to what TRAI's concerns in relation to alleged vertical integration and abuse of dominance in the Broadcasting space.

Unfortunately, the Consultation Paper however does not assess or deal with the role played by the Act and the Competition Commission of India, which allows the Commission, under the purview of the Act, to overview, and regulate/ limit instances of cartelization, abuse of dominant position or anti-competitive Agreements. Given that such concerns are already addressed and dealt with in extant legislation such as the Competition Act, 2002, further regulation in addition to the Competition law in India would only result in excessive and perhaps inconsistent regulation, adversely limiting the efficient development of the Sector.

It also appears that the proposed regulation would require thousands of agreements to be reviewed and amended in order to ensure compliance; a process which could not only be time consuming but also tremendously inefficient and counter-productive in nature.

The MPDA would like to point out the above-mentioned concerns to the TRAI in the hope that TRAI will assess such views particularly in view of the effect of the Competition Act, 2002.

We thank you for the opportunity to comment and remain available and interested for further participation in TRAI's continued consideration of these and other important issues.

With Kind regards,

Uday Singh
Managing Director
Motion Picture Dist. Association, India