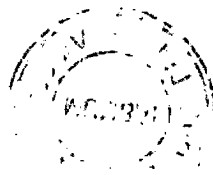


RESPONSE BY
VIACOM 18 MEDIA PRIVATE LIMITED
ON THE
CONSULTATION PAPER ON ISSUES RELATED TO PLACING OF
TELEVISION CHANNEL ON LANDING PAGE
DATED APRIL 3, 2018

VIACOM 18



May 4, 2018

To
The Telecom Regulatory Authority of India ("TRAI")
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg
New Delhi: 110 002

Kind Attention: Sh. Anil Kumar Bhardwaj, Advisor (B&CS)

Reference: Consultation Paper on Issues Related to Placing of Television Channel on Landing Page ("Consultation Paper")

Dear Sir,

This is in reference to the Consultation Paper on Issues Related to Placing of Television Channel on Landing Page dated April 3, 2018.


We welcome TRAI's initiative on seeking comments from all stakeholders on issues relating to placing of television channel on landing page.

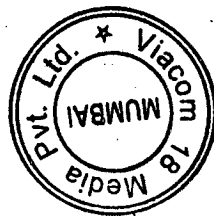
We have set forth our responses against each of the questions raised by the TRAI in the Consultation Paper and would request the TRAI to take on record our responses enclosed hereunder.

Our responses hereunder are without prejudice to any rights available to us under law or equity.

Yours Sincerely,

For **Viacom 18 Media Private Limited**


Authorized Signatory
Encl: As stated above



VIACOM 18 MEDIA PRIVATE LIMITED'S ("VIACOM18" OR "WE")
COMMENTS TO CONSULTATION PAPER ON ISSUES RELATED TO PLACING OF TELEVISION CHANNEL ON
LANDING PAGE APRIL 3, 2018 ("CONSULTATION PAPER")

We would like to thank the Telecom Regulatory Authority of India ("TRAI") for its initiatives against malpractices carried out by distributors / platform operators ("**Distributors**") including those related to placing of television channels on the landing page, multiple logical channel numbers ("**LCNs**") and other similar malpractices. We also thank TRAI for this opportunity to share our views on the captioned subject.

We have noticed that Distributors indulge into various malpractices, with little or no regard for consumer interests, and some of these malpractices include: (i) Placing a channel on multiple LCNs whether within the same genre or in different genres, (ii) Placing a channel on the landing page as well as placing such channel on an LCN within its relevant genre; and (iii) Making a channel's LCN as the landing page of the network. As also highlighted in the Consultation Paper, some Distributors also put in such restrictions in the set top boxes issued by them ("**STB**") which limit consumers' ability of changing the landing channel for a certain duration.

It is our humble submission, that these malpractices adversely affect the consumer's interests. These malpractices of certain Distributors are also aimed at artificially inflating ratings of channels with which such Distributors have commercial arrangements. This again affects consumer interests as discussed in detail below.

- A. Consumer Choice: We submit that placement of channels by Distributors on landing page directly impacts consumer choice, as the Distributors force the consumers to watch such a channel immediately upon switching-on / boot-up of the STB. By carrying certain channels on landing page, Distributors are also forcing their consumers to watch such channel even if the consumer has not subscribed / opted for such channel.
- B. Channel/Content Ratings: Further, as mentioned above, by placing a channel which is tracked for ratings by Broadcast Audience Research Council ("**BARC**") or part of such channel on the landing page, certain Distributors intentionally influence and artificially inflate the channel ratings.

As is well known, content ratings play an important role in the broadcast sector as they represent consumer choice. Broadcasters closely monitor content ratings and base their decisions with respect to content production, scheduling and other decisions on such content ratings. Ratings also form the basis of advertising / sponsorship sales for the content since the advertisers and agencies base their marketing / campaign decisions on such ratings data as well. Channels / content with high ratings tend to get higher advertising revenues. Thus, content ratings ultimately prompt the broadcasters to produce such content which is expected to engage consumers, thus garnering high ratings.

For carrying out audience measurement, BARC includes unique watermarked audio codes within channels. A measuring unit i.e. 'BAR-O-Meter' is also installed at a panel household's premises, which

captures the embedded watermarks when viewed by a panel household, thus providing data on viewership.

By placing a channel on multiple LCNs or placing a channel or a part thereof on landing page, the Distributors mislead BARC's rating mechanism which then collects ratings for all LCNs (including a landing page) on which the channel / content is carried, thereby artificially inflating ratings of such channel. The below examples / illustrations further demonstrate how such malpractices artificially impact ratings:

- i. After switching-on / booting-up the STB, the consumers may not immediately change the channel placed on a landing page as they may take some time to decide on the content to watch or even take time navigating through the menu to reach the relevant channel of choice. During this time, the landing channel gains ratings only due to Distributors' placement of such channel on the landing page, and such additional ratings do not reflect consumer choice.
- ii. As mentioned in the Consultation Paper as well, for areas (rural/remote) where there are frequent electricity outages, the STBs get switched-on everytime an outage occurs and for every such switch-on, the channel on landing page gains artificial increase in ratings. This also applies to households where the STBs are switched on/off multiple times by consumers for reasons other than due to electricity outages.

In view of the foregoing, we urge TRAI to issue directions that no channels (or any parts thereof) should be permitted to be placed on the landing page of the Distributors, whether such channels / content are monitored for ratings or not.

Please also consider our responses to each of the issues raised by the TRAI in the Consultation Paper, below:

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.

Viacom18 Response:

As mentioned above in detail, the Distributors intentionally distort and artificially inflate ratings by placing channels (or parts thereof) on the landing page. We submit that Distributors should not be allowed to manipulate or distort the process of ascertaining genuine television viewership data by taking undue advantage of a technical loophole of the present rating systems of BARC (i.e. inability to disregard ratings derived from landing page and multiple LCNs).

In view of the above and considering the aspects of consumer choice as highlighted above, we submit that the landing page should not contain any channel (or parts thereof) irrespective of whether such a channel / content is monitored for ratings or not.

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

Viacom18 Response:

We suggest that landing page should be defined and propose the below definition for the term:

"Landing Page" means any page/content, whether or not numbered that is displayed without any action / express selection / clicks by the consumer (whether through a remote-control and/or functionality buttons available on the set top box itself), including without limitation, the content displayed immediately after the STB is switched on, boot-up, launched from standby etc.

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.

Viacom18 Response:

We submit that consumer choice is most critical, and any business model of a Distributor which involves restricting / inhibiting consumer interests should not be permitted, whether it involves forcing consumers to watch a channel by placing it on landing page or by artificially inflating ratings of a particular channel / content which again impacts consumer interests.

Placing a channel (or parts thereof) on the landing page (and in some cases putting such a restriction in STBs that disallows users from changing channels for a certain duration), goes against consumer interest.

Under the pretext of freedom of doing business, Distributors should not be allowed to engage in practices which adversely affect consumer interests or discriminate against broadcasters. Moreover, such discriminatory practices should not be allowed in a regulatory framework which fundamentally advocates non-discrimination.

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.

Viacom18 Response:

Landing page is not the natural choice of a consumer while viewing a television channels. In fact, as mentioned above, Distributors force the viewership of a certain channel (or parts of a channel) on the consumers by placing such channel / content on the landing page.

As mentioned above, considering the impact of placing channels / content on the landing page on the ratings, and the aspect of consumer choice discussed above, we submit that the landing page should not contain any channel (or parts thereof) whether such channel / content is monitored for ratings or not.

- 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.**

Viacom18 Response:

As discussed above, placing of a channel (or parts thereof) on the landing page artificially inflates the ratings of such channel/content. Further, such placement of a channel on the landing page by the Distributors, also forces every consumer in the Distributor's network to watch the channel.

As mentioned above, considering the impact of placing channels / content on the landing page on the ratings, and the aspect of consumer choice discussed above, we submit that the landing page should not contain any channel (or parts thereof) whether such channel / content is monitored for ratings or not.

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

Viacom18 Response:

As mentioned above, considering the impact of placing channels / content on the landing page on the ratings, and the aspect of consumer choice discussed above, we submit that the landing page should not contain any channel (or parts thereof) whether such channel / content is monitored for ratings or not. However, except any channels or any parts thereof, a Distributor may put any other content on its landing page.

- 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?**

Viacom18 Response:

As mentioned above, considering the impact of placing channels / content on the landing page on the ratings, and the aspect of consumer choice discussed above, we submit that the landing page should not contain any channel (or parts thereof) whether such channel / content is monitored for ratings or not.

Even if any changes in measurement methodology can mitigate impact on ratings, mere placing the channel on the landing page would still amount to forcing the placed channel / content on the customer, which goes against consumer interest / consumer choice. By placing a channel / content on a landing page, Distributors are also forcing the consumer to subscribe or watch the said channels / content even if the subscriber has not subscribed / opted for the same.

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

Viacom18 Response:

We reiterate that the landing page should not contain any channel (or parts thereof) whether such channel / content is tracked for ratings or not.

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.

Viacom18 Response:

As mentioned above, considering the impact of placing channels / content on the landing page on the ratings, and the aspect of consumer choice discussed above, we submit that the landing page should not contain any channel (or parts thereof) whether such channel / content is monitored for ratings or not. However, except any channels or any parts thereof, a Distributor may put any other content on its landing page.

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

Viacom18 Response:

In addition to the above, we submit that TRAI may consider mechanisms to monitor and penalise the erring Distributors so as to ensure compliance.

