

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

November 22nd, 2024

To,

Shri Deepak Sharma,

Advisor (B&CS)

Telecom Regulatory Authority of India

Subject: Response on Consultation paper on Regulatory framework for Ground-based Broadcasters.

We would like to express our gratitude for providing us the opportunity to share our observations on the Consultation Paper.

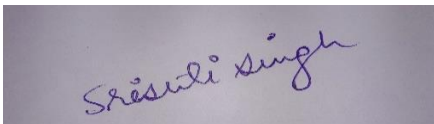
At the outset, it is noted that the comments in this paper are premised on our understanding of the broadcasting and cable TV industry practices, its gradual growth over the decade and the current legislative structure.

We humbly acknowledge and appreciate the efforts that the Authority has put forth in initiating a CP on such a significant issue that is Regulatory framework for Ground-based Broadcasters.

Keeping in mind this context and aiming to enhance transparency and efficiency in reporting within the Cable and Broadcasting sector, here is our detailed responses to each question below.

Thanking You

Yours Faithfully



DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

Issues for consultation

Q1. For the purpose of regulatory framework for ground-based broadcasters, do you agree with the draft definition for broadcaster, programme, Satellite-based broadcasting and Groundbased broadcasting given below? If not, please suggest alternative definitions.

Please elaborate your response with full justification.

“broadcaster” means a person or a group of persons, or body corporate, or any organization or body who, after having obtained, in its name, authorization from the Central Government for its channels, is providing programming services;”

“programme” means any television broadcast and includes i) exhibition of films, features, dramas, advertisement and serials; ii) News & current affairs, Non-news & current affairs, educational content iii) any audio or visual or audio-visual live performance or presentation, and the expression “programming service” shall be construed accordingly;”

“Satellite-based Broadcasting” means providing programming services using satellite-based communication medium for delivering channels to the distributors of television channels.”

“Ground-Based Broadcasting” means providing programming services using terrestrial communication medium for delivering channels to the distributors of television channels.”

Response:

Please find below our response as follows:

1. **Definition of ‘Broadcaster’**: We are satisfied with the provided definition by Authority as:

“broadcaster” means a person or a group of persons, or body corporate, or any organization or body who, after having obtained, in its name, authorization from the Central Government for its channels, is

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

providing programming services;”

2. **Definition of ‘Programme’:** The biggest regulatory challenge the industry is facing is the misuse of regulations by the OTT aggregators and the OTT application developers. Majority of the linear channels, which are presently regulated by downlinking guidelines and the TRAI regulatory framework are available on the OTT aggregator application, by just slightly changing their programme and by this they are circumventing the present regulatory mechanism. Therefore, definition of the programme should be clear and shall include the channel which should not be limited to linear television. Therefore, the word “Television” needs to be omitted from definition of Programme and the revised definition is as follows.

“programme” means any television broadcast and includes-

- i) exhibition of films, features, dramas, documentaries, advertisement and serials;*
- ii) News & current affairs, Non-news & current affairs, educational content*
- iii) any audio or visual or audio-visual live performance or presentation, and the expression “programming service” shall be construed accordingly;”*

3. **Definition of ‘Satellite-based Broadcasting’:** We strongly suggest that the terms ‘Satellite-based Broadcaster’ and ‘Satellite-based Channel’ should also need to be defined alongside the definition of Satellite based broadcasting. As per downlinking guidelines, clause 11 (3)(f), Satellite Broadcasters can provide their decoders **“only”** to four DPOs i.e. DTH, IPTV, MSOs and HITS.

“Satellite-based Broadcasting” means delivery of programme / providing programming services in the form of channels, using satellite-based communication medium ~~for delivering channels only to the licensed distribution platform operators the distributors of television channels,~~ and the expressions ‘Satellite-based Broadcaster’ and ‘Satellite-based Channel’ shall be construed accordingly.”

4. **Definition of ‘Ground-Based Broadcasting’:** The term ‘Ground-based Broadcaster’ also needs to be defined alongside:

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

“Ground-Based Broadcasting” means delivery of programme / providing programming services in the form of channels excluding satellite-based broadcasting only to the licensed distribution platform operators, and the expression ‘Ground-based Broadcaster’ shall be construed accordingly.”

- 5. Definition of Ground Based Channels:** Two types of programming services may be transmitted using terrestrial communication i.e. Ground Based Channels and Platform Service Channels. Hence, clear distinction between the two is essential. The following definitions may be considered:

“Platform Service Channels” are channels provided under Platform Services as defined in Clause 1 of the Guidelines for Platform Services offered by Multi System Operators issued by the Ministry of Information & Broadcasting on 30th November 2022.

The legal rights to broadcast the content, the responsibility thereof and the revenue received from broadcasting the Platform Service Channels belongs to the MSO on whose network the channel is being carried.”

“Ground Based Channels” are channels others than Satellite-based Channels, Platform Services Channels, Doordarshan Channels or any channel operated by or on behalf of Parliament of India. They are not exclusive to any particular platform and may be simultaneously available to multiple DPOs for further retransmission.

The rights for the content, responsibility thereof and the revenues received from broadcasting the Ground Based Channel belong to the channel owner.”

- Q2. Should there be any distinction between ground-based broadcasters (GBB) and the satellite-based broadcasters (SBBs)? If so, what aspects/criteria should define such distinction? Please provide detailed justification for your response.**

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

Response:

There needs to be a clear distinction between ground-based broadcasters (GBBs) and the satellite-based broadcasters (SBBs).

As the difference between “Satellite-based broadcasting and “Ground based Broadcasting “has been made on the basis on medium of transmission, the definitions of SBBs and GBBs should also be based and differentiated on the same parameter.

Hence in response to Question 1, the definitions of SBBs and GBBs have been attached along with the definitions of ‘Satellite-based Broadcasting’ and ‘Ground-based Broadcasting’ respectively.

Along with it, the following distinction needs to be passed on to Ground based broadcasters.

1. Simple licensing and registration process as compared to Satellite based Broadcasters
2. Minimum entry barrier conditions need not to be imposed.
3. Must carry, must provide regulatory conditions need not required to be imposed.
4. GB Channels should not be included in the ratings being declared or made available by a TV rating agency.

Q3. Under the scope of GBBs, should all terrestrial transmission medium(s) (excluding satellite communication) such as fibre, broadband, cloud, etc be permitted? If not, please provide detailed justification for your response.

Response:

Yes, all the terrestrial transmission medium(s) such as fibre, broadband, cloud etc. should be permitted under the scope of GBBs.

Transitioning to advanced terrestrial media such as fibre, broadband, and cloud technologies offers significant benefits over traditional satellite-based broadcasting. This forward-thinking approach addresses limitations in satellite bandwidth, reduces operational costs, and leverages technological advancements. It offers greater control, improved quality, scalability, and flexibility, while also supporting regional diversity and environmental sustainability.

Fiber-based transmission allows for higher quality feeds with minimal latency, which is crucial for maintaining an uninterrupted high-definition (HD) and 4K content flow. Their capacity to transmit high-resolution signals across long distances and at fast speeds, without the risk of degradation

makes them a superior mode of video distribution.¹ Moreover, fibre-based distribution is a cheaper option for smaller broadcasters requiring point-to-point access, along with enabling regional customisation of content.² Additionally, moving terrestrial broadcasting to the cloud will allow Ground based broadcasters to scale dynamically based on audience demand, reducing the reliance on physical infrastructure. This transition enables greater flexibility, reduces infrastructure costs, and enhances scalability, allowing broadcasters to respond dynamically to audience demands.

Q4. Whether GBBs should be permitted/authorised to provide services in two separate categories i.e. (i) at State level, and (ii) at National level? If State level category for GBB are considered, then should such State level GBB may be allowed to obtain separate permissions/authorisations in more than one State or there may be some ceiling on number of State-wise permissions/authorisations beyond which national level permission/authorisation must be obtained?

Response:

1. Yes , GBBs should be permitted to operate under two categories i.e both at State level and National Level But with respect to License requirement, there should be single license which needs to be issued by Hon'ble Ministry of information and broadcasting, mentioning the operational area of the GBB i.e. state/state (s) /National. This single license will help in creating a centralized database of all the GBBs.
2. The above license should be issued post clearance from MHA, so that promoters /channels of the GBB are security verified before granting them license.

Q5. An SBB pays a cumulative annual permission fee of Rs. 7 lakhs (Rs. 2 lakhs for uplinking + Rs. 5 lakhs for downlinking) per channel. Whether GBB should be mandated to pay the same amount of annual fee of Rs. 7 lakh per channel? If not, what should be the annual fee for

¹ <https://d1xyy3yiuu5xkq.cloudfront.net/wp-content/uploads/2020/09/09092930/A-Terrestrial-Alternative-to-Satellite-based-Video-Distribution.pdf> - Page 5, Para 2

² <https://www.tatacommunications.com/media-entertainment/satellite-alternatives/> - Commercial Factors

GBBs? Please provide detailed justification for your response.

Response :

In determining the annual fee structure for Ground-based Broadcasters (GBBs), it is essential to consider the different operational models and cost structures associated with GBBs versus Satellite-based Broadcasters (SBBs). GBBs are majorly the small operators and operates in states, however few of them has expanded or will expand to the national level. However, to avoid mushrooming of the GBBs and abuse of present regulatory framework, annual permission fee of at least Rs. 1 lakh Rupees should be levied for National level GBBs and Rs. 50,000 per year for state level GBB.

Q6. Provisions for teleport/teleport hub exists in the uplinking/downlinking Guidelines 2022 for broadcaster using satellite communication. Whether similar provisions are required in relation to any hub/gateway that may be required to be set up for distribution of TV channels by GBBs? If so, what should be the corresponding provisions? Please elaborate with justification.

Response :

Uplinking /downlinking procedure is required in satellite broadcasting, which necessitates teleports to uplink content to a satellite, GBBs do not require a hub or gateway infrastructure for signal distribution to DPOs. GB channels (and PS Channels) are transmitted directly via terrestrial methods without needing intermediate uplinking facilities.

The infrastructure currently in place for DPOs is designed to handle the distribution of GB channels (and PS Channels) without requiring specialized hubs. DPOs in India have for many years successfully managed the distribution of channels using terrestrial methods, ensuring reliable and quality service to consumers. This demonstrates that the existing infrastructure, coupled with technological advancements like high-capacity

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

fiber networks, is more than adequate for distributing GB channels (and PS Channels) and that additional infrastructure like a hub or gateway is unnecessary.

The efficiency and directness of terrestrial transmission eliminate the need for centralized hubs, allowing for cost-effective distribution, which benefits both broadcasters and consumers by keeping costs low and minimizing operational complexity.

Hence, no additional provisions for a hub or gateway infrastructure are required for GBBs, as ground-based broadcasting relies on existing terrestrial infrastructure that has proven effective over years of operation.

Q7. If a GBB is permitted to operate at State level, then what should the regulatory provisions for a GBB operating at State level which include:

- a) Processing Fee**
- b) Annual Fee**
- c) Net worth Requirement**
- d) Performance Bank Guarantee (PBG)**
- e) Other regulatory provisions**

Response :

As stated in our above response, to avoid mushrooming of the GBBs and to avoid abuse of the present licensing and regulatory framework, following fees need to be imposed on the State level GBB.

- a) Processing Fee** – 5,000 INR (one time)
- b) Annual Fee** – 50,000 INR
- c) Net worth Requirement** – 1,00,000 INR
- d) Performance Bank Guarantee (PBG)** – 50,000 INR

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

- e) **Other regulatory provisions** – Has been answered separately in Question 8.

Q8. Whether the extant Tariff Order, Interconnection Regulation and Quality of Service Regulation may be applied mutatis mutandis to GBB? Please explicitly indicate, if any modifications are required in the said Tariff Order, Interconnection Regulation or Quality of service Regulation for GBBs.

Response :

1. The reach of GB channels is substantially smaller when compared to conventional regional or national channels. This limited reach is a direct consequence of the hyper-localized nature of the content. Unlike other channels that may have audiences spanning large areas, entire states or the national level, GB channels serve a significantly smaller community, sometimes even just a few thousand viewers within a district or specific localities.
2. The focus on niche topics and community-specific content, while valuable to particular audiences, does not appeal to the broader viewership that conventional channels attract. The hyper-local content generally does not resonate on a larger scale which limits its demand. Therefore, the primary purpose behind GB channels is fulfilling the specific and often overlooked needs of micro-demographic groups and not mass viewership.
3. This limited reach is also why the assumption that providing a GB channel to one or more national-level DPOs would result in viewership numbers reaching millions across several states in India is unfounded.

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

4. Therefore, the obligations of GBBs / GB channels cannot be made same, or even similar, to the obligations of traditional SBBs / SB channels. The infrastructure, financial capabilities, and operational scale of GBBs are inherently limited, making it impractical and disproportionate to subject them to the stringent obligations placed on SBBs or SB channels.

5. We, therefore, suggest that bringing GBB under present regulatory framework will kill the basic spirit and innovation of the ground-based broadcasters. Therefore, tariff order, interconnection and QoS regulations should not be imposed on the GBBs.

Q9. (a) The extant interconnection regulation provides for “Must Carry” and “Must Provide” regime. In case of GBB, whether the same regime should be made applicable?

(b) Normally, the cost of bandwidth / any other additional cost involved should be borne by both the parties based on a mutual 30 agreement. However, in case the broadcaster and DPO fail to reach an agreement on costs involved, then in such a situation, since the ‘Must carry’ provision is exercised by the broadcaster, therefore they should bear the cost of bandwidth between broadcasters and DPOs/ any additional cost and similarly, since the ‘Must provide’ provision is exercised by DPO, therefore DPO should bear bandwidth cost/ any additional cost involved. Do you agree with the above approach? If not, who should bear the cost in both the cases? Please provide detailed justification for your response.

Response 9(a) :

1. No, the Must provide and Must Carry should not be applicable on GBB. It is important to note that no DPO would allocate network and

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

channel carriage capacity to broadcast GB channels in areas, beyond the prescribed target market, where there is negligible or no demand for such content. Similarly, no GBB would bear the cost of distributing its channel in areas outside its primary target market where there is little or no demand.

2. Furthermore, the technical and financial capabilities of GBBs are notably limited. Unlike major broadcasters that have the resources to invest in advanced broadcasting infrastructure, cutting-edge technology, and comprehensive content production facilities, GBBs operate with minimal equipment and financial capital. Their technical setups typically include essential transmission equipment without the sophisticated enhancements seen in larger broadcast operations.
3. Financially, GBBs often rely on smaller advertising revenues and localized sponsorships, which provide a much narrower financial base. This limits their capacity for investments in upgrades, content diversity, or strategic expansion.
4. Therefore, it is in this overall interest of DPO and GBB that 'Must Carry' and 'Must Provide' should not be mandated over them.

Response 9 (b): Regulations are made to safeguard and facilitate the interests of the industry stakeholder, however, such regulations should not stifle / micromanage the business and commercials of the stakeholders. The right to do business on the preferred commercial terms should be available with the industry stakeholders. Therefore, we suggest, that GBBs being small in size, should not be forced with regulatory burden and should be allowed to innovate and flourish with commercial and regulatory forbearance.

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

Q10. In case a SBB wishes to switch to terrestrial-based communication medium to deliver its channels to DPOs, what should be the regulatory framework, in such a scenario?

Response :

Regulations relating to GBB are still developing compared to the more established SBB regulatory regime. The existing SBB regulatory structure has been built through extensive stakeholder consultations and a careful balance of technical, financial, and legal obligations that reflect the unique characteristics and requirements of satellite broadcasting.

Allowing a SBB to entirely transition to a terrestrial-based communication medium could risk undermining these established principles, potentially allowing circumvention of the current regulatory obligations designed to safeguard the industry and its stakeholders. The current SBB regime ensures accountability and fair competition, all of which could be affected by an unrestricted shift to terrestrial transmission.

If any SBB, is willing to switch to terrestrial based communication, then he should be subject to the rules pertaining to GBB regulations, such as there should not be any viewership rating for such channel. This will ensure that regulatory framework is not abused and circumvented by the SBB.

Q11. In case a GBB wishes to switch to satellite-based communication medium to deliver its channels to DPOs, what should be the regulatory framework, in such a scenario?

Response:

If a GBB wishes to switch to satellite-based communication medium to deliver its channels to DPOs, then all the relevant satellite-based broadcasting rules and regulations applicable to satellite-based broadcasters and satellite-based channels shall become applicable.

This is based on the premise that definitions of ‘Satellite-based

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Broadcasting’ and ‘Ground-based Broadcasting’ have been differentiated based on the medium of transmission. Thus, if the medium of transmission is changed, the obligations and liabilities will also change accordingly.

It is also important to note that the current consultation was necessary because a comprehensive regulatory framework for ground-based broadcasters has not yet been established. In contrast, SBB is governed by a well-defined and progressively evolving regulatory regime, shaped by continuous interventions from MIB and TRAI.

This clear and established framework ensures that any broadcaster wishing to either use, or transition to, a satellite-based communication medium will automatically fall under existing SBB regulations. Consequently, any GBB moving to satellite-based transmission would need to adhere to all applicable licensing, operational, and content-related obligations that define satellite-based broadcasting.

Q12. In case a broadcaster (SBB/GBB) wishes to use both satellite and terrestrial transmission technology to provide their channels to the DPOs, what should be the regulatory provisions for such broadcaster(s)? Should they require separate permissions and pay additional annual permission fees, processing fees, etc. for the above scenarios? Please provide detailed justification for your response.

Response :

1. As highlighted in the current response above, it is evident that GBBs operate as smaller entities and cannot be equated with the more expansive SBBs. Due to this inherent nature of GBBs the rules, regulations, and compliance norms applicable to them will logically be less onerous than those imposed on SBBs.

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

2. Therefore, it is necessary to establish that when a broadcaster, who is already providing channels via satellite transmission to DPOs, wishes to provide channels to DPOs by terrestrial transmission, the broadcaster would not be accorded the same less onerous treatment. Otherwise, as also explained in response to Question 10, a big loophole would be created in the system, wherein those traditional broadcasters who do not want to follow or want to get out of existing regulations, will shift to GBB mode.

Additionally, SBBs can also not be permitted the same regulatory leniency because:

- i) Satellite broadcasting is a primary medium for SBBs whereas terrestrial transmission would be an additional option. In contrast, for GBBs terrestrial transmission is the sole mode of transmission.
- ii) Equating SBBs and GBBs under the same regulations would ignore the structural and functional differences between original GB channels (*i.e. channels available only by way of terrestrial transmission*) and SB channels in terms of nature of content, demand, scale, reach, service area and targeted audience:

Therefore, in case a broadcaster, who is already providing channels via satellite transmission to DPOs, should remain as SBB and should not be allowed to operate as GBB. Similarly, if a broadcaster which is registered as GBB, should be allowed to operate as GBB. This is moreover important to maintain the regulatory framework, so that any type of Broadcaster should not circumvent its prescribed regulatory framework.

Q13. What should be the Regulatory Framework/Guidelines for Ground based broadcasters vis-à-vis ‘Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022’? Please provide

detailed justification for your response.

Response :

As GBB's are not operating using satellite technology, the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022 are not applicable to them, however few of the provisions which can be incorporated from the downlinking guidelines for creating a separate guideline for GBBs can be looked upon.

Further, the Regulatory Framework for GBBs should consist of Cable TV Act including its Amendments, Programming and Advertising Code prescribed by MIB .

Q14. Whether the existing provisions contained in the uplinking/downlinking guidelines 2022, excluding the provisions related to satellite communications, be made applicable to ground based broadcaster or do they need any modifications? In case you are of the opinion that modifications are required in existing uplinking/downlinking guidelines 2022, then please provide your comments with reasons thereof on amendments [including any additional restriction(s)/condition(s)] required for Ground based broadcasters. The stakeholders must provide their comments in the format specified in Table 1 explicitly indicating the existing clause, suggested amendment and/or additional condition/restriction and the reason/full justification for such amendment(s)/addition(s) for Ground based broadcasters.

S no	Clause number of the existing uplinking/	Provisions of the existing uplinking/	Amendment/ additional provision(s)	Reasons/ full justification for the
-------------	---	--	---	--

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

	downlinking guidelines (1)	downlinking guidelines (2)	(conditions and/or restrictions) suggested by the stakeholder (3)	proposed amendment (4)

Response :

Few of the provisions contained in the Guidelines for Uplinking and Downlinking of Satellite Television Channels in India, 2022, can be used for framing a separate guideline for GBB. The few clauses which can be used for GBB are attached as Annexure 1.

Q15. Stakeholders may also like to provide their comments on any other issue relevant to the present consultation along with justification.

Response :

Many broadcasting services such as Yupp TV, Samsung TV Plus, Vodafone Play, Tata Play, Distro TV, Patchwall+ (Xiaomi) and LG WebOS (upcoming) are offering live channels to consumers, which, in many cases, appears to be outside the scope of existing Uplinking/Downlinking guidelines dated 9th Nov 2022 & its subsequent amendment dated 24th March 2023 & IPTV Regulation dated 14th Sep 2023.

These services, unlike traditional DPOs do not seem to be subject to the same regulatory scrutiny, potentially creating an uneven playing field for Pay TV operators. Moreover, they are practically operating as a GBB and

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

therefore should be included in the definition of GBB.

We, therefore, believe that the current regulatory framework and the forthcoming regulatory framework for GBB, should necessarily bring clear guidelines for live channel distribution via such OTT platforms, which are circumventing the regulations.

Globally, jurisdictions are moving towards regulatory adjustments to address concerns of fairness, content rights, and maintaining a competitive landscape between OTT platforms and traditional Distribution Platform Operators (DPOs). **For example:**

1. In the United States, the regulation of Live TV channels distributed through OTT platforms has been a topic of significant debate, with increasing recognition that the same rules governing traditional DPOs should apply to streaming services. The Federal Communications Commission has been urged by broadcasters to classify OTT services, especially virtual multichannel video programming distributors (vMVPDs) like YouTube TV and Hulu + Live TV, under the same regulatory framework as traditional cable and satellite providers. This would ensure that OTT platforms comply with retransmission consent rules, which require fair negotiations between broadcasters and distributors.
2. In the United Kingdom, the regulation of OTT platforms that distribute live TV channels is evolving to bring them in line with traditional broadcast services. Under the proposed UK Media Bill, the government has taken steps to ensure that streaming services, including platforms like Netflix and ITV Hub, follow similar rules as traditional broadcasters. This includes the introduction of a new video-on-demand (VoD) code by Ofcom, the media regulator, which will enforce standards for these platforms comparable to those

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

imposed on linear TV services. The bill also aims to close loopholes that previously allowed streaming services to operate without the same obligations as broadcast services.

3. In Australia, the oversight of OTT platforms is primarily managed by the Australian Communications and Media Authority (ACMA). The ACMA ensures that OTT platforms adhere to Australian broadcasting and content regulations. On 4th July 2024, the Australian Parliament passed the Communications Legislation Amendment (Prominence and Anti-Siphoning) Act 2024, which amended the Broadcasting Services Act 1992 and the ACMA Act 2005. One key reform introduced by this legislation ensures that significant live content, especially major sports events, cannot be exclusively distributed through OTT platforms without first being made available to traditional broadcasters. This move aims to preserve public access to important events and ensure that OTT platforms do not gain undue advantages over linear broadcasters.
4. In Singapore, the regulation of OTT platforms falls under the jurisdiction of the Infocomm Media Development Authority (IMDA). OTT platforms that distribute live TV channels are required to obtain a license term as the 'Niche Television Service License'. In addition, these platforms must comply with the Content Code for Over-the-Top, Video-on-Demand, and Niche Services, which mandates content standards similar to those imposed on traditional broadcasters. OTT services are required to implement safeguards, such as parental controls, to ensure compliance with community standards.

This demonstrate that several jurisdictions are modernizing their regulations to ensure that such OTT platforms do not receive preferential treatment compared to traditional broadcasters and DPOs. By subjecting both OTT and traditional distribution platforms to similar standards, the

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

objective is to ensure a level playing field in the broadcasting sector. A similar approach is required in India which would help safeguard the interests of both consumers and broadcasters and safeguard the broadcasting ecosystem.

We, therefore, respectfully request Honourable Authority (TRAI) to kindly support the Pay TV industry in addressing this issue by formulation of Clear Guidelines for above mentioned OTT Platforms, which are acting similar to a Ground based broadcaster or digital Distribution Platform Operator.

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Annexure 1:		
Applicable clauses from Uplinking and downlinking guidelines which can be used for framing of separate guidelines for GBBs.		
Clause	Provision	Remarks
Part I - Prelim		
1	Short Title	
2	Definitions	
Part II - Teleport / Teleport Hub		
3	Furnishing of Application	Not Applicable
4	Grant of permission	Not Applicable
5	Renewal of permission	Not Applicable
Part III - Uplinking of TV Channel		
6	Furnishing of Application	
	<p><i>(1) A company or an LLP may apply online on Broadcast Seva on payment of processing fees specified in Appendix I, separately for uplinking a news TV channel and uplinking a non-news TV channel from a teleport (s) and satellite (s), as may be specified in the application, subject to fulfillment of the following conditions:</i></p> <p><i>(a) It has a minimum net worth of an amount specified in Appendix II as on the closing day of the financial year immediately preceding the year in which the application is made, as reflected in its Audited/ unaudited Balance Sheet of that financial year;</i></p> <p><i>(b) It furnishes, along with the application, the proposed name and logo of the channel along with the Trade Marks Registration certificate regarding the ownership of the name and logo, or the application furnished for such certificate.</i></p> <p><i>Provided that if the proposed name and logo are not owned or applied for by the company/LLP, then a No Objection Certificate (NOC) from the registered trademark owner, or from a person who has been using the trademark in any class for a continuous period of at least one year</i></p>	<p>The following clauses shall be used for framing the guidelines for GBBs.</p> <p>Minimum Net worth for the GBBs can be limited to at least 10 lakhs.</p> <p>This clause reg. trademark and logo should be applicable.</p> <p>Not Required</p>

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

	<p>immediately prior to the date of NOC and has made an application for registration of the trademark in the relevant class for broadcast, shall be furnished by the company/LLP.</p> <p>(c) It fulfills all the terms and conditions laid down in the Foreign Direct Investment (FDI) Policy of the Government of India, as notified by the Department for Promotion of Industry and Internal Trade (DPIIT), from time to time;</p> <p>(d) It makes disclosure in its application of all its Shareholders, Loan Agreements and such other Agreements that are finalized.</p> <p>(e) It intimates the names, address and details of a person, not being resident of India, who are proposed to be inducted in the Board of Directors of the company.</p> <p>(f) It discloses the name, address and details of any foreigner/ NRI to be employed/ engaged in the company/LLP either as a Consultant or by any other designation for more than 60 days in a year, or, as a regular employee.</p> <p>(g) Majority of the Directors on the Board of Directors of the company and key managerial personnel and editorial staff of the entity are resident Indians.</p> <p>(h) The company/ LLP has complete management control, operational independence and control over its resources and assets and must have adequate financial strength to operate the channel;</p> <p>(i) In respect of a news and current affairs channel, the management and control of the applicant company/LLP shall be in Indian hands and its Chief Executive Officer (CEO), and/ or Head of the channel known by any designation, shall be a resident Indian.</p>	<p>Should be applicable</p> <p>Should be applicable</p>
--	---	---

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

	<p>(2) The online application shall be processed from the standpoint of eligibility conditions, and shall be subject to clearance and approval by the Department of Space and Ministry of Home Affairs, and wherever considered necessary, by other authorities.</p> <p>(3) If considered necessary, for reasons to be recorded in writing, the Ministry may cause inspection of the physical premise/location, to ascertain the veracity of the claims made in the application.</p>	
<p>A117</p>	<p>Grant of permission</p> <p>(1) The Ministry shall, preferably within 30 days of receiving clearance and approval of Ministry of Home Affairs and other authorities, and after satisfying itself that the applicant company/LLP is fit for grant of permission, issue a Letter of Intent (LOI), requesting the company/LLP to pay the permission fees for the first year, furnish the Performance Bank Guarantee (PBG) as specified in Appendix III and Security Deposit as mentioned in Appendix IV within the stipulated period.</p> <p>(2) After making the payment of the first year permission fee and furnishing the PBG and Security Deposit, the Ministry shall, preferably within 15 days of receipt of such payment and furnishing of the PBG, grant permission by an order in writing, to the company/LLP for uplinking of the channel for ten years from end of the month in which the channel becomes operational.</p> <p>(3) The Grant of permission to a company/LLP under sub-para (2) shall be subject to the following conditions :</p> <p>(a) It pays the annual permission fees as stipulated in Appendix I, along with interest for late payment, for the time period for</p>	<p>Performance bank guarantee is not required considering the size of operation of GBB.</p> <p>Remaining all the conditions need to be applicable except the strike out clauses.</p>

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

	<p><i>which permission is granted;</i></p> <p>(b) It follows the roll out obligation with regard to operationalization of the TV channel as laid down in Appendix III.</p> <p>(c) It complies with the special conditions laid down in para 8.</p> <p>(4) The Ministry may, for reasons to be recorded in writing, refuse to grant permission.</p> <p><i>Provided that every such refusal shall be communicated to the company/ LLP along with reasons for refusal.</i></p> <p>(5) The company/ LLP shall, on operationalisation of the TV channel, inform the Ministry regarding the operational status and provide all its technical parameters to the Ministry or its specified agency.</p>	
9	Renewal of permission	
Part IV - Downlinking of a Satellite TV Channel		
10	Furnishing of Application	Not Applicable
11	Grant of permission	Not Applicable
12	Renewal of permission	Not Applicable
Part V - News Agency		
13	Furnishing of Application	Only applicable if GBB is transmitting the news channel.
14	Grant of permission	Applicable
Part VI - Purchase & Hiring of DSNG / SNG Equipment		
15	Purchase and use of DSNG/SNG equipment	Not Applicable
16	Use of DSNG/SNG equipment	Not Applicable
Part VII - Live Coverage of Events		
17	<p>Live telecast by a news and current affairs channel</p> <p><i>(1) A news channel which is given permission under these Guidelines may uplink content by using the SNG/DSNG equipment permitted to it, or by hiring such equipment from any other permitted</i></p>	Should be applicable to intimate MIB, in case GBB is broadcasting Live News Channel

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

	<p>entity, and shall register such hiring of the equipment with the Ministry on the Broadcast Seva.</p> <p>(2) A News channel may also use an ENG service for uplinking content, and shall register such service with the Ministry on the Broadcast Seva.</p>	
18	Live uplinking of an event by a non-news and current affairs channel	Not Applicable
19	Uplinking of Live event by a foreign channel	Not Applicable as GBB should not be allowed to show foreign content
Part VIII - Change of Name & Logo / Satellite / Teleport / Operational Status		
20	<p>Name and logo of a TV Channel</p> <p>(1) A company/ LLP shall display on the permitted TV channel only that name and logo which has been approved by the Ministry.</p> <p>Provided that display of name/ logo other than that permitted or display of dual logo would be treated as a violation of the Guidelines inviting penal action.</p> <p>(2) A company/ LLP may apply for change of name and logo to the Ministry online on the Broadcast Seva portal by payment of processing fees specified in Appendix I, along with the requisite documents.</p> <p>(3) The Ministry shall, preferably within 15 days of receipt of the application, grant permission for the change applied for, after being satisfied that the application is in order in all respects.</p> <p>(4) The permitted company/ LLP shall pay the applicable amendment fees to WPC Wing for amending the Wireless Operating License.</p>	Should be Applicable
21	Change of satellite /teleport	Not Applicable
22	Intimation for change of language, mode of transmission, etc	Should be Applicable

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

	<p>(1) A company/LLP having permission under the Guidelines for uplinking/downlinking a channel may furnish intimation on the Broadcast Seva to the Ministry for the following:</p> <p>(a) Change in language of transmission; (b) Change in mode of transmission; (c) Change in address and such other relevant particulars of the company/LLP (d) Resignation of a Director/Designated Partner/Chief Executive Officer</p>	
23	<p>Operational Status of a permitted TV Channel</p> <p>(1) A TV channel is required to remain operational during the currency of the permission.</p> <p>(2) Where a TV channel is unable to remain operational for a continuous period of more than 60 days, the company/LLP shall inform the Ministry of the status along with reasons for the channel remaining non-operational.</p> <p><i>Provided that failure to inform the Ministry regarding non-operational status of a channel beyond a continuous period of 60 days will be deemed to be a violation under the Guidelines.</i></p> <p><i>Provided further that the channel shall not remain non-operational for a continuous period exceeding 90 days.</i></p>	Should be Applicable
Part IX - Penalties for Violation		
24	Consequences of violation of Programme and Advertisement Codes	Should be mandatorily applicable
25	Consequences of violation of other terms and conditions	Should be applicable
26	Powers of the Central Government	Should be applicable
Part X - Miscellaneous		
27	<p>Change of category of a channel</p> <p>(1) Where a permission holder intends to change the category of the channel, from non-news and current affairs to news and current affairs or</p>	Should not be applicable

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

	<p><i>vice-versa, it may apply for the same to the Ministry on the Broadcast Seva, on payment of the requisite fee as in Appendix I.</i></p> <p><i>(2) The Ministry shall process the application from the viewpoint of eligibility and other conditions and grant permission for change of category, specifying the conditions of such permission, preferably within 30 days of the receipt of such application and receiving clearance or No Objection from the Ministry of Home Affairs, wherever required.</i></p>	
28	<p>Appointment of a new Chief Executive Officer/Director</p> <p><i>(1) A company/ LLP having permission under these Guidelines shall not appoint a new person as a Chief Executive Officer (by whatever name called), Director or Designated Partner, without prior approval of the Ministry.</i></p> <p><i>Provided that in case of a company having only two Directors or of a LLP having only two Designated Partners, the new Director or Designated partner may be appointed, and intimation sent to the Ministry along with all details required for security clearance by the Ministry of Home Affairs (MHA) within 15 days of such appointment, under the condition that in the event that security clearance is denied by MHA, such person shall be removed forthwith from the post of Director or Designated partner, as the case may be, by the permission holder.</i></p> <p><i>(2) For the purpose of appointing a person as a Chief Executive Officer or Director/Designated Partner, the company/LLP shall furnish all relevant details to the Ministry for enabling it to seek security clearance from the Ministry of Home Affairs.</i></p> <p><i>(3) The Ministry of Information and Broadcasting shall convey its permission to the company/LLP, preferably within 7 days of receiving clearance</i></p>	<p>Should be applicable</p>

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

	<p><i>from the Ministry of Home Affairs, and upon such conveyance, the person may be appointed as Chief Executive Officer or, Director/Designated Partner.</i></p> <p><i>Provided that where the Ministry of Home Affairs denies security clearance, such person shall not be appointed as a Chief Executive Officer or Director/Designated Partner.</i></p>	
29	Intimation regarding change in shareholding pattern and Foreign Direct Investment	Not Applicable
30	<p>Furnishing of information and documents</p> <p><i>The Ministry may, from time to time, call for such information and documents from the company/LLP as it may require for implementation of the Guidelines.</i></p>	Applicable
31	Remittance of foreign exchange	Not Applicable
32	Transfer of Permission of a Television Channel or teleport	Not Applicable
33	Television channels for viewing only in foreign Countries	Not Applicable
34	<p>Mandatory technical and operational requirements</p> <p><i>respect of uplinking of satellite TV channels/ Teleports/ DSNG/ SNG, technical and operational requirements will be in accordance with the extant Indian Standards as published by Telecommunication Engineering Centre (TEC), Department of Telecommunications, Ministry of Communications and the permission holder may inform the Ministry regarding change in technical parameters such as satellite transponder, frequency bands, polarization, etc. during the permitted period of operation.</i></p>	The equipment's used by GBBs should be TEC certified for the national security reasons.
35	<p>Obligation of public service broadcasting</p> <p><i>(1) As airwaves/frequencies are public property and need to be used in the best interest of the society, a company/LLP having permission under these guidelines for uplinking a channel and its downlinking in India (other than foreign channels only downlinked in India) may undertake public service broadcasting for a</i></p>	Not Applicable.

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

	<p><i>minimum period of 30 minutes in a day on themes of national importance and of social relevance, including the following, namely –</i></p> <ul style="list-style-type: none"> <i>i) education and spread of literacy;</i> <i>ii) agriculture and rural development;</i> <i>iii) health and family welfare;</i> <i>iv) science and technology;</i> <i>v) welfare of women;</i> <i>vi) welfare of the weaker sections of the society;</i> <i>vii) protection of environment and of cultural heritage; and</i> <i>viii) national integration</i> <p><i>(2) The channels may, for the purpose, appropriately modulate their content to fulfil the obligation referred to in sub-para (1), except where it may not be feasible, such as in the case of sports channels, etc.</i></p> <p><i>(3) The Central Government may, from time to time, issue general advisory to the channels for telecast of content in national interest, and the channel shall comply with the same.</i></p>	
<p align="center">36</p>	<p>Applicability of the Guideline on existing permissions</p> <p><i>The various terms and conditions laid down in this Guideline shall automatically apply to all permissions and approvals granted by this Ministry under the 'Policy Guidelines for Uplinking of Television Channels' and 'Policy Guidelines for Downlinking of Television Channels' dated 5th December, 2011, and the Guidelines of 2005, and all new permissions/renewals will be governed by this Guideline.</i></p>	<p align="center">Not Relevant</p>
<p align="center">37</p>	<p>Residual Clause</p> <p><i>For any other permission/ matter related to uplinking and downlinking of satellite TV channels, news agencies, DSNGs/SNGs and teleports not specifically mentioned in the guidelines, or for removal of any difficulty in implementing these</i></p>	<p align="center">Not Relevant.</p>

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

	<i>Guidelines, Secretary, Ministry of Information & Broadcasting, shall be the competent authority.</i>	
Appendix I	Processing Fee, Annual Permission Fee, Registration Fee for downlinking from other countries, Schedule of Payment & Fee for Live telecast	Processing Fee: 10,000 Rs. Annual Permission Fee: 50,000 Rs for State level GBBs For National Level GBBs: 1 lakh only.
Appendix II	Minimum Networth Requirement	Minimum Networth should be kept at 10 lakhs only.
Appendix III	Roll Out Obligations and Performance Bank Guarantee	Not Applicable
Appendix IV	Security Deposit	Not Applicable

DEN ENJOY CABLE NETWORKS PRIVATE LIMITED

Regd. Office: A-11, Second Floor Left Side, Rajouri Garden New Delhi 110027

CIN- U32204DL2007PTC168283 Phone No. 011-45686696, email-compliancejvc@gmail.com