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I. Preliminary Submissions: The Strategic Imperative for Calibrated Regulation

At the outset, ABP Network Private Limited ("ABP Network") welcomes the opportunity to submit its comprehensive views on this forward-looking consultation paper. The rapid evolution of Connected TV ("CTV"), Free Ad-Supported Streaming Television ("FAST"), and Aggregated Linear Television Distribution ("ALTD") ecosystems represents a structural paradigm shift for India's broadcasting and digital entertainment sectors. These frameworks present transformative opportunities for consumer choice, niche content distribution, and advanced programmatic monetisation models.

However, this technological transition introduces unprecedented architectural and commercial risks. Absent proactive, calibrated regulatory guidance, the internet-led TV distribution market risks mimicking the highly concentrated, anti-competitive market structures observed globally in mobile app stores and digital search markets. Large hardware and software technology intermediaries are rapidly positioning themselves as the sole vertical gatekeepers of content delivery, user interface prominence, and ad-tech orchestration.

ABP Network submits that TRAI, as an expert sectoral regulator, should adopt a facilitative, pro-competitive, and market-balancing role. The Authority must meticulously avoid two regulatory extremes:

- 1. The Over-Regulation Trap:** Prematurely or mechanically transplanting the exact legacy, rigid licensing structures, rigid tariff mandates, and traditional carriage rules applicable to DTH/MSOs onto emerging, highly dynamic internet-led architectures.
- 2. The Laissez-Faire Trap:** Accepting the absolute "no jurisdiction" arguments propounded by platform lobbies, which would grant digital gatekeepers a free pass to engage in unchecked rent-seeking, opaque ad-insertion, algorithmic self-preferencing, and structural manipulation.

Accordingly, ABP Network advocates for an ex-ante, "light-touch but proactive" competition framework. This framework must remain rooted in platform neutrality, absolute financial transparency, inventory sovereignty, and fair discoverability norms to protect the economic independence of professional content curation.

II. Structural & Economic Distinctions: Traditional DTH/MSO vs. FAST/CTV

Certain stakeholders have suggested that TRAI should view the FAST/CTV ecosystem through the identical regulatory lens applied to traditional DTH and MSO networks. Such equivalence is technologically inaccurate, economically flawed, and legally unsustainable. The ecosystems diverge fundamentally across all key structural vectors:

Structural Dimension	Traditional DTH / MSO Ecosystem	FAST / CTV / ALTD Ecosystem
Delivery Infrastructure	Managed, closed broadcasting networks	Public internet-led unmanaged delivery layer

	(Satellite/Coaxial Cable) with hard structural physical bandwidth constraints.	(OTT) with virtually infinite linear capacity expansion capability.
Intermediary Stack	Single, vertically integrated distributor acting as the platform operator directly facing the end consumer.	Multi-layered, complex digital stack: Smart TV OEMs, OS Providers, App Stores, SSPs, DSPs, and Ad Exchanges.
Discoverability Mechanics	Linear, static Electronic Program Guide (EPG) structurally bound by clear Logical Channel Numbers (LCN).	Dynamic, personalized UI carousels, algorithmic curation, native voice-search routing, and app-level prioritization.
Monetisation Engine	Direct end-user subscriptions (Pay TV) or transparent, fixed ad-break placement structures linked to linear time.	Highly volatile dynamic digital ad-insertion, Server-Side Ad Insertion (SSAI), data-driven programmatic bidding, and first-party data loops.
Audience & Viewership Data	Aggregated, standardized third-party audience measurement delivered via an industry-wide platform (e.g., BARC).	Granular, proprietary, and highly siloed first-party device/viewer telemetry held exclusively by the gatekeeper platform.

Therefore, the simplistic expansion of traditional carriage and capacity regulations will fail to address the core competitive issues in the FAST market. Regulation must shift from managing physical capacity scarcity to enforcing platform neutrality, technical interoperability, data transparency, and anti-self-preferencing safeguards.

III. Emerging Structural Risks of OEM-Led Gatekeeping & Market Distortion

The FAST/CTV market structure is increasingly consolidating power in a highly concentrated pool of global Smart TV OEMs, device Operating System (OS) developers, and integrated advertising technology intermediaries. These entities serve as dual-rolled platform operators: they manage the primary application marketplace while simultaneously competing against independent broadcasters via their own proprietary FAST channel offerings.

This dual role creates deep, systemic structural conflicts of interest, generating risks identical to those currently under intense global antitrust scrutiny in mobile platforms and digital advertising markets. These gatekeepers frequently weaponize their structural advantage through:

- **Algorithmic Self-Preferencing:** Systematically prioritizing proprietary or vertically integrated FAST channels within native search tools, recommendation matrices, and primary home screen carousels over independent networks.
- **Coercive Tying and Bundling:** Conditioning standard OS app-store integration, native API access, or standard firmware discoverability upon broadcasters relinquishing large chunks of exclusive advertising inventory or migrating to the platform's proprietary SSP/ad-exchange stack.
- **Data Asymmetry and Siloing:** Extracting end-to-end viewer analytics and granular engagement telemetry from independent broadcaster content while completely blocking those broadcasters from accessing the same data, weakening direct relationships with advertisers.

ABP Network respectfully submits that India must deploy anticipatory, ex-ante safeguards rather than relying on slow, reactive, ex-post antitrust interventions after market dominance has irreversibly entrenched itself.

IV. Core Regulatory Pillars and Policy Alignment

1. Inventory Sovereignty and Advertising Transparency

The most acute commercial risk facing independent broadcasters within the FAST/ALTD ecosystem is the aggressive push toward mandatory "clean feeds" by platform aggregators. Under these models, platforms leverage Server-Side Ad Insertion (SSAI) to strip out the broadcaster's linear advertisements and replace them with platform-sold programmatic ads, often without providing any auditable tracking or financial recourse to the creator.

The Core Principle of Inventory Sovereignty: Advertising inventory generated by and associated with professional broadcaster content must presumptively remain the property of the broadcaster. Any platform-level ad-insertion or monetization split must be strictly governed by voluntary, bilaterally negotiated, and transparent commercial contracts.

To protect this principle, TRAI should mandate the following rules:

- Platforms must provide granular, impression-level programmatic reports tracking fill rates, actual rendering, and verified ad requests.
- Broadcasters must retain the absolute operational right to establish floor CPMs, enforce programmatic advertiser exclusions, and mandate strict brand-safety parameters.

2. Harmonisation with MIB's TV Rating Policy 2026

The Ministry of Information and Broadcasting's (MIB) newly notified TV Rating Policy 2026 represents a progressive policy intervention. By emphasizing technology-neutral audience measurement and explicitly excluding forced "landing page" views from official audience reach metrics, the policy acts as an essential check against artificial viewership inflation.

TRAI should align its regulatory approach with these principles. Landing pages or forced algorithmic pop-ups must not become tools of commercial coercion, allowing gatekeepers to extract premium fees from broadcasters to buy back artificially inflated reach metrics.

V. Implementing Global Best Practices in Ex-Ante Regulation

India has a unique opportunity to build protective guardrails before its digital television distribution structures solidify into monopolies. Mature regulatory jurisdictions worldwide have already transitioned away from slow, case-by-case antitrust enforcement toward proactive, ex-ante competition regimes tailored to digital platforms:

- **European Union (Digital Markets Act - DMA):** Imposes strict, proactive statutory bans on core gatekeeper platforms practicing self-preferencing and forces absolute transparency in digital ad-tech fee pricing, billing metrics, and intermediary margins.
- **United Kingdom (Digital Markets, Competition and Consumers Act):** Empowers regulatory bodies to assign a "Strategic Market Status" (SMS) to powerful tech platforms, enforcing targeted, enforceable codes of conduct that block platforms from imposing unfair trading conditions on independent content providers.
- **United States Interventions:** Active regulatory actions by the Department of Justice (DOJ) targeting vertical tech integrations, focusing heavily on decoupling distribution systems from proprietary ad-exchange infrastructure.

By adopting these global best practices, TRAI can introduce proactive principles that protect local content creation, ensuring the Indian digital broadcasting market evolves as an open, competitive ecosystem.

VI. Legal Validity: Countering the "No Jurisdiction" Argument

Certain hardware associations, device manufacturers, and technology lobbies contend that because FAST and ALTD services rely on internet delivery, they fall outside the scope of traditional television distribution and remain entirely exempt from TRAI's regulatory oversight. This position misinterprets both the law and the reality of the market:

1. **Statutory Competence Under the TRAI Act, 1997:** The Act mandates that the Authority ensure fair competition, smooth interconnection, and the orderly growth of the entire broadcasting and telecommunications sector. When an intermediary aggregates, curates, and delivers linear television channels to the public—regardless of the underlying transport protocol (satellite, cable, or public internet)—it is performing a distribution function.
2. **Preventing Regulatory Arbitrage:** Allowing internet-led TV distributors to operate in a completely unregulated space creates a severe distortion. It penalizes traditional, heavily

regulated networks (DTH/MSOs) while leaving broadcasters exposed to unchecked commercial pressure from digital gatekeepers.

Therefore, TRAI's intervention does not require building a rigid, restrictive licensing regime. Instead, it should establish a consultative, recommendatory, and pro-competitive safeguard mechanism that sets enforceable minimum standards for fair market conduct.

VII. Final Summary of Recommendations

To preserve the plurality, financial independence, and high quality of professional broadcasting in India, ABP Network respectfully requests that TRAI incorporate the following recommendations into its final report:

1. **Enforce Anti-Self-Preferencing Rules:** Prohibit Smart TV OEMs and OS providers from prioritizing their own channels or app suites, ensuring that content discoverability remains based entirely on user choice.
2. **Protect Content Rights and Inventory:** Establish that advertising space linked to a broadcast belongs to the broadcaster. Any platform-level ad-insertion must be built on mutual agreement, with fully auditable, impression-level tracking.
3. **Mandate Independent Metrics:** Require that all audience measurements used to value advertising space rely on independent, accredited third-party systems like BARC, avoiding reliance on hidden platform data.
4. **End Double-Charging Schemes:** Introduce fair-practice codes that prevent platforms from demanding both high carriage fees and significant advertising revenue splits for basic distribution.
5. **Align with National Policy:** Harmonize all guidelines with the MIB's TV Rating Policy 2026, ensuring that forced landing page placements are completely excluded from official audience reach calculations.

Submitted respectfully on behalf of:

ABP Network Private Limited

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