

RESPONSE OF DISH TV INDIA LIMITED
TO
CONSULTATION PAPER
ON
PLATFORM SERVICES OFFERED BY DTH OPERATORS

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We, Dish TV India Limited, in our response to the earlier Consultation Paper of June 2014 on the same subject had elaborately provided our comments.

We wish to draw the attention to the very genesis of the earlier consultation paper and the need for it as felt by the ministry in its letter dated 17.01.2013. It is clearly mentioned in the said letter that how the initial leeway granted by the Authority, as it was then felt to be effective in the case of events of urgent importance at the local district administration level, could be misused to drastically by the Local cable operator to misuse the same to the greatest extent possible. It is because of this that the Ministry felt the need to curb such menace and asked the Authority to provide its recommendation along with the need for encryption of the said developed content/program in the light of the changes in the Cable TV Network (Regulation) Act, 1995 for DAS.

Clearly therefore the necessity was felt only in respect of the LCO and DTH has always been out of the said purview for various reasons including but not limited to the fact that the all DTH operators were duly licensed from MIB which required a mandatory security clearance and the content disseminated were already encrypted and in compliance of the advertisement and program code.

However now that the Authority has issued the present consultation in view of the specific requirement by the MIB as stated in its letter dated 02.07.2019, the recommendation should be made by the Authority after considering the issue holistically and not limiting the same only to the DTH operators. We reiterate the contents of our response of the earlier consultation paper of June 2014 made in this regard and the same may be treated as part and parcel of this submission.

In the above back drop, we provide our repose to the question asked in the present consultation as under:

Q 1: Do you think programmes of the PS should be exclusively available on one single DTH operators' network only to qualify as a PS channel for the DPO? Should there be any sharing of such programmes with other DPOs? If yes, please provide justification and if no, the reasons thereof.

Q 2: In case answer to Question 1 is no, how it can be ensured that programmes of the PS are exclusively available only on single DTH operators' network? What conditions are to be imposed in registration/license/guidelines?

DISH TV RESPONSE: At the first place, we wish to submit that the question asked by MIB has not been phrased in its letter and spirit in the present consultation paper. While the question was related to specific instance of transmission of exclusive content by the DTH operator, the same has been translated into making the entire PS as exclusive in nature. Therefore the question nos. 1 and 2 of the present consultation are entirely misplaced.

Be that as it may, since the query was in respect of exclusivity of the content, we wish to submit that the content of platform services is sourced from independent aggregators or agglomerate in the business and it is not feasible to restrict their deals with producers of the content for a certain platform/operator. It is therefore suggested that TRAI may not mandate content/programme exclusivity. However if such content is curated in house, the DTH operator may be required to maintain the exclusivity of the same for a particular time period.

With the growth of digital media, content like movies, music and original content is readily available on the various OTT platforms and respective youtube channels. Hence exclusivity for PS content for every operator is not a justified ask, as content producers acquire content for linear and digital platforms and subsequently offering the same for one DTH operator alone is not viable.

The objective of PS is brand differentiation and to compete against the local content being showcased by MSOs/LCOs at their discretion. The content they air is not regulated by any existing act or law. Hence it is requested that TRAI should make fair recommendation applicable to all DPOs instead of just regulating PS on DTH operators.

Q 3: Is there a need to revisit/review the earlier recommendations of the Authority dated 11th November, 2014, relating to keeping recording of all PS channel programs for a period of 90 days and maintaining a written log/ register of such program for a period of 1 year by the DPO from the date of broadcast and the role of Authorised Officer and the State/ District Monitoring Committee and MIB as monitoring authorities.

DISH TV RESPONSE: The DTH Services are governed by the DTH license conditions issued by the Ministry of Information and Broadcasting. The Article 8 of the said license condition obligates the DTH operators to maintain the recoding of the programs carried on the platform for a period of at least 90 days at its own cost. The said condition is reproduced as under:

“ARTICLE-8

MONITORING AND INSPECTION

8.1 The Licensee shall provide the necessary facility for continuous monitoring of the DTH broadcasting service at its own cost and maintain the recordings of programmes and advertisements carried on the platform for a period of 90 days from the date of broadcast and produce the same to the Licensor or its authorised representative, as and when required.

8.2 The Licensee shall furnish any such information at periodic intervals as may be required by the Licensor concerning Channels or content being transmitted or provided under the service, technical parameters etc. in the format as may be prescribed by the Licensor from time to time.

.....”

In view of the above, it is clear that there is no additional requirement to be prescribed for the DTH operators in this regard.

Further, all the contents transmitted by the DTH operators are monitored by the Electronic Media Monitor Center which is entrusted with the responsibility to check the compliance of the 'Programme and Advertisement Code' under the Cable TV Network (Regulation) Act, 1995 and the rules framed thereunder by the broadcasting companies. Therefore all the contents transmitted by the DTH operators are already being monitored by the said center and there is no requirement for prescription of any additional compliance maintaining a written log/ register of such program for a period of 1 year by the DPO. This may be required for the LCOs who are monitored by the State/District Authorized Officers. DTH Platform services are Pan India in nature and are centrally governed by a national license.

Q 4: What should be the Registration fee/Annual fee for PS per channel? And how it is to be estimated?

DISH TV RESPONSE: The validity of the registration of the Platform Services for DTH operator should be linked with the validity of the platform License. There should not be any fee imposed on the DTH operators in respect of the Platform Services. Among all the DOP's, only the DTH operators are required to pay entry fee, license fee and also furnish bank guarantee. Accordingly, there should not be any requirement of any additional payment by the DTH operators on account of Platform Services. The requirement for payment annual fee can be imposed on the cable platforms who are not required to pay any kind of entry or license fee to the government.

Q 5: How many PS channels are to be allowed to DTH operators? and Why?

DISH TV RESPONSE: DTH platform services enable platform to compete with the local/regional offerings of local cable. Unlike MSO/LCO which are regional, DTH is

pan India service and needs to cater to the language as well as mass entertainment needs of its subscribers. Hence capping the number of PS is not a customer friendly idea. Further, with every broadcaster having their own OTT service, the DTH operators should also have the freedom to decide the number of PS at any point of time in the best interest of its subscriber and the platform.

Q 6: Whether PS channels should be placed separately on EPG to distinguish them from regular TV channels? If yes, how these channels are to be placed?

DISH TV RESPONSE: The placement of a particular is a prerogative of the DTH operators and the same should be kept as is. The Platform services are categorized in genres basis content and placed accordingly in the respective genre of EPG and the subscribers find it easier to navigate through genres, hence placing platform services separately will lead to confusion. Additionally the PS services are available in application/nonlinear format and are navigable through a separate button on remote and subsequently on EPG under ACTIVE category. Therefore for these services adding another genre will only cause confusion in consumer's mind.

Q 7: Should there be any provision for displaying name and sequence number of PS channels in a particular font size under the heading 'PS' or 'Value Added Services' on TV screen so as to distinguish them from the regular TV channels? If yes, please provide justification.

DISH TV RESPONSE: The name and look of the platform services are distinct from regular channels as they have a suffix ACTIVE in name which is displayed likewise in the EPG. Also the service logo had ACTIVE unit, which is self-explanatory for being a platform service. Hence there is no need for mandating use of separate font for active services.

Q 8: Should PS channels be also categorized in specific genre such as 'Devotional' or 'General Entertainment' or 'Infotainment' or 'Kids' or 'Movies' or 'Music' or

'News and Current Affairs' or 'Sports' or 'Miscellaneous'? Please provide proper justification for your answer.

DISH TV RESPONSE: As stated above, the platform services are already placed under respective genres basis content defined by platform. Making platform services as a separate genre and further into sub genres is not needed as it will only confuse the customer.

Q 9: Stakeholders may also provide their comments on any other issue relevant to the present consultation.

No additional comments.
