

31st August 2017

To,

Prof. M. Kasim, Advisor (B&CS)-III,
Telecom Regulatory Authority of India.

Re: Consultation Paper - Ease of Doing Business In Broadcasting Sector.

Dear Mr. Kasim,

Please find below our observations in response to the consultation paper dated 31st July 2017 regarding "Ease of Doing Business In Broadcasting Sector":

Q1. Is there a need for simplification of policy framework to boost growth of satellite TV industry? If yes, what changes do you suggest in present policy framework relating to satellite TV channels and why? Give your comments with justification?

Answer:

Yes, there is indeed an urgent need for simplification of policy framework to boost growth (and survival) of the satellite TV industry. We recommend the following changes in the present policy framework:

1. Classification of News and Non News license is ambiguous. There has to be clarity on News license where content related to business, travel, entertainment, weather or events live or otherwise should be considered as Non News. Content classified as News should be worded properly to cover political news, national interest news, live reporting of events or debates and content not classified in Non News.
2. License to uplink a channel for a new broadcast company should be given within a stipulated time frame of not more than 21 days. License to uplink a channel of an existing broadcast company can be given by online application and deemed to be granted on application made.
3. The need for separate licenses for SD, HD or 4K could be done away with but even if they remain, since the company is able to get license online immediately should the recommendation made in below question if put in practice, I see no reason why anybody will complain.
4. It is not necessary that the SD, HD or 4K channels will have same content. They will have the same brand. For example Travelxp, Travelxp HD, Travelxp 4K. Content will be different for sure on all these 3 feeds since not all content licensed or produced will be available in all formats. Hence the assumption that SD, HD & 4K feeds will have same content is erroneous and should never made mandatory or presumed even.

Proper classification In today's age and time, internet bandwidth has surpassed satellite bandwidth in terms of capacity and usage. Satellite & Internet as just the technological variants of bandwidth. In current policy, starting a satellite channel (which is using bandwidth to broadcast) takes around 12-18 months to get a permission to even an existing broadcast company. Whereas starting a internet channel (which is also using bandwidth to broadcast) takes a day to start and there is no permission. It does in no way mean that channels through internet bandwidth needs to be regulated and brought under permission regime. It means that the satellite channels regulatory framework needs to be simplified. In developed countries like USA, starting a satellite channel is on parity with starting a channel on internet. There are no licenses required whatsoever. However, in the European Union, one does require a broadcast license, but the same is given in 21 working days.

The license given in the European Union can be used to broadcast multiple variants of satellite feeds and these do not require any permissions. There are licensed teleport operators, who uplink the channels and satellite channel license holders can approach any teleport operators and start uplinking in minutes. There is no restriction on number of feeds or any approval whatsoever from any authority post acquiring a broadcast license in any European Union country. Multiple feeds on multiple satellites including SD or HD or 4K versions with same or different programming can be operated with a single license as long as the license holder of the satellite channel claims ownership of the feeds. This regime gives a satellite channel operator to sense any opportunity and start uplinking immediately and capitalise on that opportunity. We have done that in Serbia, Croatia, Bulgaria, Czech Republic and many other countries. We made history when we started uplinking and downlinking Travelxp 4K as the World's First 4K HDR Channel in the USA in minutes of an opportunity but could not do that in India being an Indian company. Had we been able to do it in India, we would have achieved this historic feat in India rather than in USA of becoming the World's First 4K HDR Channel.

Q2. Is there a need in present policy framework relating to seeking permission for making changes in the name, logo, language, format, etc. related to an operational satellite TV channel? If so, what changes do you suggest and why? Give your comments with justification?

Answer: Yes there is an urgent need for drastic changes in the present policy framework relating to seeking permission specifically for making changes in name, logo, content format, change of satellite, change of teleport, change of frequency, change of bandwidth parameters, change of language, change of SD to HD to 4K or vice versa. In our view, all these should be done away with. If required, a simple notification to the government on an online portal should be enough. Only requirement should be for moving to News license from Non News. But moving from Non News to News license should be done away with.

Justification: I am unable to remember any application made for the above changes being rejected ever by the MIB or other departments. They have no bearing whatsoever on the nature of the license. It is simply waste of time and hampering business growth and creating opportunities for unwanted wastage of time and corruption.

Q3. Do you agree with some of the stakeholders comment at preconsultation stage that Annual Renewal process of TV channels needs simplification? Give your comments with justification?

Answer: No. In current framework, annual renewal processes requires payment to be done annually, with an online payment option made available. What needs to change is that the license for the same should be granted automatically online on receipt of payment. The company should not have to wait for the downlink and uplink license to be acquired separately from the ministry. A copy or the number of the license renewal should be made available which the satellite channel owner could then pass that onto the DPO. The DPO would then be able to just put that number on the MIB portal and get the renewal details. Just like we can check GST number or ROC number of any company.

Justification: There is no requirement of a paper license to be sent across post money being received. When payment is done online, a license copy should be made available for download within 24 hours of the payment being made. This process can be automated with a simple auto approval process in case of online payments, and an offline entry for payments received by cheque or DD. There is nothing to check for the yearly renewal and there have been no instances of any channel denied license during renewal. The ministry anyways has the powers to cancel any license anytime. Should the ministry feel the need to cancel a particular license for any reason, which was auto renewed, it could still exercise the power to do so in that particular case.

Q4. Do you agree with stakeholders' comments that coordination with multiple agencies/ Government departments related to starting and operating of a TV channel can be simplified? If so, what should be the mechanism and framework for such single window system? Give your comments with justification?

Answer: Yes, we 100% agree with the stakeholder's comments that licensing to start a TV channel on satellite in particular should be simplified significantly. Below are our suggestions:

1. New companies with no existing broadcast licenses be granted license in 21 working days.
2. Existing companies with existing operational channel on broadcast licenses should be able to start a new channel just by applying online, and the license should be deemed as granted. To clarify, if a new company has acquired a license, and not started the channel, this route should not be applicable.
3. The condition to start the channel in 1 (one) year should be done away with and so should be the performance bank guarantee.
4. On acquisition of the license, the company should be then free to approach any licensed teleport operator and start uplinking immediately at will.
5. The teleport operator already has licensed bandwidth available with them and on verification of the license from the online portal, the teleport operator could update a record against that license as having started uplink of the said channel on such date and time.
6. All uplinks made against the said license shall be updated on the portal by the teleport operator online. No approvals or any paperwork required. Information given on the portal against the said license itself should be perfectly fine.

Justification: The urgent need to simplify the licensing process will allow the satellite industry to survive. The linear television business globally is declining with more and more channels shutting down. We believe that if urgent steps are not taken, similar situation will arise in India too sooner or later. Our stand is that the Government should automate procedures where there is no need of any intervention. Teleports are regulated and they would therefore become the gatekeepers of what should be uplinked. The guidelines that they can uplink on licensed channels is in force even today. So there is no need for any permission for WPC or NOCC or anything for that matter. There is a separate question on simplifying the process for WPC and NOCC process for teleport operators. As mentioned in this paper, that the frequencies that the teleport operators operate are anyways approved. So what is the need of getting approvals again for an approved frequency? In today's age of internet channels and OTT platforms, where one can start both these in no time from anywhere in the world and that is not going to change. It is better that the regulation becomes easier and Government gets the information that it requires on an online portal. The Government can anytime act by pulling down any channel which is not in interest of the nation or the people. That stays.

Q18. Stakeholders may also provide their comments with justification on any other issue relevant to the present consultation paper.

Answer: TRAI's & MIB's role in the Broadcast & Entertainment sector may be limited to India but the policies and rules it frames have impact on the Indian companies doing business globally. Like in our case, we have global feeds for Travelxp, Travelxp HD and Travelxp 4K operating in Europe & North America. We could not launch Travelxp 4K in India & Asia Pacific mainly due to the licensing regime. If we were allowed to uplink from India for launch in Asia Pacific including India, we would have been proud to announce the historic achievement of World's First 4K HDR Channel launched in India. Today at all International platforms, we are projected as being launched the same in USA. History can't be rewritten and we missed an opportunity here.

There is some confusion that for payment of satellite bandwidth to a foreign company, permission is required from MIB or RBI, which is not clear. We had written to the MIB for clarification of the same as what rules apply for payments to be made for satellite bandwidth and technical fees paid to foreign companies which uplink our channels globally in Europe, North America and other regions.

There is a huge opportunity especially for us at Travelxp, where we can be ambitious in spreading our culture, content and our beautiful country all over the world. Also keeping in the government's Make In India initiative, we sincerely urge to promote, encourage with a proactive policy for such cases. This will not only bring in export income to our country but more importantly showcase India's ability to create world class content not only limited to Bollywood or Indian languages but also in English and other foreign languages. With the growing connected world, we have an opportunity at hand to be leaders in making India a content hub not only to service Indian consumers but global ones too.

Kind Regards,

For **CELEBRITIES MANAGEMENT PRIVATE LIMITED,**



PRASHANT M. CHOTHANI,
CEO & MANAGING DIRECTOR