

The UK approach to the regulation of IPTV and Mobile TV

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Getting the concepts right

What is IPTV?

- Services over closed networks, both DSL and cable using IP technology
- Streamed content on the open Internet (channel on websites)
- Linear AND on-demand
- Generally outside:
 - Content not of broadcast quality
 - Amateur short clips
 - Low resolution content (e.g. much pirated content)

What is Mobile TV?

- Streamed live and on-demand content
- Other audiovisual content (e.g., user generated content, clips, games)
- Mobile Multimedia

Some Examples

- **Homechoice:** VOD service via IP networks launched in September 2000
- **BT Vision:** launched as a hybrid digital terrestrial / broadband video on demand service on 4 December 2006
- **4oD:** broadband to the PC video on demand service launched on 6 December 2006
- **iPlayer:** a broadband to the PC catch-up service planned by the BBC
- **Virgin Mobile:** mobile TV service provided by BT Movio launched on 1st October 2006 (DMB)



BT Vision



Ofcom's current competences

Communications Act (2003)

- CA separates licensing/regulation of TV content, from its delivery
- Offence to provide a TV service without licence –onus on provider
- Licence TV services (channels) not platforms or providers, and licence only once
- S232: Television Licensable Content Services (TLCS):
 - Does it consist of TV programmes (or EPG)?
 - Made available by means of an (ECN) or a satellite?
 - Available for reception by members of the public?
 - Two-way service, a closed-group service or a single premise service?
 - Provided for the purposes of making available TV or radio programmes?
- No regulation of content on the Internet
- No regulation of on-demand content

UK Regulatory Architecture

Statutory Licensing framework (TLCS)

- Broadcasting Code (fairness & impartiality, harm & offence, product placement)
- Advertising Standards Authority (ASA)
 - Contracted out regulation of advertising in broadcasting (BCAP)
 - Ofcom retains backstop powers of enforcement/sanctions

Self-regulation (1)

- Association for Television on Demand (ATVOD):
 - Section 361 of CA gives SoS powers to include VoD within TLCS

Self-regulation (2)

- Mobile Broadcasting Group (MBG), Independent Mobile Classification Body (IMCB)
- Internet Watch Foundation (IWF) for illegal Internet content (eg. child pornography)

Regulatory landscape post-AVMS

AVMS – Scope:

- **TV Broadcasting:** simultaneous viewing of programmes on basis of schedule
- **On-demand:** moment chosen by user + individual request

Additional key criteria:

- Provision of **programmes**
- **Editorial responsibility:** prior control over selection and organisation
- **Mass media:** intended for reception by public + significant impact
- “Television-like” + “consumer expectations” + competition for same audience

Excluded:

- Activities primarily non-economic (private websites and user generated content)
- Gambling services, online games and electronic versions of newspapers

Implementation in the UK

Broadcasting tier

- Statutory licensing
- Changes to the broadcasting Code

On-demand tier?

- Pure self-regulation not sufficient → need for legislative backstop
- Highly likely need for primary legislation
- Flexibility in design of co-regulatory scheme:
 - Scope and participation
 - Backstop powers: HMG/Ofcom? Accreditation? Guidance?
 - Enforcement
 - Costs and incentives

Conclusions

- Regulation on new platforms needs to focus on the “service”
- Clarity on scope, but inevitably ambiguities at the margins
- Communications Act already allows Ofcom some discretion
- Interpretation according to Ofcom’s principles
- Licensing model is inappropriate for on-demand services
- Flexibility in design of co-regulatory regimes
- Need to regulate “in partnership”
- Consumers aware when they enter an “unsafe” domain
- Media literacy (!)

THANK YOU

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