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DSK Legal Knowledge Center

Updates on

- Media and Entertainment

MEDIA AND ENTERTAINMENT

- A. The Telecom Regulatory Authority of India (“TRAI”) issues new interconnection regulations for broadcasting sector (“Interconnection Regulations”) to ensure non-discriminatory access to content

TRAI, on March 17, 2009, released the Telecommunication (Broadcasting and Cable Services) Interconnection (Fifth Amendment) Regulations, 2009, which essentially cover regulatory provisions on non-discriminatory access to content, issues relating to interconnection for addressable platforms and registration of interconnection agreements.

The main amendments made in the Interconnection Regulations are as follows:

- A distributor of TV channels is barred from seeking signals under the terms of the “must have” clause (clause 3.2 of the Interconnection Regulations) from a broadcaster for those channels in respect of which carriage fee is being demanded by the distributor of the TV channels from the broadcaster.
- The distributor of TV channels may, however, charge a fee for placement of the channel of a broadcaster vis-à-vis channels of other broadcasters on its distribution platform.
- Introduction and roll out of voluntary conditional access system (“CAS”) has been facilitated by making it mandatory for all broadcasters to have reference interconnect offers for all addressable systems. Further, minimum technical specifications for addressable systems have been specified.

- Terms and conditions which should compulsorily form part of a reference interconnect offer for Direct-to-Home (“DTH”) or any other addressable system, such as Voluntary CAS, Internet Protocol TV (“IPTV”), Headend In The Sky (“HITS”) etc., have been prescribed.
- The distributors of TV channels employing addressable systems have been enabled to provide their services to commercial subscribers.
- It has been made mandatory for all interconnect agreements to be reduced to writing.

For more information please refer to

<http://www.trai.gov.in/WriteReadData/trai/upload/Regulations/83/regulation17mar09.pdf>

- B. The Telecom Regulatory Authority of India (“TRAI”) issues amendment to Quality of Service regulations for direct to home (“DTH”) services

The Direct to Home Broadcasting Services (Standards of Quality of Service and Redressal of Grievances) Regulations, 2007 (“Regulations”) were issued on March 12, 2009 to lay down the standards of quality of direct to home services and to protect the interests of subscribers.

The main amendments made are as follows:

- The DTH operators have been prohibited from charging any fee towards visiting charges or repair and maintenance charges of DTH consumer premises equipment during the period of warranty for such DTH consumer premises equipment acquired on outright purchase basis.
- The DTH operators have been prohibited from changing the composition of their subscription packages, so as to discontinue exhibition of any particular channel, during first six months of enrolment to the subscription package or during the period of validity of a prepaid subscription package, whichever is longer, if such channel continues to be available on their platforms for direct to home service.
- The DTH operators have been mandated to proportionately reduce the subscription charges for a package from which any channel is removed on the account the same not being available to them, for first six months of enrolment or during the period of validity of a prepaid subscription package, whichever is longer or to replace the channel with a channel of same genre and language.
- Option to select the channel of the same genre and language in a subscription package to replace a channel which has

become unavailable on the DTH platform, has been given to the DTH operator.

- The option of choosing the package with reduced charges or the package with replaced channel has been given to the subscriber.
- Prior notice of fifteen days to be given by the DTH operator before changing the composition of any subscription package.
- DTH operators have been mandated to entertain requests of DTH subscribers for suspension of services if requested period of suspension does not exceed three calendar months and does not comprise part of a calendar month.

For more information please refer to

<http://www.trai.gov.in/WriteReadData/trai/upload/Regulations/80/regulation12mar09.pdf>

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