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TELECOM REGULATORY AUTHORITY OF INDIA

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TRAI releases draft recommendation on “Provision of IPTV services”

New Delhi, 28th November, 2007 – Telecom Regulatory Authority of India (TRAI) releases the draft recommendation on provisioning of IPTV services today. IPTV is a new method of delivering and viewing television programs using an IP network and high speed broadband technology. It is fast becoming a popular value added service in many countries. The fast development in telecom technologies, enormous capabilities of IP platform and increasing digitalization in broadcasting sector is driving services like Internet Protocol TV (IPTV).

The issue of provisioning of IPTV services has been in the limelight for some time. Since telecom service providers having Unified Access Services license (UASL) and Cellular Mobile Telephony Service (CMTS) License are permitted to provide triple play service, they can also provide IPTV services as it is within ambit of triple play services. ISPs having net worth of more than Rs 100 crores are permitted to provide IPTV services after obtaining permission from the licensor. The question was being raised time and again in view of the provision of Cable Television Network (Regulation) Act 1995 whether these operators needed any other regulatory clearances or registration to provide IPTV to their subscribers. It will be important to mention that Cable Television Network (Regulation) Act 1995 provides that no person shall operate a cable television network unless he is registered as a cable operator under this act.

The Authority has deliberated at length on all the relevant issues regarding provision of IPTV services considering technology neutral approach and came out with a position paper on 6th September, 2007. Comments of stakeholders were invited up to 21st September, 2007. On the basis of these comments, best International practices and our analysis, these draft recommendations have been framed. The highlights of these draft recommendations are given below:

Licensing Issues:

- Telecom service providers (UASL and CMTS) having license to provide triple play services and ISPs with net worth of more than Rs. 100 Crores and having permission from the licensor to provide IPTV can provide IPTV service under their licenses without requiring any further registration. Similarly cable TV operators registered under Cable Television Network (Regulation) Act 1995 can provide IPTV service without requiring any further license.
- Any breach of the provisions of Act/ License/ Registration/ Permission by telecom service provider/ cable operator/ Broadcasters shall be dealt with by designated agencies which are responsible for administering such Acts/ License/ Registration/ Permissions.

Content Regulation:

- The Telecom licensees while providing TV channels through IPTV shall transmit only such channels in exactly same form (unaltered) for which broadcasters have received up-linking/down-linking permission from Government of India (Ministry of Information and Broadcasting). In such cases, the responsibility to ensure that content is in accordance with the extant laws, rules, regulations etc shall be that of the broadcaster and telecom licensee will not be held responsible.
- In case of contents other than TV Channels from broadcasters, the telecom licensee shall be responsible for observing program code and advertisement code and such program code and advertisement code shall be the same as provided in Cable Television Network (Regulation) Act 1995 and Rules there under.
- I & B Ministry and IT ministry are monitoring the contents. It would therefore be appropriate that respective ministries regulate the content provided using IPTV. Operational procedures like time to keep a copy of the contents shown on IPTV, monitoring requirements etc can be worked out by DOT based on the feedback from respective ministries. Any violation of prevailing Acts/ Rules/ guidelines relating to content by telecom service providers in provisioning of IPTV service shall be reported to DoT by respective ministries. The decision of the respective ministries regarding violation of the law/ direction/ guidelines in respect to content shall be final. DoT may perhaps seek the guidance of the respective

ministries to ascertain the penalties for the breach to maintain uniformity and shall initiate suitable action for imposing penalties for violations in a time bound manner.

- Telecom service provider providing IPTV will show only those news channels which have been approved by I & B Ministry.

Down linking Policy:

- Up linking/ down linking guidelines should be amended to enable the broadcasters to provide signals to all distributors of TV channels such as cable operators, MSOs, DTH operators, HITS operators, IPTV service providers etc.

Considering importance of the subject, these draft recommendations are being put on TRAI website inviting further comments from stakeholders. Thereafter, the Authority will issue the final recommendations to the Government on the subject.

Detailed draft recommendation is available on TRAI website: www.traigov.in

Contact details in case of any clarification:

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