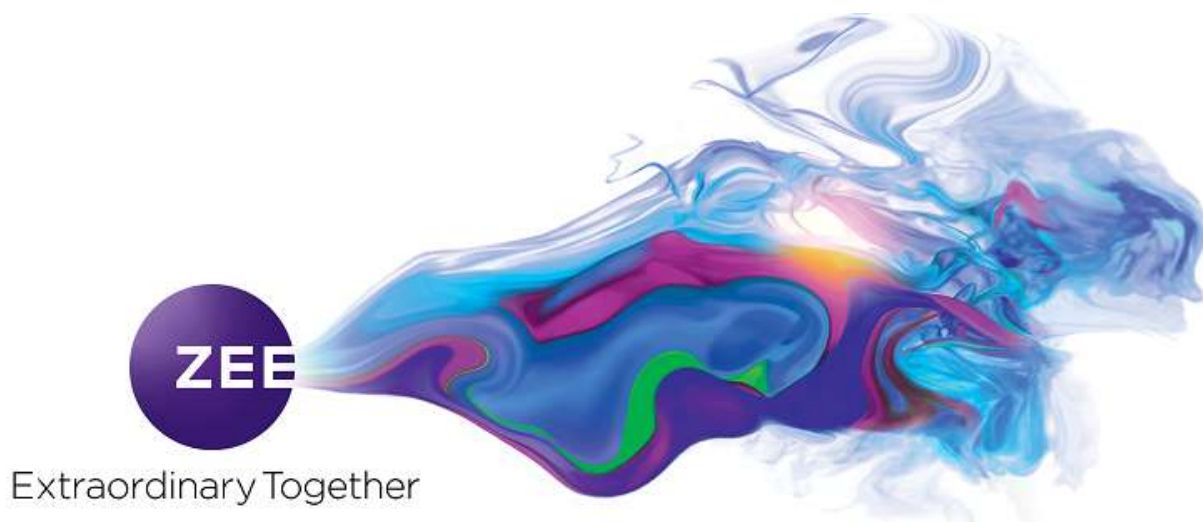


RESPONSE OF ZEE ENTERTAINMENT ENTERPRISES LIMITED

TO

**CONSULTATION PAPER ON ISSUES RELATED TO PLACING OF
TELEVISION CHANNEL ON LANDING PAGE**

ISSUED BY TRAI ON 3RD APRIL 2018



From:

- (i) Mr. A. Mohan**
avnindra.mohan@zee.esselgroup.com

- (ii) Mr. Viresh Dhaibar**
viresh.dhaibar@zee.esselgroup.com

Introduction:

At the outset, we are thankful to the Telecom Regulatory Authority of India (TRAI) for having taken the initiative to address the impending matters relating to Issues related to Placing of Television Channel on Landing Page which inter alia aim to protect the interest of consumers and fair growth of the sector.

In order to ensure level playing field for all the stakeholders, viz Broadcasters, Distribution Platform Operators (DPOs) and Consumers it is important to have Non-discriminations across the value chain as the fundamental principle of the interconnection regulations.

Restriction on placement of channels to ensure non-discrimination is already part of existing interconnection regulations. To avoid any eventuality of a channel being placed in a disadvantageous position as compared to another channel of the same genre, a provision was made in the Interconnect Regulations where under a broadcaster has to indicate the genre of a channel and the multi system operator has to include that channel in the respective genre. The provisions of Interconnection Regulations 2012 are given below:-

“5(14A) Every broadcaster shall declare the genre of its channels and such genre shall be either News and Current Affairs or Infotainment or Sports or Kids or Music or Lifestyle or Movies or Religious or Devotional or General Entertainment (Hindi) or General Entertainment (English) or General Entertainment (regional language).

5(14B) The multi system operator shall place the channels of a broadcaster in the genre.

5(15A) Every multi system operator shall display, in his Electronic Programme Guide, all the channels offered by him, in the same genre

in which a particular channel has been indicated by the broadcaster and one channel shall appear in only one genre.”

However, such provisions are not part of the Telecommunication (Broadcasting and Cable Services) Interconnection Regulation 2004 dated 10th December 2004 (herein after Interconnection Regulation 2004) which was initially applicable for non-addressable cable TV systems and later amended to include addressable systems such as DTH, HITS, IPTV.

The above said two Interconnection Regulations were replaced by the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 dated 3rd March 2017 (herein after the Interconnection Regulations, 2017) repealing the previous interconnection regulations. The provisions related to placing of channels were strengthened in these regulations. It has the following provisions:-

“18. Listing of channels in electronic programme guide.- (1) Every broadcaster shall declare the genre of its channels and such genre shall be either ‘Devotional’ or ‘General Entertainment’ or ‘Infotainment’ or ‘Kids’ or ‘Movies’ or ‘Music’ or ‘News and Current Affairs’ or ‘Sports’ or ‘Miscellaneous’.

(2) It shall be mandatory for the distributor to place channels in the electronic programme guide, in such a way that the television channels of same genre, as declared by the broadcasters, are placed together consecutively and one channel shall appear at one place only:

Provided that all television channels of same language within the same genre shall appear together consecutively in the electronic programme guide:

Provided further that it shall be permissible to the distributor to place a channel under sub-genre within the genre declared for the channel by the broadcaster.

(3) Every distributor of television channels shall assign a unique channel number for each television channel available on the distribution network.

-----“

Further, the provisions of The Telecommunication (Broadcasting and cable) Services Standards of Quality of Service and Consumer Protection (Addressable Systems) Regulations, 2017 are as under:-

“38. Display of channels in EPG.— (1) Every distributor of television channels shall display all channels available on its platform in the electronic programme guide and each channel shall be listed under the respective genre of the channel as declared by the broadcaster under applicable tariff order or regulations notified by the Authority from time to time and one channel shall appear at one place only:

Provided that it shall be permissible for the distributor to divide the channels under one genre into sub-genres on the basis of language or region and such channels shall be assigned unique logical channel numbers within the sub-genres:

Provided further that the channels of same language shall be put together within the same sub-genre.”

The above said provision of interconnection regulations and Quality of Service Regulations deal with placement of channels to avoid discrimination but there is no direct provision regarding placement of channels on landing page. However, it may be pertinent to point out that the very placement of channel on landing page would amount to “placing the channel out of the relevant genre”, thereby resulting in violation of these Regulations. Besides, it would also result in paid/forced rating for a channel which should not be allowed.

This Consultation paper issued on 3rd April 2018 will elicit views from various stakeholders so as to enable the Authority to take a considered view

on the Regulation to be introduced on Placing of Television Channel on Landing page.

Our response with our comments/views on the Issues for Consultation are provided herein below.

Q1. Do you feel that emerging concept of placing TV channel on landing page can influence TRP ratings? Suggest the action which may address the issue with justification.

Response:

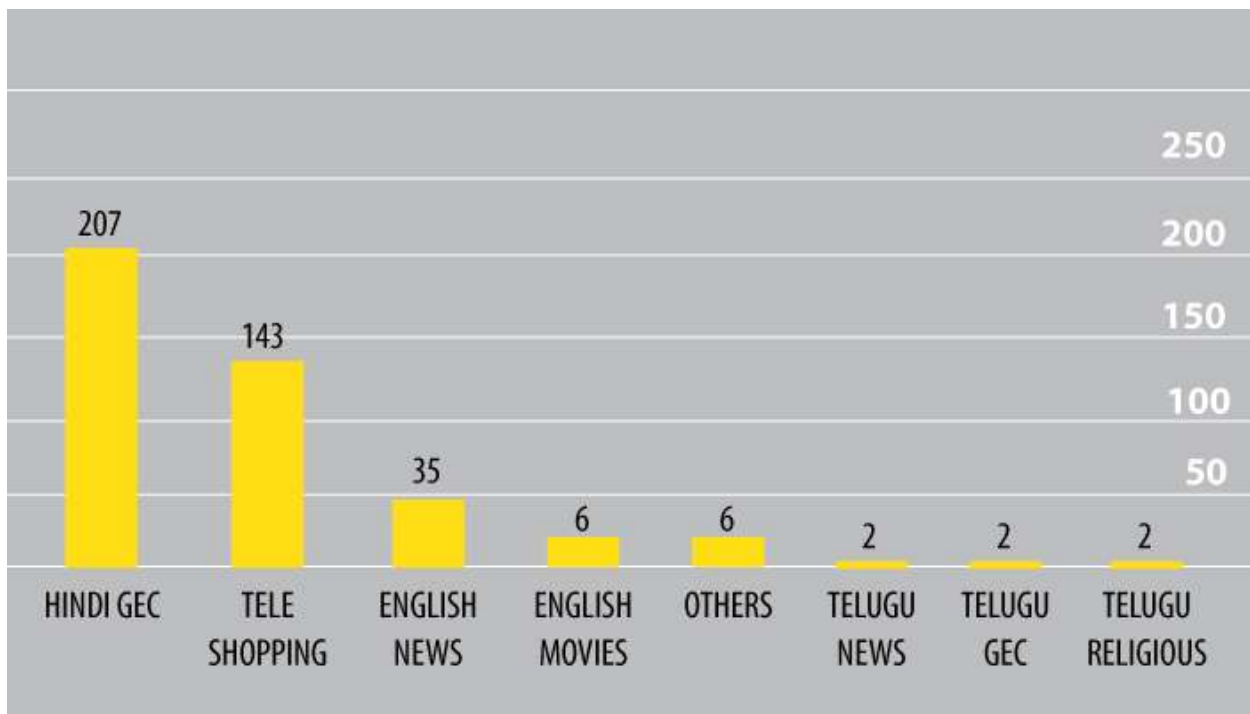
1.1 Yes, in our opinion the emerging concept of placing TV channel on landing page can definitely influence TRP ratings. As rightly observed the concept of audience measurement by BARC is based on a particular channel being watched on a clock minute basis.

1.2 Further, a channel with a maximum viewing duration in a clock minute gets the entire viewing attributable for that minute. If a channel is placed at a landing page, whenever customer switches ON the STB, it displays the landing page containing the channel first for a predefined duration. The predefined duration is generally configurable and during the said period remote does not allow subscriber to flip channels. This time-period attains criticality and may influence television rating. It may happen multiple times as and when customer switches ON the STB in a day. After the STB is switched ON, landing channel continues to run on background, customer browses the menu options which consumes some time.

1.3 It may not be out of place to mention that in rural and remote places where electric supply is erratic, TV may get switched on when no one is there and landing page continues as if it is being watched. This may project false results for channel rating, as such TV rating marking is not on the basis of choice of consumer but by default thereby inducing “forced ratings”. If a landing channel is a water marked channel, the channel is measured as viewed, even though the customer may not be watching that channel at all or may be working on other menu options at the start. Further there is a

very high probability that the customer is not viewing such channel as her/his natural preference. Such additional and non-genuine viewership may give the channel an upper hand in the rating recorded by the audience measurement.

1.4 That the placement of a channel on landing page clearly influences the TRP rating is evident from the fact that in week 35, the Chrome DM Landing page report shows that there are over 400 landing pages active across various cable networks, 35 of them being English News channels. In addition, the channels are also being placed on the landing page provided by DTH operators. For placement of channels on landing page, hefty placement fee is being paid as such placement boosts TRP ratings of the channel.



Source: Chrome DM Landing Channel Report

1.5 Therefore, placing the channels on landing page may be a powerful tool in influencing and artificially inflating the ratings of a TV channel. This practice may lead to sudden hike in television rating in a very short span of time and distort well established Eco-system.

Q2. Should concept of landing page be defined? If so, please suggest the definition of the landing page with justification.

Response:

2.1 Yes, the concept of landing page should be defined. According to us the definition of landing page should be as under:

2.2 **Definition of Landing Page:**

“Landing page would mean the Logical Channel Number (LCN) which is displayed first on the Television Screen when the Set Top Box (STB) is switched on. Such Landing page should be the Home page of the DPO, only showing platform specific information such as (1) Customer care/ Help line numbers; (2) charges for various services provided by the DPO. for example-relocation fee, charges for ala carte/ bouquets of channels provided. (3) process for availing channels from the DPO as well as process for de-activation etc. (4) How to access Customer Account related information. Further, the landing page should not have any channel of the Broadcaster nor any service channel of the DPO. In other words, the landing page should contain only information relating to DPO and nothing more”

2.3 The above definition of the landing page will be helpful for the consumer to have all the information required for a hassle-free viewing experience with the help of his remote.

Q3. Will defining Framework for placing TV channels on landing page affect the present business model of distributors? If so, will it be considered impacting the freedom to do business by distributors of TV channels? Give your suggestions with justification.

Response:

3.1 The defining of the framework for placing TV channels on landing page is not warranted at all. Any framework allowing landing page with a Broadcaster channels is a disruption of services for the consumer and any

revenue which may be generated thru such business practices would mar the viewing experience of the Consumer who ultimately pays for the services. Further, any framework in this direction would only benefit the Broadcaster and the DPO while the consumer who pays for the entertainment is put to inconvenient viewing experience.

3.2 We are of the view that a practice which may induce a “forced rating” is completely unethical and should not be allowed. The ratings ultimately translate into advertisement revenue and accordingly the practice of “landing page” has thrived where-under the DPOs are being paid to get these ratings. These induced, paid and forced ratings do not represent the actual viewership pattern and create bias by creating a skewed data. It is because of this reason that MIBhas issued advisory to BARC to discontinue the adoption of Landing Channels for the purpose of TV ratings. However, the same is easier said than done as BARC, to the best of our information does not have any mechanism to recognize and segregate the rating of a particular channel derived out of landing page. Hence it is imperative not to allow placement of channel on landing page.

Q4. Is landing page a natural choice of consumer while viewing TV channels? If not, why should channels, whose TV ratings are released by TV rating agency, be placed on landing page? Give your comments with justifications.

Response:

4.1 The landing page is definitely not a natural choice of consumer while viewing TV channels. Landing page is nothing but a forced viewing of the channel for the consumers. It is a “viewing by default” as the channel automatically appears on landing page without there being a conscious act on the part of the subscriber.

Thus, the channels whose ratings are released by TV rating agency should not be placed on the landing page.

4.2 With the growth in the number of channels and increasing variety of programmes available, the task of both broadcasters and advertisers in allocating resources becomes increasingly difficult. Market segmentation and targeting have become vital in such a scenario. On the basis of audience measurement data, ratings are assigned to various programmes on television. Television ratings in turn influence content and programmes produced for the viewers. Better ratings would promote a programme while poor ratings will discourage a programme or content. Incorrect ratings will lead to production of content which may not be really popular, while good content and programmes may be left out. False and misleading ratings, therefore, can affect not only broadcasters and advertisers but also the viewing public as well.

4.3 Therefore, there is a need to have proper measurement and representative television ratings for the programmes. Placement of television channels on multiple LCNs obliterates the above said objective of the TRP guidelines and measurement as the ratings are artificially boosted with the help of paid landing page phenomenon.

Q5. Whether placing of a TV channel on landing page increases television ratings? If yes, why TV Channels, whose TV ratings are released by TV rating agency, should not be barred from being placed on landing page? If no, why broadcasters are eager to place their channels on landing page? Give your suggestions with justification.

Response: Yes, placing of a TV channel on a landing page increases television rating. The reasons for barring the channels on landing page whose TV ratings are released by TV rating agency is for the reasons already stated in our response to Question no:4 herein above.

Q6. What should be the criteria/consideration to put a TV channels on landing page? Give your suggestion with justification.

Response:

6.1 The criteria /consideration to put a TV channel on landing page can be done only in case of newly launched channel(s) of a Broadcaster and that too only for a limited period of first 7 (seven) days purely for promotional purposes so as to provide the sampling opportunities to the consumers. It is suggested that the ratings for such newly launched channel(s) should not be reported by the rating agency for such 7 (seven) days. In case, the Broadcaster wishes to have a rating for his newly launched channel for the first 7 (seven) days, then in such a scenario, the Broadcaster cannot be permitted to have his newly launched channel placed on the landing page.

6.2 As a matter of fact, landing page can be used only as a promotional tool and that too only for newly launched channels as explained herein above which would work only when it is utilised for a finite period. If allowed to a Broadcaster it would make no sense as it would amount to converting a neutral advertorial space effectively to a full-time channel, which would be totally unfair and discriminatory for the competing channels.

6.3 In addition, it is also suggested that there should not be any BARC watermark during such promotions on landing channels. Allowing any other channel on a linear platform should be declared illegal.

Q7. Do you think the influence, if any, in television ratings by placing of TV channels on landing page can be mitigated through changes in measurement methodology of television ratings? Give your suggestions with justifications?

Response: In our view the influence in television ratings by placing of TV channels on landing page cannot be mitigated through changes in measurement methodology of television ratings. As discussed earlier, the ratings of a channel on a landing page are influenced by numerous factors which do not have a direct bearing on the popularity and the strength of the content which is measured. Moreover, it would not be practical to have different parameters for measuring the rating of numerous channels seen on the landing page of various DPOs. As pointed out hereinabove, to the best of

our information BARC does not have any mechanism to recognize and segregate the rating of a particular channel derived out of landing page.

Q8. Please comment on the feasibility to implement user's 'last visited page' as landing page in distributors' network?

Response: We have already expressed our view that landing page should have only such information as enumerated in our response to Question no: 2 herein above. We have also opined that no Broadcaster's channel should be allowed to be on the landing page. Therefore, the "user's last visited page" which in all probability be a Broadcaster's channel should not be allowed as the landing page.

Q9. Should the landing page be used to place TV channels not having TRP rating or only to provide platform specific information? Give suggestions with justification.

Response: In our view landing page should not be used to place any TV channels whatsoever irrespective as to whether a channel has a TRP rating or not. As stated earlier we reiterate that the landing page should be used only to provide platform specific information as mentioned in our response to Question no: 2 herein above.

Conclusion: In addition to our overall response to the above questions, we would also like to state that taking over landing page to boost viewership should not be used as it would force fellow Broadcasters to vie for the slot on the landing page and thereby eventually triggering a bidding war which in turn would affect the commercial interest of the Broadcasters and the Consumers at large besides creating false and misleading ratings.

-----XXX-----XXX-----XXX-----