



# Internet TV

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## The Rising Popularity of IPTV, P2PTV and HDTV

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# Welcome and Introduction

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- Regulatory Controls
- Licensing issues
  - In Singapore
  - Elsewhere
- Online Piracy
- Case study
  - The Government's Encouragement Of Animation & IDM



# IPTV, P2PTV and HDTV

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- IPTV “hot” technology for providing video programming to paying subscribers
- All current video delivery services – FTA, cable, satellite and IPTV -- transitional steps
- Content and Services over the Internet - continuous spectrum with no distinction for traditional regulatory models (“EOIP”)
- Distinctions involving things like program tiers, “must carry,” “public access”, etc. will become meaningless



# We Are All Broadcasters

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- “Placeshifting” Technology. Eg Slingbox, Orb, Sony Locationfree. Streams home TV to Internet
- Apple TV. iTunes + iPod + Mac + HDTV
- Independent Video. Uses technology providers like kontiki & edgestream
- RSS + Bittorrent
- “YouTube” or Google TV?



# Regulatory Controls - MDA

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- Licence Framework for Broadcasting IPTV Services
- Two-Tier Commercial Licence Framework
  - Niche Subscription TV Licence
  - Nationwide Subscription TV Licence
- 3<sup>rd</sup> Licence - Temporary Subscription TV Licence
- No pre-determined number
- Applicants to determine which licence



# Niche Subscription TV Licence - Criteria

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- Main Criteria: < 100,000 subscribers
- Secondary Criteria:
  - Location – whether the service is offered chiefly to specific non-residential locations in Singapore
  - Language – whether there is a high percentage of foreign language content
  - Reach and impact of the channels



# Niche Subscription TV Licence - Conditions

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- Duration: 5 years
- Subscribers: < 100,000
- Licence Fee: 0.5% of total revenue for first 3 years. Subsequent years, 2.5% of total revenue. Minimum licence fee of \$5,000 per annum.
- Perf Bond: \$50,000
- No ownership conditions. No 'must carry' obligations. No cap to advert revenue
- Comply with Content & Advert Guidelines



# Nationwide Subscription TV Licence - Criteria

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- Main Criteria: More than 100,000 subscribers



# Nationwide Subscription TV Licence - Conditions

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- Duration: 10 years
- Subscribers: No limit
- Licence Fee: 0.5% of total revenue for first 3 years. Subsequent years, 2.5% of total revenue. Minimum licence fee of \$50,000 per annum.
- Perf Bond: \$200,000
- Ownership: Broadcast Act Part X. 12% limit.
- 'Must carry' Access to local FTA channels
- Advertising revenue < 25% of Total Revenue
- Comply with Content & Advert Guidelines



# License Agreements

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- Contract Between End User And Provider
- Adds to Copyright, Trademark & Patent Legislation
- Controls Use of Content
- Contract Does Not Always Prevail
- Always subject to local legislation & regulations



# Licensing Issues: Singapore

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- Whether an overly restrictive licensing arrangement is anti-competitive? If they adversely affect the price, quantity, quality or variety of products.
- S.107A of Copyright Act allows simulcast. S.199 allows for re-broadcast. Can licence prohibit?



# Licensing Issues: Competition

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- CCS: Guideline on Treatment of Intellectual Property Rights
  - IPR bestows on the IP owner certain rights to exclude others.
  - Certain types of agreements or conduct with respect to IP may have anti-competitive effects
  - Eg Tying Arrangements



# Licensing Issues: Simulcast

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- Relevant to “Placeshifting” technology
- S.107A of Copyright Act: Allows the making of a copy of the film for the purpose of simulcasting in digital form if its broadcast is not an infringement.
- S.199(3): A person who immediately retransmits a television broadcast and causes a film to be included in a cable programme service shall be treated as if he had been the holder of a licence granted by the owner of that copyright to include the film to be transmitted by him in a cable programme.
- So can a subscriber ‘placeshifts’ a movie to his PC?
- But see S.199(7): Subsection (3) shall not include the making available of the film on the Internet.



# Online Piracy

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- Digital Media: Perfect Reproduction Always
- YouTube: Takedown Obligation Only?  
Limitation of Law
- Solution: DRM as 'technological adjunct' to the legal framework
- DRM Protection:
  - Anti-Circumvention of technological measures used to protect copyrighted works
  - Anti-Tampering of rights management information
  - 'legal adjuncts' to DRM



# Case Study: IDM

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- Singapore Encouraging IDM Development: Games, Animation etc
- Key Areas of Focus:
  - Education and Manpower Development
  - Financial Infrastructure
  - Infocomm Infrastructure
  - Legal, Social and Ethical Environment
  - Research & Development



# Case Study: IDM Funding

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- Jan 2006: \$500M IDM Research Fund
  - Microfunding Scheme: Startups with viable business ideas can receive up to S\$50,000
- Jun 2007: \$350,000 INVIGORATE Fund
  - Game Development Projects. Up to S\$35,000 per applicant



# Case Study: Results

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- Singapore companies inked US\$128 million worth of international deals at MIPTV 2007
- Singapore Companies to Showcase the Future of Television at Broadcast Asia 2007



# More information

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- <http://www.idm.sg/>
- <http://www.mda.gov.sg/>
- <http://www.wwlegal.com/otp/>