

Annexure-IV**Guidelines For Provisioning of Internet Protocol Television (IPTV) Services****Background:**

IPTV (Internet Protocol Television) is a system where a digital television service is delivered using the Internet Protocol over a network infrastructure, which may include delivery by a broadband connection. A simpler definition would be, television content that, instead of being delivered through traditional format and cabling, is received by the viewer through the technologies used for computer network. In case of IPTV, it requires either a computer and software media player or an IPTV set top box to decode the images in real time.

International Telecommunication Union has defined IPTV services as Follows:-

**“An IPTV service (or technology) is the new convergence service (or technology) of the telecommunication and broadcasting through QoS controlled Broadband Convergence IP Network including wire and wireless for the managed, controlled and secured delivery of a considerable number of multimedia contents such as Video, Audio, data and applications processed by platform to a customer via Television, PDA, Cellular, and Mobile TV terminal with STB module or similar device.”**

These Guidelines are being issued with the objective of bringing clarity on various platforms capable of providing IPTV services, the regulatory provisions and licensing requirements and other issues to encourage stakeholders to launch IPTV services.

**Guidelines :**

- (i) Telecom service providers (UASL, CMTS) having license to provide triple play services and ISPs with net worth more than Rs. 100 Crores and having permission from the licensor to provide IPTV or any other telecom service provider duly authorized by the Department of Telecom will be able to provide IPTV service under their licenses without requiring any further registration. Similarly cable TV operators registered under Cable Television Network (Regulation) Act 1995 (referred as Cable Act hereafter) can provide IPTV services without requiring any further permission.
- (ii) All telecom licensees/ Cable operators before providing IPTV will give a self certified declaration to I&B ministry, DoT and TRAI giving details such as license/ registration under which IPTV service is proposed, the start date, the area being covered, and details of the network infrastructure etc.
- (iii) Telecom service providers as mentioned above will be subjected to percentage of Adjusted Gross Revenue (AGR) as license fee as applicable from time to time which is presently 6%, 8%, and 10% for access service licensees in

category "C", Category "B" and category "A" circles and 6% for ISPs. In case any telecom service provider register itself as cable operator and provides IPTV using its telecom resources, it shall be considered as service under telecom license. Such a service provider shall have to pay the license fee on IPTV revenue also as applicable to its telecom license.

- (iv) The Ministry of Information and Broadcasting has already requested Bureau of Indian Standards to lay down the specifications for IPTV set top boxes for use in cable networks.. The cable operator providing IPTV service will be required to ensure within a period of six months from the date of publication of the Indian Standards by BIS that the IPTV set top boxes required to receive IPTV services conform to the BIS specifications.
- (v) The Cable operators while providing IPTV services will continue to be governed by the provisions of the Cable Television Networks (Regulation) Act, 1995, The Telecom Regulatory Authority of India Act,1997 and any other laws as applicable and as such shall be able to provide such content on their IPTV service which is permissible as per the Cable Act and which is in conformity with the Programme and Advertisements Codes prescribed thereunder.
- (vi) Telecom licensees while providing TV channels through IPTV shall transmit only such broadcast satellite television channels in exactly same form (unaltered) which are registered with or are otherwise permitted by the 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. The IPTV service provider shall not carry any broadcast satellite television channels prohibited either permanently or temporarily or not registered with the Ministry of Information & Broadcasting.
- (vii) The Telecom Licensee while providing TV services through IPTV shall receive the satellite signals of a registered TV channel directly from the broadcasters and in no case such satellite signals of TV channels be taken directly from the Multi System Operators. In other words, the telecom operators providing IPTV will be eligible to obtain/receive satellite signals of registered TV channels only from the broadcaster.
- (viii) Telecom service providers providing IPTV will show only those News and Current Affairs television channels which have been registered with Ministry of Information and Broadcasting. They will not produce or provide any other broadcast or non-broadcast channel having any element of News and Current Affairs.
- (ix) The provisions of Programme code and Advertisement code as provided in Cable Television Network (Regulation) Act 1995 and Rules thereunder shall be applicable even in the case of contents other than TV Channels from broadcast provided by the Telecom IPTV service provider. Since it is the telecom licensee who will be providing this content, therefore, he shall be responsible for ensuring compliance to the codes with respect to such content. In addition to this, such licensees will also be bound by various Acts, instructions, directions, guidelines issued by the Central Government from time to time to regulate the contents.
- (x) If the contents are being sourced from content providers other than telecom service provider, then it will be the responsibility of telecom service provider to ensure that their agreements with such content providers contain appropriate clauses to ensure prior compliance with the Programme and

Advertisement Codes and other relevant Indian laws, civil and criminal, regarding content.

- (xi) The Central Government in the Ministry of Information and Broadcasting shall have the right to notify the number and names of channels of Prasar Bharati or any other channel for compulsory carriage by the IPTV service provider in his service and the manner of reception and retransmission of such channels.
- (xii) The IPTV service provider either a telecom licensee or a cable operator should provide commercial interoperability so that if the subscribers decide to switch over to any other service provider or platform they should be able to do so at least cost. Commercial interoperability here would mean that in addition to offering the receiver set on an outright purchase basis, a subscriber should also have the option to purchase it on a hire-purchase basis or on rental basis with a provision to return the receiver set on such terms and conditions as may be laid down by regulations issued by TRAI.
- (xiii) The Government in the Ministry of Information and Broadcasting may direct the IPTV service providers to ensure preservation and retention for specified periods of different kinds of content made available to their subscribers and requires it to ensure its security and also that it is not tampered with during such period. The IPTV service provider may be required to produce the same to the Government or its authorized representative, as and when required and the IPTV service providers will be required to ensure compliance to all such directions.
- (xiv) The IPTV service provider shall provide the necessary facility for continuous monitoring of the IPTV network at its own cost and maintain the recordings of programmes and advertisements carried on the network for a period of 90 days from the date of broadcast and produce the same to the Government or its authorized representative, as and when required.
- Provided that in case of any dispute the records of broadcast of programmes and advertisements shall be maintained till final disposal of the dispute.
- Provided further that the IPTV service provider shall provide access to the Government or its authorized representative to all its facilities including equipments, records, system etc. for purposes of inspection.
- (xv) On demand by the Government in the Ministry of Information and Broadcasting or its authorized representative, an IPTV service provider shall provide the necessary equipment, services and facilities at designated place(s) for continuous monitoring of the IPTV service by or under supervision of the Government or its authorized representative.
- (xvi) The IPTV service provider shall submit such information with respect to its service as may be required by the Government in the Ministry of Information and Broadcasting or its authorized representative from time to time.
- (xvii) The IPTV service provider shall furnish any such information at periodic intervals as may be required by the Government in the Ministry of Information and Broadcasting or its authorized representative concerning Programme Content and Quality, Technical Parameters etc. relating to the service in the format as may be required by the Government or its authorized representative from time to time.

- (xviii) The Government of India, Ministry of Information & Broadcasting or its authorized representative shall have the right to inspect the IPTV service facilities. No prior permission/intimation shall be required to exercise the right of Government or its authorized representative to carry out the inspection. The IPTV service provider will, if required by the Government or its authorized representative, provide necessary facilities for continuous monitoring for any particular aspect of the companies activities and operations.
- (xix) The Government of India, Ministry of Information & Broadcasting or its authorized representative will ordinarily carry out the inspection after reasonable notice except in circumstances where giving such a notice will defeat the very purpose of the inspection.
- (xx) The IPTV service provider shall furnish the complete details such as name, technical details and license etc. of the value added service being provided through IPTV network.
- Provided that in case any new value added service is added to the network, the IPTV Service provider shall obtain prior approval of the Government or licensing authority. The Government or the licensing authority may from time to time , prescribe or prohibit certain value added services.
- (xxi) Any violation of prevailing Acts/ Rules/ guidelines pertaining to the administrative jurisdiction of Department of Information Technology in the Ministry of Communication and Information Technology, and Ministry of Information and Broadcasting, relating to content by telecom service providers in provisioning of IPTV service shall be reported to DoT by respective Department/Ministry. The decision of the respective Department/Ministry 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 time bound manner.
- (xxii) 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.
- (xxiii) The Government shall have the right to modify at any time the provisions of these guidelines and/or the terms and conditions of permission/registration, if in the opinion of the Government it is necessary or expedient to do so in public interest or in the interest of the security of the State. The decision of the Government shall be final and binding in this regard.

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