

No.16/03/2006-BP&L Vol. IV
GOVERNMENT OF INDIA
MINISTRY OF INFORMATION AND BROADCASTING

NEW DELHI,
DATED THE 08 SEPTEMBER 2008.

ORDER

In pursuance to the Cabinet decision on 21st August, 2008, whereby IPTV Services have been permitted in India, the details policy guidelines for operating IPTV Services in India are given in the annexure. These shall come into force with immediate effect. A copy of the same is also put on the website (www.mib.nic.in) of the Ministry for general information.

Chatterji

(Zohra Chatterji)

Joint Secretary to Government of India
Tele: 23382597.

Encls: As above.

Copy to:-

1. Cabinet Secretary, Cabinet Secretariat, New Delhi.
2. Secretary, Department of Telecommunications, Ministry of Communications and Information Technology, Sanchar Bhawan, New Delhi.
3. Secretary, Ministry of Home Affairs, North Block, New Delhi.
4. Secretary, Ministry of Finance, North Block, New Delhi.
5. Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi.
6. Secretary, Department of Space, Lok Nayak Bhawan, Khan Market, New Delhi.
7. Secretary, Department of Information Technology, Ministry of Communications and Information Technology, Electronic Niketan, CGO Complex, New Delhi.
8. CEO: Prasar Bharati, Prasar Bharati Secretariat, PTI Building, New Delhi.
9. Secretary, Telecom Regulatory Authority of India (TRAI), Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg (Old Minto Road), New Delhi.

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 Access Service Providers (Unified Access Service Licensees, Cellular Mobile Telephone Service Licensees and Basic Service Licensees) 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 can obtain content from the Multi System Operator or the Cable Operator for providing IPTV services.
- (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 broadcasters 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 a period of 90 days unless specified otherwise, 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 unless specified otherwise, from the date of broadcast and produce the same to the Government or its authorized representative, as and when required. The monitoring system must provide Set Top Box subscriber information as well as contents to the law enforcement agencies in plain readable, audible and viewable format as the case may be.
- 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 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.

FORMAT FOR SELF-DECLARATION BY IPTV SERVICE PROVIDER

[See Para (ii) of the Policy Guidelines for provisioning of IPTV services]
[Separate copies to be forwarded by IPTV service provider to Secretary, I&B
Ministry, Department of Telecom and TRAI]

- 1.(a) Name of the IPTV service provider
(individual/firm/company/association of persons/body of individuals) **
- (b) Age/Date of establishment/Date of Incorporation
2. Details of Registration as a Cable Operator (if applicable)
 - (a) Name/Address of the Post Office with which registered
 - (b) Registration No./Validity up to
 - (c) Copy of the Registration Certificate (enclose)
3. Details of Telecom License (if applicable)
 - (a) Date of issuance of license
 - (b) Validity upto
 - (c) Copy of the license agreement
4. Complete Postal Address with Telephone/Fax No. / E-mail ID
 - (a) Corporate Office/Head Office
 - (b) Registered Office
 - (c) Regional Offices
 - (d) Address for Correspondence
5. Name of authorized contact person, his designation and telephone/fax No./E-mail ID
6. *Registration detail under Companies Act, 1956: Incorporation No. and Date (Attach a copy of Certificate of Incorporation and Memorandum and Article of Associations)
7. *Board of Directors (Attach list of Directors along with bio-data of each Director giving date of birth, place of birth, parentage, nationality, permanent address, residential address, official address, passport No. (if any), qualification, experience, etc.
8. *Attach list of key executives including CEO/MD along with details as in 7 above.
9. *(i) Authorized Share Capital, (ii) Paid-up Share Capital
- 10(a) *Shareholding pattern of the applicant company in the table 1 and 2 : (to be annexed as per format given)
- 10(b) *In case there is any foreign investment direct or indirect in the applicant company then whether complying with Foreign investment norms/ FIPB approval requirement (details)
11. (i) Present Area of Operation (if in more than one city, city-wise details to be given).
 - (ii) Details of the area in which IPTV services are sought to be provided
 - (iii) Date from which IPTV services are proposed to be offered
 - (iv) Total no. of existing subscribers
 - (v) Subscribers proposed to be covered by IPTV service
12. (i) No. and details of TV channels sought to be provided (own/broadcasters')
 - (ii) Source of content (Broadcaster/MSO/Cable operator) with details

- (iii) In case the content is obtained from MSO/Local cable operator, whether such MSO/Cable operator possesses due rights from the content owner/broadcaster for the IPTV platform
- 13. Other value added services proposed to be provided (details along with how authorized/approvals obtained from competent authority/technical details).
Arrangements made to ensure compliance of Programme and Advertisement Code (Details)
- 14. How is the requirement of commercial interoperability of Set Top Boxes sought to be complied with?
- 15. Arrangements made/proposed to be made to comply with content storage/content monitoring requirements as contained in the Guidelines (Give full details)

I/We, the applicant(s) ******(individual/firm/company/association of persons/body of individuals) do hereby declare that the above facts are correct in all respects.

I/We hereby undertake to abide by all the conditions contained in the Guidelines for provisioning of IPTV services and any future amendments thereto/directions/orders/regulations that the Central Government or the TRAI may lay down/issue for the provisioning of IPTV services or any other law as may be applicable.

Signature /Authorized person
******(individual/firm/company/association
of persons/body of individuals)

Place

Name

Date

Address

* To be given in case applicant is a Company

****** Score out the word or words which are not applicable