

No.F-14013/3/2022-DM
Government of India
Ministry of Information & Broadcasting
Digital Media Division

Shastri Bhawan, New Delhi.

10th March, 2023

To,

Publishers of Online Curated Content
(OTT Platforms)

Subject: Applicability of FDI Policy of Government of India for OTT Platforms - regarding

Attention is invited to Department for Promotion of Industry and Internal Trade (DPIIT) Press Note 4 of 2019 dt.18.09.2019 inter alia providing for FDI upto 26% under Government approval route for entities involved in uploading/streaming of news and current affairs through digital media. A clarification in this regard was subsequently issued by DPIIT vide public communication No.5(4)/2019-FDI Policy dt.16.10.2020.


2. The Ministry has since received several representations from Chambers of Commerce and OTT platforms (covered under the IT Digital Media Ethics Code Rules, 2021) seeking clarification as to whether the aforementioned decision would apply to OTT platforms which are hosting digital feed of the news channels. In the representations it has been stated that OTT platforms only provide a platform for carriage of third party news and current affairs content of news channels on 'as is basis' without any editorial intervention, and further that OTT platforms are not involved in any aggregation/curation of the news and current affairs content provided by such channels, but are only hosting the news feed provided by such entities much similar to a DTH or cable service provider.

3. The matter has been examined in the Ministry in light of the decision of the Government communicated vide Press Note 4 of 2019 dt.18.09.2019 and further clarification of the DPIIT dt.16.10.2020 relating to FDI in entities engaged in uploading/streaming news and current affairs on digital media. The objective of the decision of the Government vide the aforementioned Press Note is to ensure that entities engaged in the activity of publishing/curating/aggregating news and current affairs content and uploading/streaming the same through digital media would have a FDI limit up to 26% through the Government approval route.

4. TV News Channels granted permission under the Uplinking and Downlinking Guidelines, 2022 (and the earlier Guidelines of 2005 and 2011) of the Ministry of Information & Broadcasting and their entities operating the digital news content are already covered by FDI policy of the Central Government. Accordingly, when an OTT platform hosts the digital feed of a TV news channel (granted permission under the extant Guidelines), the stipulation of FDI limit of 26% with Government approval route would not apply to the OTT platform for the mere activity of hosting such feed.

5. It is accordingly clarified that when an OTT platform is hosting digital feed of a TV news channel granted permission under the extant Uplinking & Downlinking Guidelines, only as a medium and makes it available to its subscribers/users, such a OTT platform is not covered under the 26% FDI rule, referred to in Para 1.

6. This issues with the approval of the competent authority in the Ministry.


10/03/2022

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Copy to:

1. Secretary, Department of Promotion of Industry and Internal Trade
2. Self-Regulatory Bodies of OTT Platforms
3. Federation of Indian Chambers of Commerce & Industry