



Policy and regulatory challenges of connected TV

Session 3 : Access, competition and transmission issues

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Opportunities and risks

Today a number of players enjoy key positions in the linear distribution of audiovisual content

- Broadcasters/content providers (e.g. BBC, TV2, VRT)
- Platform operators such as BSkyB or Cable operators as in Belgium where the CRC recently imposed resale

Connected/hybrid TV will potentially disturb the current market situation



Evidence?

In 2010 Google TV launched service in the USA with partners including Turner Broadcasting, HBO and Netflix. Not one of the four major networks is available on the service.

In fact, the new entry was anticipated: NBC partnered with News Corp. to create Hulu in 2007, with Disney joining in 2009, while Comcast, joined with Time Warner to create "TV Everywhere" that streams television to customers over the Internet — as long as they keep paying their monthly cable bill

Is the bundling of assets aimed to avoid churn or to preclude entry?



Competition law vs sector regulation

In EU: Commission and NCA likely to deal with '*defensive*' joint ventures. Such agreements can fall foul of the Competition rules, Article 101 or the Merger Regulation. Examples:

- in Germany , JV to control the shift from linear to non-linear (VOD) blocked in March 2011
- In UK, the Competition Commission blocked Kangaroo the common VOD service of BBC, ITV and Channel 4, but Canvas was permitted in October 2010.

Issues to consider

- ✓ How to keep markets open?
 - Standard setting bodies, competition authorities and regulators to liaise
- ✓ National market situations vary
- © Copyright enforcement
 - cfr Caselaw ECJ on rebroadcasting



European
Commission

A new life for terrestrial TV broadcasting?