



**European Platform of Regulatory Activities (EPRA)  
Belgrade, 7 October 2010**

# **Connected and hybrid TV**

**Legal and regulatory aspects**

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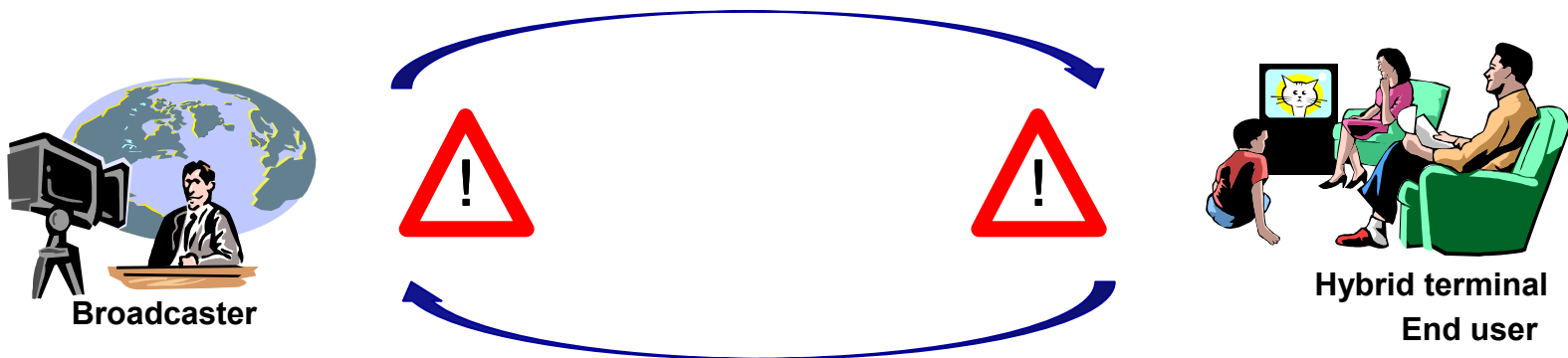
# Hybrid broadcasting: Major legal/regulatory issues

1. Access to infrastructure, services and content
2. Content integrity / viewing experience
3. Content standards and media responsibilities
4. On demand rights clearance (catch-up)
5. Content and signal protection (piracy)
6. Handling of user data (profiles)

More  
general  
Internet  
issues

# Access issues

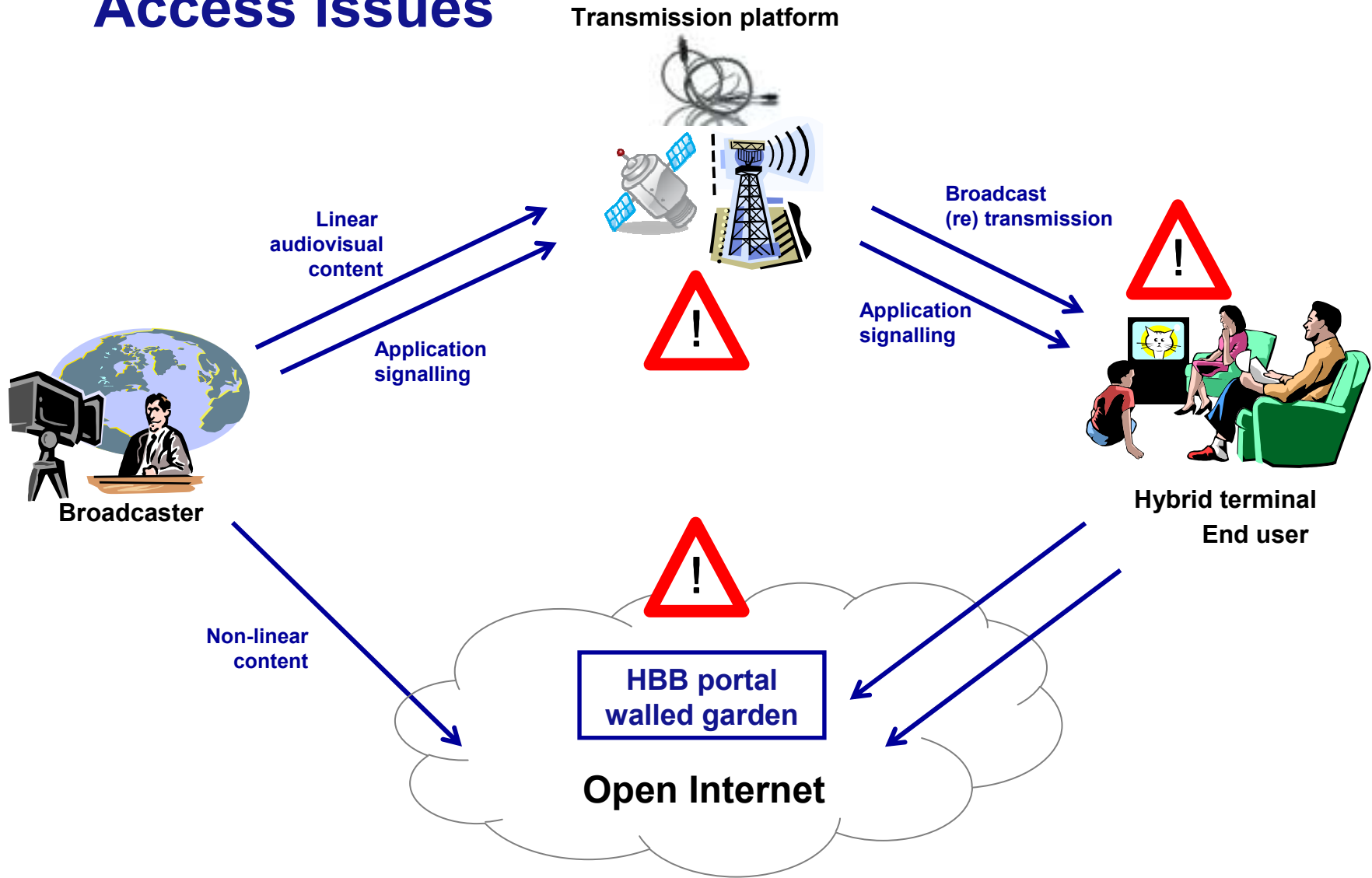
**Broadcasters' access to HBB technology, portals, platforms, networks and devices – and to viewers**



**Viewers' access to broadcasters' services and content:**

- linear (broadcasting)
- non-linear (on-demand)
- application signalling (linking linear + non-linear)

# Access issues



# Access issues

## Limited safeguards through:

- **Telecom law:** access to networks and certain facilities (APIs)
  - not to content portals/platforms; basic net neutrality principles
- **Media law:** depending on national rules
  - on the obligation for network operators to transmit services, including application signalling (“must carry”),
  - on the obligation for content aggregators to include (linear or non-linear) content in their offers, including HBB portals,
  - on presentational aspects of EPGs/navigators.
- **Competition rules:** in cases of anti-competitive foreclosure, depending on market power (“essential facilities”)

# Integrity of content and service presentation

- **Overlaying unwanted multimedia (“pop ups”) on a television picture could be a disaster – for viewers and broadcasters**
- **It must be the viewer’s individual and informed decision whether, when and how to access third-party material**
- **Broadcasters need protection against unauthorized exploitation of their services, including against any alteration of their display and any insertion of additional advertising.**

## Limited safeguards through:

- **Copyright law:** e.g. in cases of prejudice to reputation of the author;
- **Trademark law:** e.g. in cases where the broadcaster's logo is concealed;
- **Unfair competition law:** e.g. in cases of replacement of original advertising
- **Media law:** not (yet) an issue?

# Content integrity / viewing experience



# Content standards and media responsibilities

- **Linear (broadcasting) and non-linear audiovisual media services and other (Internet) content can be made available over the same platform and device.**
- **How can viewers distinguish the different regulatory environments and levels of protection? Internet content is less subject to regulations and often comes from outside the EU ...**
- **How can we avoid an uneven playing field among operators?**



# Content standards and media responsibilities

- How can we protect the quality and safety of the broadcasting environment, and make sure that stricter rules are not circumvented?
- Areas of particular concern: protection of minors, minimum content standards, restrictions on advertising, accessibility services to help those with disabilities.
- How to ensure clear source identification (e.g. through “title bar”/labelling on windows)?
- Increased responsibility for portal providers and other aggregators and intermediaries?

## Ongoing work and future initiatives

- **Cooperation between individual broadcasters and CE manufacturers, application providers, etc.**
- **Dialogue between broadcasters, CE manufacturers and other stakeholders at national, regional and worldwide level**
- **Discussion Paper on Hybrid and Internet Television by the World Broadcasting Unions (in preparation, expected end of October 2010)**
- **Possible value of a multi-stakeholder forum to discuss regulatory issues with the involvement of all stakeholders - including regulators and consumers?**