

No. 16/03/2006-BP&L Vol.IV
Government of India
Ministry of Information & Broadcasting

Shastri Bhawan, New Delhi
Dated the 18TH November 2008.

CLARIFICATION

Certain Broadcasters have expressed an apprehension that clause (vii) of the Guidelines for IPTV Service issued by this Ministry on 8th September 2008 for compliance of IPTV Service Providers, may be used by multi system operators/cable operators to distribute the contents of TV channels to telecom IPTV licensees without obtaining relevant rights from the content owners resulting in violation of the terms and conditions on which content is being provided by the rights owner to multi system operators or cable operators.

2. The matter has been examined and attention is invited to clause (v) of the IPTV policy guidelines of this Ministry wherein it has been stated that provisions of Cable Television Networks (Regulation) Act, 1995 and rules thereto and regulations issued by Telecom Regulatory Authority of India will continue to be applicable to IPTV Services of cable operators. As such MSOs/Cable operators can provide only such content which is permissible as per the Cable TV Networks (Regulation) Act, 1995 and Rules and which is in conformity with Advertisement and Programme codes prescribed under the Cable Television Networks Rules 1994. Further Rule 6(3) of the Cable Television Networks Rules, 1994 clarifies that no content can be included in cable service in respect of which copyright subsists under the Copyright Act, 1957 unless he has been granted a license by the owners of copyright. Given the above legal position it is expected that MSOs/Cable Operators will provide content to Telecom Licensees for IPTV Services only after obtaining the relevant rights for the same following which it will be treated as a violation of Programme code liable for suitable action as per law..

(Zohra Chatterji)
Joint Secretary to the Government of India
Tele:23382597.

To

1. IBF
2. IMG

3. NBA

4. MSO Alliance

5. COFI

Copy to:

1. Secretary, Department of Telecommunications.
2. Secretary, Department of Information Technology.
3. CEO, Prasar Bharati.
4. Secretary, Telecom Regulatory Authority of India, New Delhi.

Copy also to: NIC, M/o I & B with a request that the clarification may be loaded on the website of the Ministry under the heading “Codes& guidelines/Guidelines for IPTV Services”.

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Government of India
Ministry of Information & Broadcasting

Shastri Bhawan, New Delhi
Dated the 12th January 2009.

CORRIGENDUM

This is with reference to the clarification issued on 18th November 2008 by this Ministry under the guidelines for provisioning of IPTV Services in the country.

2. In Para '2' of the said clarification, in the last but one line, the word "following" stands deleted and is substituted by the word "failing".

(Zohra Chatterji)
Joint Secretary to Government of India
Tele: 23382597

To

- 1. IBF**
- 2. IMG**
- 3. NBA**
- 4. MSO Alliance**
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1. Secretary, Department of Telecommunications.
2. Secretary, Department of Information Technology.
3. CEO, Prasar Bharati.
4. Secretary, Telecom Regulatory Authority of India, New Delhi.