

Variation of Code of Practice for Market Conduct in the Provision of Media Services

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MEDIA DEVELOPMENT AUTHORITY OF SINGAPORE ACT
(CHAPTER 172)

VARIATION OF CODE OF PRACTICE FOR
MARKET CONDUCT IN THE PROVISION OF
MEDIA SERVICES

In exercise of the powers conferred by section 17(3) of the Media Development Authority of Singapore Act, the Media Development Authority of Singapore hereby varies the Code of Practice for Market Conduct in the Provision of Media Services (G.N. No. S 148/2010) as follows, with effect from 2nd July 2011:

Deletion and substitution of paragraph 2.1.5

1. Paragraph 2.1.5 of the Code is deleted and the following paragraph substituted therefor:

“

2.1.5 Obligation to Cross-Carry Content

Regulated Persons who are Supplying Qualified Licensees must make all their Qualified Content available for transmission and reception on all Relevant Platforms of the nationwide Subscription Television Service of every Receiving Qualified Licensee. Correspondingly, Regulated Persons who are Receiving Qualified Licensees must carry all Qualified Content made available by Supplying Qualified Licensees on all Relevant Platforms of their respective nationwide Subscription Television Services.

”.

Amendment of paragraph 2.3

2. Paragraph 2.3 of the Code is amended —

(a) by inserting immediately after paragraph (b), sub paragraph (ba);

“(ba) Group” means a group of 2 or more persons where one person has Control over the other person or persons, as the case may be, in the group;”;

(b) by deleting paragraphs (d) to (f) and substituting the following subparagraphs:

“(d) Qualified Content” means:

(i) any channel or programming content (whether in a linear or non-linear format), including any basic function in support of such channel or programming content that is specified in Part I of Appendix 1, where such channel or programming content is:

(A) subject to sub-paragraph (ii), produced or commissioned by a Regulated Person and where, on or after 1st August 2011, the Regulated Person transmits the same on its Subscription Television Service in Singapore and refuses to allow the channel or programming content to be acquired or otherwise obtained from it for transmission on any Relevant Platform in Singapore by:

(I) any other Regulated Person; or

(II) where the Regulated Person that produced or commissioned the channel or programming content belongs to a Group, any other Regulated Person outside the Group; or

(B) acquired or otherwise obtained on or after the Effective Date by a Regulated Person for transmission on its Subscription Television Service in Singapore under an arrangement, whether

explicit or implicit, which prevents or restricts or is likely to prevent or restrict the channel or programming content from being acquired or otherwise obtained from it for transmission on any Relevant Platform in Singapore by:

(I) any other Regulated Person; or

(II) where the Regulated Person that acquired or otherwise obtained the channel or programming content belongs to a Group, any other Regulated Person outside the Group; and

(ii) any bundled channels or bundled programming content comprising, in whole or in part, any channel or programming content that is referred to in sub-paragraph (i) of this definition.

For the avoidance of doubt, any channel or programming content is not Qualified Content by virtue only of the incorporation of any value-added service that is specified in Part II of Appendix 1 in the channel or programming content.

For the purposes of sub-paragraph (i)(B) of this definition, for the avoidance of doubt, whilst any channel or programming content that is acquired or otherwise obtained is not Qualified Content if it was acquired or otherwise obtained under or pursuant to an arrangement referred to in that sub-paragraph before the Effective Date, it is Qualified Content if and from the time such arrangement is extended, renewed, or otherwise re-contracted for

on or after the Effective Date.

Illustration A: A Regulated Person bundles five channels as part of its Subscription Service offering to its Subscribers. One of the five channels is Qualified Content. In this case, the entire bundle comprising all five channels shall be deemed to be Qualified Content.

Illustration B: In providing video-on-demand services, a Regulated Person includes one or more movies (which it has acquired as Qualified Content) into its standard video-on-demand “Movie Bundle”. In this case, the entire video-on-demand movie bundle offering shall be deemed to be Qualified Content.

Illustration C: A Regulated Person re-contracts with a content provider after the Effective Date, but the new contract does not prevent or restrict (nor is likely to prevent or restrict) another Regulated Person from acquiring or otherwise obtaining channels or programming content. The channels or programming content concerned will not be Qualified Content.

The illustrations set out above are non-exhaustive examples.

- (e) “Receiving Qualified Licensee” means any Regulated Person who is designated by MDA as a Receiving Qualified Licensee under paragraph 2.7.2 of this Code.
- (ea) “Relevant Platform” means a managed network over or using any one or any combination of the following:
 - (i) hybrid fibre-coaxial;
 - (ii) optical fibre;
 - (iii) the Asymmetric Digital Subscriber Line.
- (f) “Supplying Qualified Licensee” means any Regulated Person who:
 - (i) is licensed to provide any Subscription