Media Development Authority of Singapore Act 2002 — Code of Practice

**Table of Contents** 

**Enacting Formula** 

- 1 1. Introduction
- 2 2. Public Interest Obligation of Regulated Persons and Certain Affiliates
- 3 3. Regulated Persons' Duties to Their Customers
- 4 4. Prohibition on Unfair Methods of Competition
- 5 5. Classification of Regulated Persons
- 6 6. Special Obligations of Dominant Licensees
- 77. Prohibition of Agreements That Unreasonably Restrict Competition
- 8 8. Consolidations Involving Regulated Persons
- 9 9. Duty to Provide Access to Essential Resources
- 10 10. Dispute Resolution and Enforcement Procedures
- 1 PRINCIPLES FOR USE IN DISPUTE RESOLUTION PROCEDURES
- 2 INDUSTRY ASSOCIATION AND CODE

No. S 177

MEDIA DEVELOPMENT AUTHORITY OF SINGAPORE ACT 2002 (ACT 34 OF 2002)

## MEDIA DEVELOPMENT AUTHORITY OF SINGAPORE ACT 2002 — CODE OF PRACTICE

In exercise of the powers conferred by section 17(1) of the Media Development Authority of Singapore Act 2002, the Media Development Authority of Singapore hereby issues the following Code of Practice for Market Conduct in the Provision of Mass Media Services:

TABLE OF CONTENTS		
1.	INTRODUCTION	
1.1	Goals of this Code	
1.2	Legal Basis for this Code	
1.3	Legal Effect of this Code	
1.4	Persons Subject to this Code	
1.4.1	Other Persons	
1.5	Rules of Construction and Definitions	
1.6	Regulatory Principles	
1.6.1	Reliance on Private Negotiations and Industry Self-Regulation	
1.6.2	Basis for Regulatory Intervention	
1.6.3	Proportionality	
1.6.4	Open and Reasoned Decision-Making	
1.6.5	Non-Discrimination	
1.6.6	Consultation with Other Regulatory Authorities	
1.6.7	Avoidance of Unnecessary Delay	
1.6.8	Technological Neutrality	
1.7	Modifications or Elimination of Unnecessary Provisions	
1.7.1	Regulatory Review	
1.7.2	Requests for Modification or Elimination of Unnecessary Provisions	
1.8	Reservations of Authority	
1.8.1	Right to Grant Exemptions from Any Provision of this Code	
1.8.2	Right to Amend this Code	
1.8.3	Right to Waive Code Provisions Where Necessary in the Public Interest	
1.9	Effective Date of this Code	
1.10	Short Title	

2.	PUBLIC INTEREST OBLIGATION OF REGULATED PERSONS AND CERTAIN AFFILIATES
2.1	Introduction
2.2	Application
2.3	Duty of Free-to-Air Television Licensees and Free-to-Air Radio Licensees to Broadcast Specified Events of National Significance
2.3.1	Designation of Events of National Significance that Must be Broadcast
2.3.1.1	Coverage Requirements
2.3.1.2	Initial Designation of Events
2.3.2	Selection of Lead Broadcaster Where Multiple "Feeds" are Not Feasible
2.3.2.1	Use of Competitive Tender, Where Feasible
2.3.2.2	Appointment of a Lead Broadcaster
2.3.3	Duty of the Lead Broadcaster to Co-operate with All Free-to-Air Television and Free-to-Air Radio Licensees
2.3.3.1	Duty to Share the "Feed"
2.3.3.2	Compensation for Access to the "Feed"
2.3.3.2.1	Duty to Negotiate in Good Faith
2.3.3.2.2	Dispute Resolution
2.4	Designated Video and Newspaper Archive Operators
2.4.1	Specification of Designated Archive Operators
2.4.2	General Duty of Designated Archive Operators
2.4.3	Fulfilment of Obligations and Specific Requirements
2.4.4	Classification of Archived Video Materials
2.4.5	Conditions to be Satisfied by the Designated Video Archive Operator
2.4.5.1	Approved Electronic Video Catalogue
2.4.5.1.1	Submission of Initial Catalogue
2.4.5.1.2	Availability of the Catalogue
2.4.5.1.3	Updated Catalogue
2.4.5.2	Viewing at Cost-Based Charges
2.4.5.3	License of Certain Materials for Broadcast Within Singapore
2.4.5.4	Protection of Licensing and Intellectual Property Rights
2.4.6	Compensation for Licensing Archived Material

2.4.6.1	Duty to Negotiate in Good Faith
2.4.6.2	Default Pricing Principles for Determining Compensation
2.4.7	Enforcement Measures
2.5	Public Access to Specified Programmes
2.5.1	Restriction on Acquisition of Certain Programme Rights by Subscription Television Licensees ("Anti-Siphoning")
2.5.1.1	Programmes in Which a Subscription Television Licensee May Not Obtain for Its Own Use Any Exclusive Broadcast Right
2.5.1.2	Programmes in Which a Subscription Television Licensee May Not Obtain for Its Own Use Exclusive Rights to Any Delayed Broadcast Package
2.5.1.3	Criteria for Imposing Anti-Siphoning Restrictions
2.5.1.4	Procedures for Designating Additional Programmes or Removing Designation
2.5.2	Prohibition on "Hoarding" of Listed Programmes
2.5.2.1	Obligation of Free-to-Air Television Licensees with Exclusive Rights
2.5.2.2	Duty to Offer Unused Rights to Other Licensees at Cost
2.5.2.3	Duty to Negotiate in Good Faith
3.	REGULATED PERSONS' DUTIES TO THEIR CUSTOMERS
3.1	Introduction
3.2	Application
3.3	Duty to Comply with Minimum Quality of Service Standards
3.4	Billing Practices
3.4.1	Duty to Provide Accurate, Timely and Clear Statements of Charges
3.4.2	No Charges for Unsolicited Services or Equipment
3.4.3	Procedures to Contest Charges
3.4.4	Termination Procedures
3.5	Prohibition on Excessive Early Termination Liabilities
3.6	Duty to Protect Subscriber Service Information
3.6.1	Definition
3.6.2	Restriction on Use
3.6.3	Subscriber Authorisation
4.	PROHIBITION ON UNFAIR METHODS OF COMPETITION

4.1	Introduction
4.2	Application
4.3	General Prohibition on Unfair Methods of Competition
4.4	Specific Practices
4.4.1	Use of Mass Media Services to Disseminate False or Misleading Claims
4.4.2	Degradation of Service Availability or Quality
4.4.3	Provision of False or Misleading Information to Competitors
4.4.4	Interference with Relationships with Customers, Advertisers or Providers of Ancillary Media Services
4.5	Prohibition on Predatory Pricing
4.5.1	Standards
4.5.2	Presumptions
4.6	Special Provisions Applicable to Regulated Persons Affiliated with Entities that Provide Ancillary Media Services Necessary to Provide Mass Media Services
4.7	Imposition of Structural Separation or Non-Structural Safeguards
5.	CLASSIFICATION OF REGULATED PERSONS
5.1	Introduction
5.2	Application
5.3	Categories of Regulated Persons
5.4	Designation as a Dominant Licensee
5.5	Evidence of Market Power
5.6	Classification and Reclassification of Regulated Persons
5.6.1	Procedures
5.6.1.1	Initial And Subsequent Classification of Regulated Persons
5.6.1.2	Reclassification by the MDA
5.6.1.3	Petitions for Reclassification
5.6.2	Criteria for Reclassification
5.7	Special Duties of Dominant Licensees
5.8	Exemption from Application of Dominant Licensee Obligations
5.8.1	Types of Exemptions
5.8.1.1	Exemptions Applicable to Specific Sub-Markets
5.8.1.2	Exemption from Specific Obligations