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ASIA VIDEO INDUSTRY A	SSOCIATION										Linklaters	MAYER BROWN	Mori Hamada & Matsumoto	PERKINSCOIE COUNSEL TO GREAT COMPANIES	HATANNASIA WHO Shearn De	amore & Worz Lawyers	achai Ltd.
Details of regulators	<b>AUSTRALIA</b> The Australian Communications and Media Authority (ACMA) is an impartial and independent regulator, but key policy decisions made by the federal Ministry. The ACMA implements different legislative frameworks for broadcasting and telecoms. ACMA's decisions can be appealed.	<ul> <li>Mobile phones or other devices that may deliver content are regulated by Ministry of</li> </ul>	regulatory agencies including the Ministry of Industry and Information Technology (MIIT) (covering telecommunications	<ul> <li>HONG KONG</li> <li>A single, independent statutory body – the communications Authority (CA) – oversees both broadcasting and telecommunications.</li> <li>The CA regulates pay TV according to the Generic Code of Practice on Television Programme Standards (TV Programme Code).</li> </ul>	responsibility: - Information Ministry (MIB) is part of the government. - Telecom Regulatory Authority of India (TRAI) is independent of the Ministry,	Ministry of Communication and Informatics (Kominfo) and Broadcasting Commission (KPI). • Kominfo leads on licensing and market structure; KPI leads on content regulation. • KPI is independent whilst Kominfo is a	<ul> <li>and Communications (MIC) administers the Broadcast Law and the Radio Wave Law and formulates policies through consultative councils, which may include industry representatives.</li> <li>The Japan Commercial Broadcasters Association (Nihon Minkan Housou Renmei) (JCBA) also plays the role of a self-</li> </ul>	<ul> <li>Commission (MCMC), an agency under the Ministry of Communications and Multimedia.</li> <li>MCMC is independent and self-regulating but may not necessarily be politically independent as it comprises members of</li> </ul>	<ul> <li>for implementing and enforcing the Broadcasting Law, including regulation of license applications and compliance.</li> <li>The Authority is a government inter-agency</li> </ul>	<b>PAKISTAN</b> • There is a single regulator, the Pakistan Electronic Media Regulatory Authority (PEMRA). PEMRA is an independent statutory body which according to observers tends to be influenced by government to a considerable degree. • Different types of pay TV are regulated differently. See www.avia.org/rfg for further details	<ul> <li>Principal regulator for broadcasting and telecom is the National Telecommunications Commission (NTC), under the Department of Information and Communications (DICT).</li> <li>Content regulated by the Movie and Television Review and Classification Board (MTRCB).</li> <li>Judicial review of NTC and MTRCB decisions available, but the process is slow and courts have been used to stymie effective regulatory action.</li> <li>The NTC and the Philippine Intellectual Property Office (IPOPHL) share jurisdiction over</li> </ul>	Development Authority (IMDA) is the statutory board that regulates the converging info-communications and media sectors. IMDA decisions may only be appealed to the Minister. Under law, the Minister can	<ul> <li>SOUTH KOREA</li> <li>Korea Communications Commission (KCC) is responsible for programming and content standards; broadcasting production and channel policies; amongst other things.</li> <li>Ministry of Science and ICT (MSIT) is responsible for general communication policies, combined broadcasting communication policies and new media (cable broadcasting, satellite broadcasting, IPTV and OTT broadcasting), but must obtain KCC consent before regulating new media or revising new media approval procedures.</li> </ul>	<ul> <li>SRILANKA</li> <li>Ministry of Information and Mass Media (MIMM) is responsible for issuing the private television broadcasting license under the Sri Lanka Rupavahini Corporation Act (SLRC Act);</li> <li>Telecommunication Regulatory Commission of Sri Lanka (TRC) issues licenses for television broadcasting carried out via a telecommunications system.</li> <li>See www.avia.org/rfg for further details</li> </ul>	<b>TAIWAN</b> • Regulatory system is beginning to shed the traditional state-control orientation.         • The regulator, the National Communications Commission (NCC) is neutral and independent of operators but leaves limited scope for private initiative.         • Cumbersome legislative process delays and inhibits needed regulatory updates.	Broadcasting and Telecommunications	Electronic Information (ABEI) of MIC oversees pay TV. • The competitive marketplace sees multiple
Curated Content (OCC) • Services	ACMA regulates online content generally but no specific legislation for OCC. Licenses are not required for OCC.	whether MPTC requires a license to provide an OCC TV service; existing services assessed on case-by-case basis.	NRTA, the Cyberspace Administration of China (CAC) (covering internet news and monitoring of online content) and the Ministry of Culture (covering online transmission of "internet culture products" including music and gaming). See www.avia.org/rfg for further details	prohibiting the distribution of certain materials, e.g. child pornography, obscene images and pirated materials.	regulatory control over (i) visual programmes made available by online content providers and (ii) news and current affairs content on online platforms • As yet, no regulations have been published.	<ul> <li>general application, nor there is any particular regulation on OCC.</li> <li>Operation of OCC TV may be covered by a number of different regulators including Kominfo, Ministry of Trade and potentially the Ministry of Education and Culture</li> <li>See www.avia.org/rfg for further details</li> </ul>	contents to mobile devices using VHF-low frequencies, have been categorized as broadcasting, bringing them under the remit of MIC.	<ul> <li>MCMC is responsible for regulating OCC TV.</li> <li>Online content services are currently exempted from needing a license.</li> </ul>	<ul> <li>internet-based broadcasting.</li> <li>No other specific regulations relating to the broadcasting of online curated content.</li> </ul>	• OCC is currently unregulated.	<ul> <li>administrative cases concerning copyright.</li> <li>The DICT, together with the NTC and other agencies attached to it, has oversight over information and communication technologies (ICT), which includes OCC.</li> <li>DICT has yet to issue rules and regulations governing OCC services.</li> <li>Proposed NTC implementing guidelines for OTT/OCC providers failed to be finalized.</li> </ul>	<ul> <li>Both local and offshore OCC TV providers are automatically class licensed under the Broadcasting (Class License) Notification, and must comply with the Class License Conditions and the Internet Code of Practice.</li> <li>Local OCC services also subject to licensing as OTT (niche) services.</li> <li>No registration fees for the class license or the niche license.</li> </ul>	<ul> <li>services as defined under the Broadcasting Act or the Internet Multimedia Broadcasting Business Act (IMBBA) but is regarded as a "value-added communications service" defined under the Telecommunications Business Act (TBA).</li> <li>KCC regulates all OCC TV services although they are not subject to explicit regulation ie not subject to broadcasting laws and their regulation on market shares, fees, channel allocation, mandatory channels for public service delivery, content, and advertising.</li> </ul>	their license relating to providing access to certain content that is objectionable, obscene and unauthorized. Therefore, in certain instances, the TRC may issue directions prohibiting ISPs from providing access to certain content.	<ul> <li>video program distribution services. Thus, the provision of pure OCC services in Taiwan would not trigger any license requirements.</li> <li>If an OCC service is provided in the name of a fixed network telecom operator by using the public telephony network rather than the internet, and the content therein is linear programming, this service would be deemed a value-added telecom service, and a telecom license would be required.</li> </ul>	<ul> <li>Currently NBTC has no regulations for OCC content transmitted over the internet and no licensing requirements.</li> </ul>	<ul> <li>providers require a license. To date, this requirement has not been enforced.</li> <li>The current laws do not have specific rules governing OCC TV. However, all copyright regulations are applicable to OCC TV, in theory.</li> </ul>
•	Unauthorised use of pay TV broadcasts is a criminal offence. Unclear if transmission of a live event on OCC would be protected as a "broadcast" under copyright legislation. Numerous site blocking injunctions have been granted in Australia. Australia's site blocking regime was expanded at the end of 2018, so that it is easier for rightsholders to block infringing sites overseas.	<ul> <li>Copyright infinigement is a criminal offence and penalties include imprisonment and/or fines.</li> <li>No specific copyright provisions relating to broadcasting.</li> <li>In practice, copyright laws rarely enforced</li> </ul>	<ul> <li>Regulators have tightened law enforcement but online content piracy is widespread and it is still possible to obtain unauthorised overseas content via illegal satellite dishes.</li> </ul>	<ul> <li>Commercial transactions involving unauthorized pay TV decoders are a criminal offence, but enforcement is lax for</li> </ul>	copyrighted content.	<ul> <li>However, in recent years Kominfo has taken</li> </ul>	and imposes significant penalties. There is	<ul> <li>Enforcement is divided between two government agencies, namely, the Ministry of Domestic Trade and Consumer Affairs (MDTCA) and the MCMC.</li> </ul>	<ul> <li>In 2019, the new Copyright Law 2019 (the Copyright Law) was passed and enacted by Myanmar's Parliament. Once put into force, the Copyright Law will effectively repeal and replace the Copyright Act.</li> </ul>	<ul> <li>Content that is aired on pay TV would appear to be protected under Pakistan's copyright laws.</li> <li>There are civil, criminal and administrative</li> </ul>	<ul> <li>enforcement measures against active enforcement measures against copyright infringement.</li> <li>Penalties include injunction, fines, destruction of prohibited materials, and imprisonment.</li> <li>Most current government efforts</li> </ul>	<ul> <li>There is a robust intellectual property law framework that can be enforced both through criminal and civil mechanisms.</li> <li>It is a criminal offence to install, import, offer for sale, have in possession or operate unlicensed broadcasting apparatus. However, the government has not designated any apparatus used for online services for coverage under this prohibition.</li> <li>Despite the robust intellectual property framework, piracy remains a major challenge in Singapore, with illegal streaming devices being prevalent.</li> </ul>	<ul> <li>Copyright laws provide strong protection with significant penalties.</li> <li>Online piracy is a major problem and competes with pay TV.</li> </ul>	<ul> <li>an injunction, damages and any other remedy against any person who infringes his/her copyright.</li> <li>Most commonly used enforcement mechanism is injunctive relief obtained by the copyright owner to prevent infringement of the copyright.</li> <li>Broadcasting is defined as the communication</li> </ul>	<ul> <li>Legal framework does not favor protection of pay TV signals. Copyright owners bear heavy burdens to stimulate enforcement. Fines for violations are too low.</li> <li>Government has no ability to enter into major IPR conventions but there are bilateral copyright agreements that help</li> </ul>	gives copyright protection.	protection of broadcasts. However, compliance is not satisfactory due to limited
channels Allowed, prohibited or unregulated?	channels. No meaningful restrictions on uplink/ downlink; licenses readily granted.	<ul> <li>Operators have negotiated commercial contracts for retransmission of foreign channels.</li> <li>No regulations/restrictions in respect of uplinking/downlinking.</li> </ul>	generally prohibited. However, with prior regulatory approval, foreign TV channels may be transmitted in hotels rated 3-stars or above and in designated areas where foreigners predominantly reside. See www.avia.org/rfg for further details	<ul> <li>No meaningful restrictions on downlinking of pay TV channels: channels not subject to downlink licensing, but operators' bouquets must be notified.</li> <li>Foreign TV program service operator or any TV program service operator not primarily targeting Hong Kong requires a non- domestic television program service license to provide services originating in Hong Kong.</li> <li>Licensing requirements and standards imposed on non-domestic television program services much less stringent compared to domestic licensees.</li> <li>See www.avia.org/rfg for further details</li> </ul>	<ul> <li>permission for downlink registration.</li> <li>Permission valid for 10 years.</li> <li>TV channels operating and uplinked from India for foreign viewership only are not required to seek registration. Nor do they need to comply with the Programme Code and the Advertisement Code under the Cable Television Networks Rules, provided uplinked content does not contain anything which is against the sovereignty, integrity and national security of India or its relations with friendly countries.</li> </ul>		<ul> <li>foreign channels as long as the pay TV platform has the necessary licenses.</li> <li>No specific restraints on channel uplinking or downlinking.</li> </ul>	<ul> <li>No restriction on uplinking and downlinking. Operators must notify channels for carriage to MCMC prior to launch.</li> <li>Content is subject to content review as required of local content.</li> </ul>	and advertisements by licensed pay TV operators.	<ul> <li>Satellite television channels uplinked from outside Pakistan, including foreign channels, are required to obtain Landing Rights Permission.</li> <li>Landing rights are genre-specific.</li> <li>See www.avia.org/rfg for further details</li> </ul>	No restrictions.	<ul> <li>Channels on pay TV require government approval, and must observe a number of different codes.</li> <li>For regional channel feeds, a license is required to broadcast, uplink or transmit satellite TV services from Singapore to the region. Channels that seek to operate their own uplink service require a specific satellite license.</li> </ul>	<ul> <li>channel is required from the MSIT.</li> <li>Retransmitted programming capped at 20% of each operator's bouquet.</li> <li>No local ads or dubbing allowed in foreign retransmitted channels.</li> <li>See www.avia.org/rfg for further details</li> </ul>	<ul> <li>The conditions applicable to the landing rights of foreign television channels will be determined by the MIMM by the license conditions issued under the Sri Lanka Broadcasting Corporation Act (SLBC Act) or the SLRC Act. Generally, such license conditions provide that foreign channels must be licensed or permitted for being broadcast by the licensing authority of the country of the transmission and proof of the same has to be submitted at the time o the application.</li> <li>See www.avia.org/rfg for further details</li> </ul>	year renewal), with application through a distribution agent. Most permits are readily granted, but some applicants have been delayed for non-transparent reasons.	Retransmission of a foreign channel requires operators to obtain a permit from the NBTC. Permits are readily granted.	<ul> <li>i. Have a legitimate copyright/copyright license; and</li> <li>ii. Satisfy extensive and burdensome licensing requirements, including obtaining license for retransmission of foreign channels, license for editing/ translating foreign channels, license for press operation and engaging an authorised agent in Vietnam for financial obligations.</li> <li>See www.avia.org/rfg for further details</li> </ul>
taxation	Minimal.	• None.	or taxation exist.	<ul> <li>HK\$1,533,000 plus HK\$4 per subscriber.</li> <li>Annual fees for non-domestic TV: as low as HK\$56,400.</li> <li>Intention is that the fee only covers all administrative costs.</li> </ul>	<ul> <li>100,000,000 + license fee of 10% of gross revenue payable annually + license fee and royalty for spectrum used as prescribed by the Wireless Planning and Coordination wing (WPC).</li> <li>HITS: Entry fee of INR 100,000,000 + license fee and royalty as prescribed by WPC for spectrum used. No annual fee is payable. The license period is 10 years.</li> <li>See www.avia.org/rfg for further details</li> </ul>	<ul> <li>standard income and VAT taxes): <ul> <li>fee for obtaining and renewing the broadcast license, rate of which is determined by Kominfo; and</li> </ul> </li> <li>For satellite-based pay TV, license concession fee (biaya hak penggunaan) for the use of radio frequency spectrum.</li> </ul>	<ul> <li>if using transmission via radio waves. The fee varies, depending on the frequency band.</li> <li>A registered carrier under the Telecommunications Business Law must pay a nominal administrative filing fee. Some cable TV operators may be classified as registered carriers.</li> </ul>	<ul> <li>individual license for content application services and MYR 50,000 upon granting of the license.</li> <li>Pay TV services are subject to a 6% Sales &amp; Services Tax (SST). Effective 1 September 2018, taxable services include any person providing content applications service who is registered under the Communications and Multimedia Act 1998 (CMA) or licensed under the Communications and Multimedia (Licensing) Regulations 2000 (CMLR).</li> </ul>	<ul> <li>pay TV operators, are required to obtain a license from the Council</li> <li>License fees are determined by the TV and Broadcasting Council on a case-by-case basis, depending on the nature and scope of the TV and Broadcasting services to be provided.</li> <li>See www.avia.org/rfg for further details</li> </ul>	kinds of channels and distribution mediums. See www.avia.org/rfg for further details	annually).	<ul> <li>Service Licensees, the annual license fee is 2.5% of total revenue or SG\$50,000, whichever is higher.</li> <li>For Niche Television Service Licensees, no license fee is required.</li> </ul>	<ul> <li>Fee charged for obtaining, renewing, registering, and amending Cable TV or satellite TV licenses.</li> <li>Pay TV operators must contribute fees calculated by multiplying the fee rate designated and disclosed by the MSIT to not more than 6% of the operator's broadcasting and advertising revenues in the previous year.</li> </ul>	<ul> <li>LKR 100,000.</li> <li>License fee payable upon grant varies from license to license.</li> <li>See www.avia.org/rfg for further details</li> </ul>	local cultural facilities.	expenses, plus a progressive percentage to the USO fund. See www.avia.org/rfg for further details	0.3% of total subscription revenue.
Rate regulation	None, other than under general competition law.	<ul> <li>No regulations/restrictions exist.</li> </ul>	<ul> <li>bureaus of National Development and Reform Commission in consultation with NRTA.</li> <li>Pricing of value-added cable services or digital TV services above the basic level can be solely determined by operators.</li> <li>No published wholesale rate regulation</li> </ul>	<ul> <li>No specific restrictions on retail rates or price controls.</li> </ul>	<ul> <li>Per channel rates for pay TV are subject to detailed regulation by TRAI, at both the wholesale and retail levels.</li> <li>See www.avia.org/rfg for further details</li> </ul>		<ul> <li>Basic broadcasters (<i>Kikan Housou Jigyousha</i>) required to submit their pay TV terms and conditions to the Minister of MIC and disclose them publicly (e.g., on their websites); however, MIC does not specifically regulate retail/wholesale rates.</li> <li>No price controls on any tier of pay TV controls</li> </ul>	<ul> <li>A pay TV service provider may set rates in accordance with market rates.</li> <li>However, the Minister may intervene to set rates for good cause or as the public interest may require. This authority has not been much used.</li> </ul>	No regulations.	<ul> <li>Subscription fees regulated for end-users.</li> <li>No regulation on wholesale rates.</li> </ul>	<ul> <li>No restrictions subject to fair competition.</li> </ul>	<ul> <li>No wholesale or retail rate regulation.</li> </ul>	<ul> <li>Former rate caps on retail rates have been eliminated.</li> <li>However, retail rates remain subject to requirement of KCC approval for any changes.</li> <li>No wholesale rate regulation.</li> </ul>	<ul> <li>The conditions of the pay TV operator license usually require the tariff for the services to be pre-approved by the TRC.</li> <li>Any changes in rates require TRC approval.</li> </ul>	<ul> <li>Extensive and rigid regulation of retail basic cable rates from central and local government bodies.</li> <li>Rates for new digital packages are unregulated, as are satellite DTH rates.</li> <li>See www.avia.org/rfg for further details</li> </ul>	<ul> <li>No regulation of retail or wholesale rates.</li> </ul>	<ul> <li>There are no legal provisions regulating subscription rates or price control.</li> </ul>
	No restrictions.	• No regulations/restrictions exist.	<ul> <li>exists.</li> <li>No published specific restrictions on tiering or bundling exist, however customers must be able to subscribe to basic cable packages only and not be forced to subscribe to additional channels or value-added services.</li> </ul>		<ul> <li>Channels offered as part of the basic tier must also be offered on an a-la-carte basis.</li> <li>DPOs must offer 200 channels for the Network Capacity Fee (NCF) of up-to INR 130 in addition to channels mandated by the Government, resulting in offering a basic tier of 226 channels to the subscriber at the NCF.</li> <li>Consumers may choose any 200 FTA channels or bouquet(s) of pay channels</li> <li>Number of bouquets of pay channels can't exceed number of pay channels offered.</li> <li>See www.avia.org/rfg for further details</li> </ul>	• Tiering/bundling is allowed. An a la carte	<ul> <li>service.</li> <li>Tiering/bundling of channels is allowed and utilized in practice.</li> </ul>	No restrictions.	• No regulations.	<ul> <li>No specific restrictions for program packaging for pay TV.</li> </ul>	<ul> <li>No regulations on program packaging exist.</li> <li>Tiering is common practice in the market.</li> </ul>	<ul> <li>Cross-carriage rules apply for designated content offered on Relevant Platforms (cable, DSL and fibre). Tiering and bundling of channels are allowed, but if a bundle contains a channel that is considered "Qualified Content" then the entire bundle would be subject to cross-carriage requirements.</li> <li>So far, these restrictions have been applied only to a limited number of sporting competitions – most prominently the English Premier League.</li> </ul>	common. • Korean operators offer some premium	<ul> <li>A la carte is not mandatory in Sri Lanka. Tiering permitted.</li> </ul>	<ul> <li>For analogue cable, there is mandatory carriage of large, prescribed basic package (90-100 channels).</li> <li>Above cable basic level, and for all IPTV: a la carte prices must be set, but in practice some bundling has been permitted, with prices lower than the sum of a la carte rates.</li> </ul>	<ul> <li>Tiering is allowed. No a la carte requirements.</li> </ul>	<ul> <li>The regulations set out different types of program packages for pay TV: <ul> <li>Basic service package: including national and local channels serving essential political and propaganda information tasks;</li> <li>Pro service packages: including Vietnamese and foreign channels;</li> <li>On-demand packages: based on subscribers demands.</li> </ul> </li> <li>In addition, there are value-added services which may be provided along with the above mentioned packages.</li> </ul>
Including localization rules, revenue and minutage restrictions	Subscription fees must be pay TV's predominant source of revenue. No more than 50% of pay TV operators' total revenues can come from advertising. Ad minutage unlimited. Ad content governed by industry Codes of Practice.	• No regulations/restrictions exist.	channels is expected to comply with Chinese advertising laws. In practice,	<ul> <li>No minutage limit for pay TV.</li> <li>Specific legislation and the Generic Code of Practice on Television Advertising Standards contain a range of restrictions on television advertising.</li> </ul>	<ul> <li>including up to 10 minutes per hour of commercial advertisements, and up to 2 minutes per hour of a channel's self- promotional programs.</li> <li>In the case of live broadcast of a sporting event, ads shall be carried only during the breaks in the sporting action.</li> <li>See www.avia.org/rfg for further details</li> </ul>	Advertising Code of Ethics (Etika Pariwar Indonesia - "IACE") and (ii) advertisement	• No minutage restriction but JCBA's program standards require that the volume of	<ul> <li>Foreign advertising (with Made in Malaysia "exemption certificates") permitted up to</li> </ul>	for every hour of broadcast; they must allocate at least five percent of their airtime	to a maximum 3-minute continuous advertisement during each 15 minutes of	<ul> <li>advertisements during election period.</li> <li>While minutage caps are not imposed on the commercials themselves, the Philippine</li> </ul>	<ul><li>limit applies for channels with scheduled programming but is not applicable for VOD content and interactive advertising services.</li><li>For Nationwide Subscription Television</li></ul>	channels allowed. • Foreign retransmitted channels may not	<ul> <li>No minutage restriction.</li> <li>The conditions of the MIMM license may differentiate between foreign and domestic advertisements. The license conditions provide that foreign channels must not carry advertisements that specifically target Sri Lankan viewers.</li> </ul>	to 10 mins per hour.		<ul> <li>In theory, ads on pay TV must not include ads already inserted from foreign programs/ channels. All ads must be inserted in Vietnam. While this rule had not yet been strictly enforced in practice, as of early 2021 there are reports that regulators are beginning to require domestic ad insertion</li> <li>Ads limited to 5% of air time over a 24-hour period, with no more than 2 breaks per film, and 4 breaks in other entertainment programs. (Enforcement of this is not stringent.)</li> <li>See www.avia.org/rfg for further details</li> </ul>
Including local content quotas, content control and insertion of classification and other content labels into international feeds	10% of total program expenditure on drama channels must be spent on new Australian/New Zealand dramas. Flexibly administered; a shortfall in one year can be made up during the next year. Self-regulation based on industry association Codes of Practice.	<ul> <li>regulations affect foreign channels on Cambodian pay TV systems. However, Cambodian domestic channels are required to broadcast only domestic films between 7pm and 9pm.</li> <li>The MOI and Ministry of Culture and Fine Arts have the authority to regulate content.</li> <li>Nudity is not allowed on pay TV or FTA TV.</li> </ul>	<ul> <li>daily programming on a domestic pay TV channel. Cannot retransmit the entirety of a foreign channel on pay TV (i.e. must be done on a program-by-program basis).</li> <li>TV channels must self-censor to ensure programs comply with stringent censorship requirements.</li> <li>All imported programs subject to censorship and approval of NRTA.</li> <li>All films and teleplays are subject to NRTA pre-approval.</li> </ul>	<ul> <li>to adhere to broad guidelines (e.g. restrictions on content relating to sex and nudity, violence, gambling, etc.).</li> <li>In addition to general TV content regulation, the Control of Obscene and Indecent Articles Ordinance (Cap. 390) regulates the publication and public display of obscene and indecent articles.</li> <li>See www.avia.org/rfg for further details</li> </ul>	<ul> <li>Content regulation not restrictive - largely a self-regulatory approach.</li> <li>Based on a published Program Code, with separate codes adopted by industry organizations.</li> <li>See www.avia.org/rfg for further details</li> </ul>	broadcasting agencies and private (FTA) broadcasting agencies plus an additional 10% for other domestic content. Pay TV operators must carry out internal censorship review to meet KPI standards on all programs broadcast by them, both domestic and foreign. All local and international feeds must appropriately display the code of program classification although this is not strictly enforced. See www.avia.org/rfg for further details	<ul> <li>for the insertion of local classification and other labels into international feeds.</li> <li>Broadcast Law requires broadcasters to avoid harming public safety or morals, be politically fair, avoid distorting facts, provide balance where there are conflicting viewpoints, and establish and publicly disclose standards for television programs.</li> <li>JCBA's program standards also require broadcasters to consider viewers' circumstances, such as broadcasting time and ensure viewers do not feel uncomfortable due to program content.</li> </ul>	of indecent, obscene, false, menacing, or offensive in character with intent to annoy, abuse, threaten or harass any person. • Pay TV operators are expected to conduct self-censorship of the content. See www.avia.org/rfg for further details	<ul> <li>first be reviewed by the Video Censor Board and at least 30% of programming to be locally-produced programs; however, this requirement is not enforced for foreign channels.</li> <li>Broadcasters must ensure that at least half of such programs are broadcast during "prime time" slots.</li> <li>Content of broadcast programs must comply with a broadcast Code of Conduct, including broad requirements relating to the content being broadcasted, based on moral and ethical values.</li> <li>See www.avia.org/rfg for further details</li> </ul>	<ul> <li>including on content which is obscene, indecent or contains aspersions against the judiciary or armed forces of Pakistan.</li> <li>Increasing enforcement of these restrictions.</li> <li>Only 10% foreign content is permitted on local pay TV channels, while foreign channels with landing rights permission may not air local content.</li> </ul>	<ul> <li>No local content quotas.</li> <li>Self-regulatory system is administered by KBP in coordination with MTRCB. Non-KBP members are subject to regulation by the NTC.</li> <li>MTRCB at times has taken an unrealistically stringent position on rules relating to tobacco, sexual content and gender sensitivity in depicting women on TV.</li> </ul>	<ul> <li>No local content quotas.</li> <li>Comprehensive content regulations through Content Codes: depending on the type of services offered, the Subscription-TV Programme Code or the Niche Services Code.</li> <li>See www.avia.org/rfg for further details</li> </ul>	<ul> <li>supervision and standards-setting by the KCSC.</li> <li>Broadcasting operators must display the age rating for the program as determined by the KCSC during the broadcast of the program. Local pay TV providers are responsible for inserting age ratings into foreign programming.</li> <li>See www.avia.org/rfg for further details</li> </ul>	<ul> <li>of such licenses are not publicly available.</li> <li>The operator must not distribute harmful or illegal contents that may affect national security, within the framework of technical possibility of control of such contents. The operator must also undertake to not carry objectionable, obscene, unauthorised or any other content, or communications through the licensed system.</li> <li>See www.avia.org/rfg for further details</li> </ul>	TV classifications, motivated by concerns about content quality.	<ul> <li>based on published guidelines from a government regulator.</li> <li>Parental rating logos (3+, 6+, 13+, 18+, general viewing) must be inserted on screen. This requirement only applies to TV operators who use over-the-air frequencies, analogue and digital, allocated by NBTC. Currently, there are no pay TV services using over-the-air allocated frequencies.</li> </ul>	<ul> <li>The Law on Cinema provides official "encouragement" for local movies to make up at least 30% of films broadcast and for most local movies to be broadcast between 8pm and 10pm.</li> <li>See www.avia.org/rfg for further details</li> </ul>
dubbing/subtitling and captioning	Prescribed annual captioning targets apply. Targets vary according to category of service (e.g. movies, news, sports, music). Each year, the targets increase by 5% until the target reaches 100%. No regulations on languages.		<ul> <li>standard Mandarin as the written or spoken language used in their content.</li> <li>If another language needs to be used, it is subject to NRTA approval.</li> <li>Ads should use Mandarin voiceover and simplified Chinese characters.</li> <li>See www.avia.org/rfg for further details</li> </ul>		<ul> <li>subtitles/closed captioning/sign language across specified television programs in the same language as the content.</li> <li>However, live news, live telecast of sports or music shows, advertisements, debates and reality TV shows are exempt from the requirement.</li> </ul>	<ul> <li>films broadcast on tv) must have Indonesian subtitles, except for foreign news, any program teaching foreign languages, reading of religious scripture, sports broadcasting and live broadcasting;</li> <li>Broadcasters may choose to replace subtitles with dubbing for up to 30% of their programming.</li> <li>All foreign programs available in bilingual program streams exempted from the translation requirement.</li> </ul>	<ul> <li>Generally, broadcast programs cannot be dubbed more than once (programs for FTA TV may be dubbed up to 10 times). This is to prevent unlimited re-dubbing into other languages which could adversely impact sales.</li> </ul>		No regulations.	<ul> <li>Only up to 50% of general entertainment content may be dubbed in Pakistani languages.</li> <li>There is no general restriction on subtitling, though advertisements in the form of subtitles should not exceed more than one tenth of the screen.</li> </ul>	option in the broadcast of their programs including newscast, news programs and pre-scripted programs. All non-exempt television stations must fully comply with the closed captioning requirement by 2022. At present, closed caption services are required to be incorporated on at least 25% of non-exempt programs of non-exempt television stations.	Transmission of programs in dialects is controlled and limited for all Niche Subscription Television and Nationwide Subscription Television Service licensees.	<ul> <li>Dubbing is prohibited on foreign retransmitted channels but subtitling is allowed.</li> <li>See www.avia.org/rfg for further details</li> </ul>	None unless included in the license conditions.	<ul> <li>Foreign-language programs shall carry Chinese subtitles or be broadcast with Mandarin narration. If necessary, the NCC may instruct that the programs be dubbed in Chinese.</li> </ul>	NBTC regulations encourage, but do not mandate, dubbing or subtitling of international channels into Thai.	<ul> <li>Certain channel genres must be translated, whether by dubbing or subtitling. The proportion of programming required to be translated varies by genre, ranging from 100% for film channels to 0% for news channels.</li> <li>In particular, 100% contents of film and cartoon channels and 100% contents of reportage and documentary film programs on collective entertainment, sport, music, scientific and education channels must be translated.</li> </ul>
Including must provide rules and other restrictions	No general restraints on exclusivity. Restrictive "anti-siphoning" provisions require many sporting events to be offered first to FTA TV. ee www.avia.org/rfg for further details	• No regulations/restrictions exist.	• No published restrictions exist.	<ul> <li>No specific program supply restrictions for pay TV.</li> </ul>	<ul> <li>Channels must be available to all platforms on nondiscriminatory terms, and platforms must carry channels on request, subject to spare capacity.</li> <li>Restrictive "sports sharing" provisions require many sporting events to be given to the public broadcaster for FTA broadcast, since 2006.</li> </ul>	of channel capacity to carry domestic content. IPTV providers also obliged to carry broadcasting programs from public broadcasting agencies and educational program for at least 10% of the total content.	<ul> <li>No "must provide" rules or other restrictions on exclusivity nor anti-siphoning rules.</li> </ul>	• There are no "must carry" or "must provide" restrictions.	No regulations.	No specific program supply restrictions.	from the NTC.	<ul> <li>IMDA imposes restrictions for a limited list of essential programmes (mostly sporting events).</li> <li>Pay TV operators must make their exclusive content on all "Relevant Platforms" (which currently means a managed cable or fibre network) available to other operators for cross-carrying.</li> <li>See www.avia.org/rfg for further details</li> </ul>	<ul> <li>Requirement to share designated broadcast public events of widespread popularity</li> </ul>	license conditions.	No restrictions.	<ul> <li>"Must have" rules require specific sporting events to be only broadcast on FTA television channels (which are then also carried on pay TV).</li> <li>Non-Exclusivity List rules require any operator securing rights in respect of 7 other sporting events to share the broadcast rights at reasonable fees.</li> <li>See www.avia.org/rfg for further details</li> </ul>	<ul> <li>No legal restrictions on exclusivity nor "anti- siphoning" rules.</li> </ul>
Including foreign direct investment in platforms and wholesale supply of programming and	Specific foreign acquisitions of media assets are reviewable under general foreign investment policy. Media sector categorised as a "sensitive sector," meaning all foreign investments of 5% or more are subject to approval. No specific restrictions on content providers other than general competition laws.	d restrictions. • General foreign investment rules apply. See www.avia.org/rfg for further details	in traditional cable/satellite TV stations were lifted in 2019, the relevant media laws and regulations remain unchanged and valid. As such, only state-owned enterprises can currently invest in and hold interests in these TV stations	<ul><li>majority of directors must be Hong Kong residents.</li><li>Some constraints on control of multiple</li></ul>	<ul> <li>Cable networks; Mobile TV; HITS.</li> <li>49% FDI is permitted under the government route for investment in uplinking of News &amp; Current Affairs TV channels.</li> <li>100% FDI is permitted under the automatic route for investment in uplinking of Non- News &amp; Current Affairs TV channels and, or, downlinking of TV channels.</li> </ul>	<ul> <li>permitted up to 20% of the total subscribed and paid-up capital.</li> <li>Limitation on foreign shareholding applicable to both direct and indirect investment.</li> <li>In terms of content producers/distributors, there is no foreign investment limit.</li> <li>There are some cross-media ownership restrictions on domestic companies.</li> <li>See www.avia.org/rfg for further details</li> </ul>	<ul> <li>for basic broadcasters (Kikan Housou Jigyousha).</li> <li>No foreign investment restrictions on "general broadcasters," such as 124/128 CS broadcasters, IP multicast broadcasters and cable broadcasters, or in respect of producers or distributors.</li> <li>The Broadcast Law restricts a basic broadcaster and its holding company from owning, directly or indirectly, multiple</li> </ul>	<ul> <li>Licensees must be incorporated in Malaysia.</li> <li>FDI in platforms limited to 30%.</li> <li>No FDI restrictions on the wholesale supply of pay TV programming.</li> <li>However, the MCMC may, for policy reasons, still require shareholding restrictions for license holders depending on the type of license, which is decided on an ad hoc basis.</li> <li>No restrictions on cross-media ownership (e.g. TV-newspaper) but restrictions against cross-sectoral ownership (e.g TV-telecoms).</li> </ul>	to hold more than 30% in a commercial		<ul> <li>indirect ownership structures have been permitted.</li> <li>DTH and cable platforms are considered to be engaged in mass media broadcasting.</li> <li>Up to 40% FDI allowed in entities engaged in telecommunications.</li> <li>Telecommunication franchisees not allowed to engage in mass media and vice versa, but</li> </ul>	<ul> <li>Licensees are subject to ownership requirements. These include a cap of 49% of foreign investment in the licensee unless otherwise approved by the Minister and with prior approval of substantial shareholders, directors and CEOs.</li> <li>No specific cross-media ownership restrictions, but there is a general</li> </ul>	content to users)	<ul> <li>FDI limited to 40% in mass communication companies, although approval can be sought from the Board of Investment of Sri Lanka for a higher percentage of foreign investments in a particular company.</li> <li>No restrictions on cross-media ownership or vertical integration unless included in the license conditions.</li> </ul>	<ul> <li>ownership of domestic cable operators; total direct and indirect foreign investment capped at 60%.</li> <li>Foreign shareholdings in satellite broadcasting business to be less than 50%.</li> </ul>	<ul> <li>FDI in pay TV platforms and licensed Thai channels limited to 25% of the voting stock. Limit for telecoms is 49%.</li> <li>A 49% FDI limit applies to wholesale providers based in Thailand.</li> <li>In practice, foreign holdings may be structured to allow foreign partners considerable indirect ownership.</li> <li>The Broadcasting Act contains some cross-media ownership limitations, with ownership percentages to be specified by the national regulator.</li> <li>See www.avia.org/rfg for further details</li> </ul>	
•	No government "must carry" rule. Retransmission of FTA broadcasts subject to payment of equitable remuneration to underlying rights holders.	• No regulations/restrictions exist.	<ul> <li>Although not required under written law, in practice, state-owned provincial satellite channels must re-transmit the CCTV evening news.</li> </ul>	• None.	<ul> <li>operators must carry Doordarshan and Parliament Channels on satellite and cable TV networks. The last advisory MIB issued in Dec 2019 brought the count of channels that must be compulsorily re-transmitted to 27.</li> <li>No remuneration for compulsory</li> </ul>	of payment for this right to broadcast is		• No requirement.	<ul> <li>No specific regulations imposing "must carry" obligations on pay TV operators.</li> <li>In practice the principal channel of the state broadcaster MRTV is carried on all pay TV platforms.</li> </ul>	<ul> <li>No requirements regarding retransmission arrangements specific to pay TV.</li> </ul>	UHF and VHF channels within their locality.	<ul> <li>National operators required to carry all licensed FTA channels.</li> <li>Such carriage is exempted from payment of copyright licensing fees.</li> </ul>	<ul> <li>Acrimonious disputes over payment for "retransmission consent" of FTA channels have resulted in government intervention, but no clear universal rule.</li> </ul>	<ul> <li>No general requirement for pay TV operators to carry FTA television channels.</li> <li>No specific copyright exemptions that will apply to pay TV platforms in the retransmission of content/television programs.</li> </ul>	<ul> <li>Cable operators must carry five major analogue FTA channels. No copyright licensing payments are required.</li> <li>No similar rules for IPTV or DTH operators.</li> </ul>	<ul> <li>NBTC has issued "must carry" rules, requiring TV operators on all platforms to carry 21 digital FTA TV channels, without remuneration to the relevant FTA broadcaster.</li> </ul>	broadcaster's "entertainment" channels without authorisation or payment, despite the absence of any "must carry"
Including cooling-off period and termination rights	Subscription Broadcast Television Codes of Practice registered with ACMA (which may compel compliance as a condition of license) impose consumer protection obligations. General consumer protection laws also apply. www.avia.org/rfg for further details	(November 2019), anyone engaged in	and sign contracts with customers.	<ul> <li>There is no mandatory cooling-off period in place, although a minimum 7-day cooling off period is recommended in a code of practice issued by the CA.</li> <li>Trade Descriptions Ordinance generally prohibits false trade descriptions, false marks and mis-statements in respect of services sold.</li> <li>See www.avia.org/rfg for further details</li> </ul>		• No specific regulation for pay TV.	<ul> <li>The Broadcast Law requires basic broadcasters to: <ol> <li>submit pay TV terms and conditions to the Minister of the MIC and disclose them publicly (e.g., on website);</li> <li>notify users in advance before suspending or ceasing their business;</li> <li>explain terms and conditions to users; and</li> <li>deal with users' complaints or queries regarding the terms and conditions appropriately and promptly.</li> </ol> </li> </ul>	<ul> <li>General Consumer Code of Practice issued by the CMCF. Compliance with the General Consumer Code is mandatory.</li> <li>The General Consumer Code provides for guidelines on termination of a service contract and general procedures for customer's complaints.</li> </ul>	<ul> <li>The Consumer Protection Law (CPL) provides for general consumer protection rights and sets out the responsibilities of both consumers and service providers. The false advertising of goods and services is prohibited under the CPL.</li> </ul>	to pay TV, other than the requirement to be notified of a change in the subscription fee	<ul> <li>The NTC has issued regulations to ensure the protection of consumer rights. Broadcast, cable TV and content providers, among others, are required to charge consumers only for uninterrupted service.</li> <li>Notice requirements are also imposed when the need to change or amend the service agreement arises. Mechanisms for filing complaints are also available.</li> </ul>	<ul> <li>Under the Code of Practice for Market Conduct, pay TV operators must comply with certain restrictions including: that subscription contracts are a maximum of two years in length, that any early termination charges are reasonably related to any discounts provided and the duration of the period the contract was consumed, and that procedures for subscribers to dispute subscription charges are implemented.</li> </ul>	<ul> <li>For traditional pay TV platforms, broadcasting business operators must supply their programs at a fair and reasonable market cost, in order to ensure the general viewing rights of the public.</li> <li>For IPTV platforms, to ensure that the general public has equal access to content, the KCC designates certain programs that the provider must supply at a reasonable cost.</li> </ul>	<ul> <li>No specific consumer protection laws applicable to pay TV subscribers. However, pay TV license conditions usually include conditions for consumer protection including a mechanism for resolving customer complaints.</li> </ul>	<ul> <li>System operators are required to set up a channel carrying the system operator's name, logo, license number, telephone number of subscribers' complaint hotline, business address, a list of all channels, the license period for each channel, and the programs transmitted on each channel.</li> <li>See www.avia.org/rfg for further details</li> </ul>	<ul> <li>NBTC's Rule on Standard Subscription Contracts for Pay TV mandates certain requirements for standard subscription contracts, such as a complaints process, etc.</li> <li>A subscriber may terminate the subscription contract any time without penalty by giving written notice to the pay TV operator not less than 5 days in advance. In the case of change of channel composition the subscriber can terminate the subscription contract immediately.</li> </ul>	on TV service; and
•	No data localization obligation in Australia, although there are obligations regarding transfers of personal data overseas. Exemption for media organisations for certain privacy obligations, where the relevant activity is done in the course of journalism and the media organisation is publicly committed to observe standards that deal with privacy in the context of the activities of a media organisation.	force in May 2020 states "those who electronically store private information shall use all means to ensure that such information is safely protected at all reasonable circumstances in order to avoid the loss, access, use, modification, leakage, disclosure of such information."	data has been or is likely to be divulged,	<ul><li>applicable to pay TV licensees.</li><li>All pay TV licensees who collect, use or transfer personal data in Hong Kong have</li></ul>	broadly provide that data should be processed with consent and in a lawful	<ul> <li>Currently, only protection of personal data in electronic systems is regulated.</li> </ul>	<ul> <li>The key regulation on data handling in Japan is the Act on the Protection of Personal Information.</li> <li>There is no requirement regarding</li> </ul>	<ul> <li>Personal Data Protection Act 2010 allows transfer of personal data out of the country only to destinations listed by the Minister or when subject to exceptions.</li> <li>Act applies to any person established in Malaysia or who uses equipment in Malaysia to process personal data.</li> <li>Licensees under the CMA must comply with the Code of Practice for Licensees issued by the Commissioner.</li> </ul>	cross-sector data protection law or any	Currently unregulated.	No data localization requirements.	• No data localization requirements.	<ul> <li>The IMBBA stipulates that the IPTV service provider shall take protective measures</li> </ul>	data protection act, the conditions of the operator license usually include conditions on the confidentiality of customer information, including conditions that the pay TV operator must not disclose		• N/A	• For pay TV under the form of internet television services by providing "specialised application websites," a service provider must have at least 1 server system in Vietnam for the inspection, storage, and provision of information at the request of competent authorities and settlement of customers' complaints about the service provisions in accordance with regulations of the MIC.

## 建津法津事務所 LEE AND LI ATTORNEYS-AT-LAW VILLARAZA & ANGANGCO THE FIRM - EST. 1980 TNAM Information and n (MIC) is the primary gulator. ation for Broadcasting and rmation (ABEI) of MIC ive marketplace sees multiple for broadcast rights in the telecast areas. s TV on the internet. eign channels delivered ell as foreign OCC service uire a license. To date, this has not been enforced. aws do not have specific rules C TV. However, all copyright re applicable to OCC TV, in ork of copyright meets basic standards, and includes broadcasts. However, not satisfactory due to limited n pay TV (other than those ernment political priorities) pyright requirements. ls broadcast on pay TV must ing requirements: nate copyright/copyright nsive and burdensome quirements, including ense for retransmission of unels, license for editing/ oreign channels, license eration and engaging an agent in Vietnam for financial g/rfg for further details icense is approximately US\$120 for an amendment. operator has to pay a fee of subscription revenue. gal provisions regulating es or price control. ns set out different types of kages for pay TV: rvice package: including l and local channels serving al political and propaganda n tasks; on tasks; ee packages: including see and foreign channels; nd packages: based on rs demands. here are value-added services e provided along with the oned packages. on pay TV must not include serted from foreign programs/ ads must be inserted in ille this rule had not yet been ed in practice, as of early 'e reports that regulators are require domestic ad insertion 5 % of air time over a 24-hour no more than 2 breaks per reaks in other entertainment nforcement of this is not g/rfg for further details ogram channels serving itical and propaganda tasks, all domestic programs s must be provided by "content nat have a license for both press the television field and for etnamese television programs. Cinema provides official nent" for local movies to make 2% of films broadcast and for ovies to be broadcast between m. rg/rfg for further details nel genres must be translated, ubbing or subtitling. The programming required to be ries by genre, ranging from channels to 0% for news 00% contents of film and els and 100% contents of documentary film programs ntertainment, sport, music, education channels must be ctions on exclusivity nor "antilimit for pay TV platforms. estment departments consider sals on the same basis as ents. However, in practice the as so far applied a 49% FDI ors in pay TV networks. e providers must broadcast ring essential political and nformation tasks. ors carry the national ; "entertainment" channels orisation or payment, ibsence of any "must carry" gulations do not clearly oling-off period." However, subscribers the right to: e part or the whole of a pay price and service quality. g/rfg for further details