

A GOVERNANCE FRAMEWORK FOR ONLINE CURATED CONTENT (OCC) SERVICES

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Introduction

Online Curated Content (OCC)* services play a prominent and growing role in the global media industry, and this is especially true in Asia. OCC services are online video streaming services which offer a fully curated content catalogue. OCC services have transformed the way that content is created and consumed, by providing consumers with choice and flexibility, allowing them to view the professional content of their choice whenever, wherever and on whichever device they choose. It has also expanded options and markets for content creators. Two defining characteristics of OCC services are that they offer a fully curated content catalogue, and are a “pull service” where consumers are in control of their viewing experience.

Fully Curated Content

In being curated, the service itself selects and controls the content being made available for viewers. This content can be licensed or purchased from third parties (on an exclusive or non-exclusive basis) or produced by the service itself. The OCC service eventually takes responsibility for the content it makes available.

Consumers in Control

Within the library of content curated by the service operators, a key feature of OCC is that the content to be viewed is selected and controlled by the consumer. The content is provided to a consumer on a “pull basis” rather than a “push basis”. This means that the user requests each piece of content individually, and the OCC service provides the content on demand.

OCC services provide detailed information to consumers, to assist in their programming choices. Unique to the online environment, OCC services are capable of offering consumers controls to ensure that only age appropriate content is made available to specific members of the household.

Driving Investment

OCC services are expected to invest US\$ 10 billion in APAC by 2022. OCC services play an important role in investing in the local industry, by way of acquiring content, producing content and developing partnerships. These activities are key to driving investments and innovation in local content ecosystems around the region.

* Other common terminologies include Video on Demand (VOD) services, streaming services, OCC Providers (OCCP) etc. which offer a fully curated content catalogue, have direct control over the content available on their services and are subject to the authorised use of this content and other assets by third parties.

The Role of Regulation

It is recognised that governments regulate for legitimate public policy objectives, such as those in protection of society and individuals. As responsible players, OCC service operators also intend to contribute to the societies where they operate, specifically in abiding by laws on taxation, data protection, and so forth.

Therefore, in this developing sector, OCC industry players as well as governments have a number of mutual goals that encourage more collaborative governance:

- *Safeguarding the best interests of consumers, in providing them choice, control, awareness and empowerment to make informed choices on age-appropriate content for themselves and their families, at their own time and convenience;*
- *Promoting solutions which are pragmatic, fit-for-purpose, cost-effective and responsive to the objectives of policymakers;*
- *Evolving the policy framework to account for the opportunities and new realities of the digital ecosystem;*
- *Nurturing creativity, fostering innovation and ensuring continued growth of the creative economy in Asian markets;*
- *Fostering responsibility in industry participants to develop their own robust standards and practices which help add predictability and professionalism to the online video ecosystem*

An effective governance framework is critical for this dynamic sector. We believe that this framework will encourage growth of the OCC sector, and ensure the progressive adoption of higher standards by a greater number of curated service operators.

AVIA urges governments to reform legacy pay TV regulations, to make them fit for purpose in the digital era and avoid excessive burdens on pay TV players. At the same time, we urge governments to refrain from imposing onerous obligations, conditions and/or heavy administrative burdens on OCC service providers.

For its part, the OCC industry has taken steps towards taking responsibility and ensuring accountability.

It is in this spirit that AVIA, whose wide membership reflects the Asia-Pacific video ecosystem*, publishes this OCC Governance Framework. This framework will help guide our members, and hopefully governments, to act in good faith as this dynamic sector continues to evolve.

* *AVIA's members include a wide range of domestic and leading international operators of online curated video services, as well as linear operators, associations and other participants across the Asia-Pacific video ecosystem.*

An aerial night photograph of a city, likely Tokyo, showing a dense urban landscape. The scene is dominated by blue and white light trails from traffic on elevated highways and roads, winding through the city. Numerous skyscrapers and buildings are illuminated with various lights, creating a vibrant, glowing cityscape. The overall atmosphere is one of a bustling, modern metropolis at night.

OCC GOVERNANCE FRAMEWORK

Appropriate Mechanisms for Content Control

Governments, industry and consumers are all adjusting to the reality of the online world, where huge quantities of video content are available – professional and amateur, moderated and spontaneous, legal and pirated. While the abundance of online video content presents a number of challenges, the OCC industry seeks to ensure their services are a preferred destination for families looking for legitimate viewing of curated content. This requires a safe and easy to use experience for users.

In order to be successful, industry must continue to work collaboratively with government and must continue to invest in technologies to ensure OCC services will remain safe spaces. This ongoing work will help ensure that consumers and parents can easily navigate, understand, control, and enjoy quality content offerings.

- **Robust systems for control:** *OCC systems should feature “safety by design,” with PIN codes, passwords, or other means to restrict access to content not designed for all audiences. Instructions on how to utilize these tools should be reasonably simple to use and clear to access. Where the OCC operator may use partners or does not directly control the end user experience, and an affiliate platform is in a position to exercise better control, OCC service operators should actively encourage that they do so.*

- **Program ratings:** *For the benefit of all users, but especially younger audiences, program ratings should be prominently displayed. The ratings system utilized by each OCC service operator should either rely on locally understood frameworks or, where unique to a specific service and its content, be clearly understood. Additionally, where possible, program ratings should complement the technical control tools made available by each service for the protection of minors.*

- **Labelling of content categories:** *There are a number of ways in which OCC service operators can advise viewers about the content they are about to watch and to alert users to when content may contain sensitive themes or depictions. They may include (but are not limited to) pre-roll advisory messages, on-screen notifications, prominent icons or descriptors, information in the detail page or synopses of the individual piece of content or series, or messaging that appears upon playback. These labels and/or advisories, when published, should be clear, prominent, and of a nature to facilitate the exercise of parental judgement. A non-exhaustive list of categories that are considered sensitive and therefore deserving of a label include sex, violence, nudity, and language. These measures would empower consumers to make informed choices about their viewing experience.*

Consumer Feedback Mechanism

Service operators should commit to provide consumers with a mechanism to provide feedback about their viewing or user experience, whether positive or negative. This feedback mechanism should be easily located and include identifiable contact information (such as email or phone) for where to address complaints, concerns, or other commentary. Additionally, OCC service operators should have internal protocols to allow the operator to consider and respond to consumers in a reasonable and timely manner. Where possible, this internal review process and timeline expectations for redress should be communicated to users.

In addition to an established complaint mechanism, OCC service operators should consider including a help center or 'frequently asked questions' section on their site or app to allow users to troubleshoot questions or concerns that might arise during their viewing experience.

Prohibited Content

OCC service providers are committed to comply with the applicable laws of the land. As this pertains to prohibited content, a non-exhaustive list of examples of these prohibited categories are as follows:

- *Child pornography;*
- *Deliberate and malicious disrespect towards the national flag, national emblems, national anthems, etc;*
- *Content which deliberately calls for terrorism and other forms of violence against the state or state institutions;*
- *Content which deliberately calls for violence against segments of the population;*
- *Content which knowingly infringes copyright.*

Role of Government within this Framework

We recognize that governments have a wide range of existing policies in support of their legitimate public policy objectives for all businesses. The actions described in this section are specific to the emerging OCC market and are intended to foster accountability and dialogue so as to achieve positive outcomes as this market develops.

➤ **Notification:** *As responsible players, OCC services strive to be responsive to governments as well as consumers. We believe a notification system is best suited to:*

1. provide assurance to governments of OCC service responsiveness and accountability;
2. facilitate the ability of governments to contact service operators anywhere in the world, without establishing local subsidiaries.

➤ Formal industry/government consultations to assess and evolve collaborative approaches. As the OCC industry continues to develop, governments and the industry should engage in regular consultations to share experiences and exchange information. This knowledge exchange is a vital element to improving the governance framework. Such a forum can generate increased understanding of the needs of consumers and each stakeholder's positions. This can be a forum for effective monitoring of the overall environment, trust-building and mutual problem-solving.

We have put these principles forward in the spirit of continued dialogue and engagement between industry, government, civil society and consumer groups. AVIA members look forward to discussing with governments how policy and regulation can be developed to benefit consumers across the Asia-Pacific region and help grow the region's creative industries.



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