

OCTOBER 2021

# ASIA VIDEO PULSE

THE NEWSLETTER OF THE ASIA VIDEO INDUSTRY ASSOCIATION



## UPCOMING

POLICY

ROUNDTABLE

NOV 11

STATE OF

PIRACY SUMMIT

NOV 12

ASIA VIDEO

SUMMIT

NOV 16 - 17

SATELLITE

INDUSTRY

FORUM

NOV 18

RESILIENCE 100

LIVE IN SG

NOV 18

## Come Together

This is one of those newsletters that is a struggle to put together because there is so much going on. It is hard to imagine that we are well into Q4, and we are looking forward next month to the **Asia Video Summit** and all its component parts, The **Policy Roundtable**, the **State of Piracy Summit**, the **Main Event**, and also this year, the **Satellite Industry Forum**. On top of this, we are planning a physical gathering in Hong Kong and then separately in Singapore on November 18th, we are holding our first in-person conference since 2019. Called **Resilience 100**, it will be a gathering of 100 industry colleagues and friends at the Grand Hyatt.

The planning for this year's event has been fraught. We had been bullish about trying to get a little bit closer to normality and were looking at hybrid options. In the end, the Covid spike in Singapore put pay to this and we have decided that we will put on a great virtual conference and then hold a great physical conference. Hybrid ran the risk of diminishing both experiences. We hope that as many of you as possible can join us for both.

The last few months have been extremely busy on all fronts. As you know, Celeste Campbell-Pitt has taken over as our Chief Policy Officer and Aaron Herps is the new General Manager of CAP.

It is always exciting to enter a new era and Celeste and Aaron are not only taking their new portfolios in their stride, but they are imprinting a new vision and new energy into their respective roles. On top of this we are focused on synergies between the two areas as inevitably policy considerations play a big role in the battle against piracy.

The **Premium Video Advertising Committee** has continued to be highly engaged and we have embarked upon a series of outreach meetings with agencies to better understand how they view premium video streaming services, and how we can work together as an industry to foster cohesion to ensure advertisers recognise the unique opportunity and the audience engagement that is delivered by premium OTT.

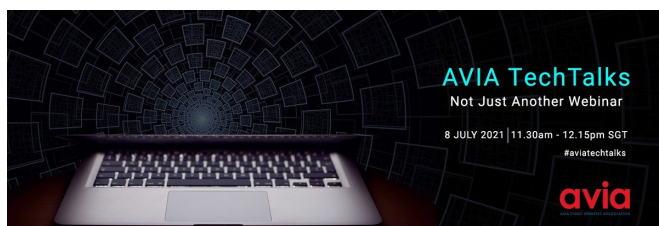
We have continued a series of **AVIA TechTalks** webinars where we've heard from speakers across the industry reflect on the role of technology and how it is changing the face of the video industry. As with most of our webinars and events, you can catch up through our website.

Unfortunately, due to Covid, it was necessary once again for us to intermediate with the Singapore authorities on behalf of our broadcasting members to ensure that as new safe management measures were being put in place, **critical broadcast facilities** would not be adversely affected even in the event of a positive case. Fortunately, we were able to clarify procedures and responsibilities to prevent any likelihood of such a thing happening.

Finally, as we approach the end of the year, it is the time when we start reaching out to you to ask you to renew your **AVIA memberships for 2022**. We sincerely hope that we do get back to a level of normality next year, that we are able to travel so we can be more efficient working with all of you to support the common interests of the Asian video industry.

## *AVIA TechTalks - A New Series*

Nothing happens in the video industry without the tech that underpins it. AVIA TechTalks is where we look under the hood to understand how everything fits together and how it all works. The series is light-hearted, accessible, irreverent, with our guests speaking plain English, not tech.



Each TechTalks will feature different panellists representing different parts of the tech ecosystem giving their views not just on their own technology, but technology as a whole.

The webinar series was launched in July, with speakers from Docomo Digital, Globecast, Mediacorp and MediaKind. We then followed up with a focus on Women In Tech, where we spoke with the female leads from Brightcove, CMS, Planetcast and 917Ventures on how technology was changing their respective businesses today.

Our most recent episode was on October 21, when we chatted with Discovery, Limelight and Viu and covered everything from the cloud to the metaverse. if you missed it, watch it on [LinkedIn](#) or catch up on past webinars via our [website](#).

If you are interested in joining us as a panelist for TechTalks, reach out to [Jaime](#). We hope to see you at our next TechTalks!

# POLICY MATTERS



## CELESTE CAMPBELL-PITT

CHIEF POLICY OFFICER

As this is my first time writing for the Asia Video Pulse as the new Chief Policy Officer, I thought this presented an ideal opportunity to set out how I envision our **policy objectives** developing within AVIA.

In spite of the limitations on physical engagement and travel, during these first six months in the role, I have been fortunate to have been able to engage with regulators, and to present AVIA's Governance Framework, both at the **ASEAN Telecommunications Regulators' Council** meeting and at a roundtable conversation about the regulation of digital content attended by the Pakistan regulators, **PTA** and **PEMRA**. In a way, being restricted to virtual engagements means we can reach further and wider than we have previously, using our Governance Framework as a potential door-knock opener to engage regulators with whom we've previously not had extensive contact. Our objective, while the pandemic restrictions remain, is to embrace this mode of delivery and the renewed interest we are witnessing from regulators looking to fully understand the nature of curated content digital platforms, so as to proactively further the common interests of our members.

Being new to the role has also presented a perfect opportunity for me to engage with members, to understand first-hand what their core objectives are likely to be for the next 12 months and, in turn, to assess how those intersect with the interests of the wider member group. This has given the Policy team a good perspective into what **AVIA's priorities and focus** need to be. We will continue to engage regularly with members in the future. We appreciate that no business is stagnant and priorities change; our team needs to be aware of those changes in order to truly understand the impact on our own lobbying efforts.

In terms of specific objectives for the next few months, our key focus will be on those matters which are clearly at the forefront of regulators' thinking in the region. In particular, issues which affect the **hosting and distribution of content on digital platforms**, provisions which create a **barrier to entry** or impede the ease of doing business within markets and **mandated government terms of trade** as a potential replacement of fair and effective commercial negotiation, will undoubtedly all be areas of interest. Finally, in terms of issues which cut across a number of markets, **data protection regulation** will be an area the Policy team intends to follow more closely. While the nuances incorporated into distinct country data protection regimes are far too complex for our small team to cover in depth, we believe it is imperative to monitor insofar as proposed provisions relate to **cross-border data transfers** and **data localization requirements** as these could significantly affect both business operations and business investment. More so especially in India, we intend to keep a watchful eye on the proposed regulation of non-personal data.

*AVIA is the  
authoritative  
resource for  
the state of  
regulation  
across Asia*





Widening our focus past the traditional Southeast Asian markets is also something I am keen to explore. During my introductory meetings with members, it became clear quite quickly that AVIA is perceived to be fairly SEA-centric in its market focus. Markets such as **Japan** and **Korea** have traditionally been hard for us to engage with given the language and distinct nature of these markets made infinitely more complicated by the restrictions on travel. But these are important markets, both as a result of some of our members' expansion into these territories and following the surge in regulatory policies we see being proposed, some of which may not be particularly helpful to international content providers. Finding a way to pro-actively and successfully influence the development of these policies is critical to members and AVIA welcomes the input from all its members as it begins to drive this engagement especially insofar as helping us identify which of these policy areas may be of most concern.



Similarly, **India** is another market which requires our continued closer attention. It is fast becoming a key market for some content providers and while we have this year engaged with many members on the abundance of regulation that has come out of India, we will again call for members' input to help us determine and define our focus areas in this market.

Of course, that doesn't mean we'll forget about the other markets. I've already identified some of the key regulators that we should focus on in the near-term: **ETDA** (the new digital platform regulator in **Thailand**); **MTRCB, Philippines** (with whom we need to engage on it expressed interest on the subject of content quotas) along with the new leadership of **TRAI** and **MIB, India**. In order to deliver this ambitious agenda with our limited resources, it will be vital to develop our collaboration with other industry bodies both in the region and globally. Since joining, I have already reached out to **IFPI, MPA** and **IIC** to forge closer ties – regular meetings and participation in forums, especially globally, will enable AVIA to share the very distinct Asia-view, as well as providing us with insights into different regions to bring back and share international trends and best practices that suit our own market.

Finally, I am especially excited to work more closely with the CAP team. Copyright policy and content enforcement are closely integrated and a **closer collaboration between the Policy and CAP** teams will ensure that we are able to offer all members a more holistic and cohesive approach. This close collaboration has already proved extremely successful in our dealings with key regulators in the region, most notably in the Philippines during our review and submission preparation on the draft IP Code.

Of course, none of these new proposed initiatives will detract from the day-to-day review and submission preparation to any regulatory issue that arises, but I am eager to see the Policy team striving to achieve a more pro-active approach. As always, we rely on our members to let us know if they come across an issue into which we should be providing input and about which we may not necessarily be aware.

## KEY POLICY DEVELOPMENTS

Many of our members will have already received our market updates through attendance at the recent **Regulatory and Anti-Piracy Meeting** and by way of a few emails from me on key policy developments, the most recent one having been shared last week. Below is a list of the main issues which appear to be of specific and ongoing interest to our members :



1. **Vietnam** – Decree 6 and the Cinema Law:

- Pre-censorship requirement has been moved to the purview of the Cinema Law.
- Latest draft of Decree 6 (not yet circulated) drops translation and content quotas. Foreign cap ownership is removed and the local office requirement is minimal.
- Enactment of the Cinema Law and Decree 6 are expected in late 2021 and early 2022 respectively.



2. **Thailand** - ETDA draft decree to supervise digital platform services

- Electronic Digital Agency proposed a royal decree in 2021 governing the activities of “digital platform operators” – the definition of “digital platform service” was unclear, raising concerns about possible inclusion of online curated content services.
- AVIA has made a submission on behalf of its members to address this issue and other member concerns.
- A public consultation was conducted on 12 October 2021 and members were sent a summary of that discussion. Key takeaway is that 3 parties are required for the decree to apply – a service enabler, a business user and the end consumer. Direct agreements between a service provider and an end user are not captured. (AVIA has specifically requested that illicit service providers be carved out of this exception so that pirated content does not inadvertently fall through the gap)



3. **Indonesia**

- Broadcasting Bill designated by the Indonesia government as a priority but COVID currently impeding passing of any new regulation.
- Regulation 5/2020 – registration system for foreign ESO's (electronic service operators) still not in place but AVIA understands that a grace period of 6 months will be given to foreign providers once the system is activated.



4. **Korea**

- No update on submissions made on the Network Use Bill (proposed to mandate the payment by content providers to ISP's ) or the Self-Rating Bill.



5. **Philippines**

- Submission made on the proposed IP Code; current consensus is that the bond requirement for an infringement application is to be removed.
- Digital tax of 12% VAT- bill approved on 21 September to impose tax on online sale or supply of goods and services. It includes online advertisement services and digital services in exchange for a regular subscription fee. Under the Bill, non-resident digital service providers (DSP's) are required to register for VAT if gross sales for the past year from the implementation of the proposed law have exceeded P3 million.



## 6. **India**

- TRAI tariff order to introduce conditions on channel bouquet formation and impose maximum retail prices for individual channels (from Rs19 per month to Rs12 per month). Supreme Court hearing has been postponed to 30 November.
- Section 31 D, Copyright Act - This provision has traditionally permitted the grant of statutory licences to allow “broadcasting organisations” to broadcast or communicate a literary work or musical work and sound recording (that has previously been published) subject only to (i) prior notice being given to the copyright owner (in the manner set out within the enabling provision) and (ii) payment of a fee, as determined by the Intellectual Property Appellate Board of India. The Department Related Parliamentary Standing Committee on Commerce has recommended that S31D be amended to bring “OTT platforms... or digital broadcasters” within the scope of the legislation. We have not made a submission given the focus of this DRPSC proposal on audio and a likely absence of common interest amongst our members.



## 7. **Singapore**

- The Foreign Interference Countermeasures) Bill was passed Monday, 4 October 2021. It seeks to reduce the risk of acts of foreign interference by strengthening the Singapore government’s ability to prevent, detect and disrupt such interference. The Bill creates new offences and empowers the authorized minister to mandate directions against organisations, individuals, social media and online content providers e.g., it permits the minister to compel internet service providers and social media platforms to provide user information, block content or remove applications used to spread content the minister deems hostile. Non-compliance carries serious sanctions of imprisonment and fines of up to SG\$1M in respect of contravening corporations. The definition of “foreign” includes foreign individuals. There was no consultation period for this Bill so no submission was made.



## 8. **Vietnam**

- Draft Decree on Penalties for Administrative Violations in Cybersecurity – This draft decree was issued on 20 September 2021. The penalties cover both domestic and foreign companies which provide content online and extend to both cybersecurity violations and more importantly, for our purposes, infringements of the Draft Decree on Personal Data Protection (as yet unpassed) with pecuniary sanctions of up to VND200 million. The Decree is expected to take effect on 1 December 2021 and public comment has been invited although no deadline has been set for this.

## CONCLUSION

As a small team, we continue to welcome input and questions from all of our members as we negotiate policy developments around the region. Please do continue to reach out to me and Clare – it is only through sharing of information, that we will be able to effectively represent the common interests of our members.

In closing, I would like to take this opportunity to profoundly thank John Medeiros and Clare Bloomfield for so patiently “teaching me the ropes” as I took up the mantle of Chief Policy Officer. A special thank you as well to Louis and my other colleagues at AVIA as well as those of you who have so actively engaged with me and supported me as I settled in.

# PIRACY KILLS INDUSTRY



**AARON HERPS**  
GENERAL MANAGER



## PHILIPPINES

This quarter has seen continuing momentum towards the development and implementation of a site blocking process within the Philippines with ongoing recognition from government of the impact of piracy within the territory.

On 4th August, the Committee of Trade and Industry held a hastily convened public hearing to discuss the consolidated **IP Code Amendments** of which includes website blocking provisions.

Whilst the government intended the draft to be relatively settled, the committee acknowledged there was a small number of contentious issues raised by participants and were to be addressed via submission. AVIA subsequently provided submissions and various proposed amendments, in particular, the removal of a bond in order to utilise the site blocking mechanisms. The committee has yet to provide an update on the IP Code provisions since the last consultations, and disappointingly with the election cycle now well underway, it would appear unlikely that IP Code amendments will be considered until after this process has concluded in May 2022.

The alternate mechanism for site blocking in the Philippines consists of a **Memorandum of Understanding** between the **Intellectual Property Office of the Philippines (IPOPHL)** and **AVIA**. AVIA has been in active discussions around the content of the MoU and looking to fulfil the key elements, of which involves the development of an effective site blocking process.

Whilst the IPOPHL/AVIA MoU seeks to develop the site blocking process, it does require a separate MoU between IPOPHL, National Telecommunications Commission (NTC) and the major ISPs to be signed for an end-to-end solution to be in place. While there has been an agreement to sign this MoU that was made in April – it has yet to occur.



## SINGAPORE

In July, the **Singapore Copyright Bill** was introduced to parliament and is scheduled to come into force in Q4 2021. Critically, the new legislation contains section 150 which is written to address the pervasive ongoing threat of pirate apps and services within the territory, that is, providing access to subscription pirate apps or the sale of ISDs that are intended for the access of pirate services.

AVIA, with some of our members, provided significant feedback to the **Ministry of Law (MinLaw)** around the initial drafting of this part of the legislation – and pleasingly this was taken on board in the Bill passed through parliament, and we are optimistic that this will impact the provision of pirate services in Singapore.



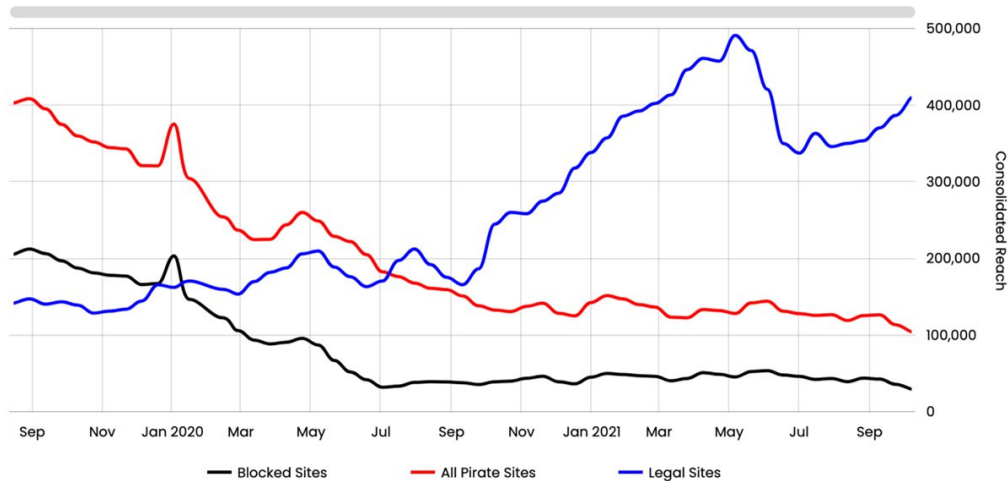


## SITE BLOCKING - INDONESIA AND MALAYSIA

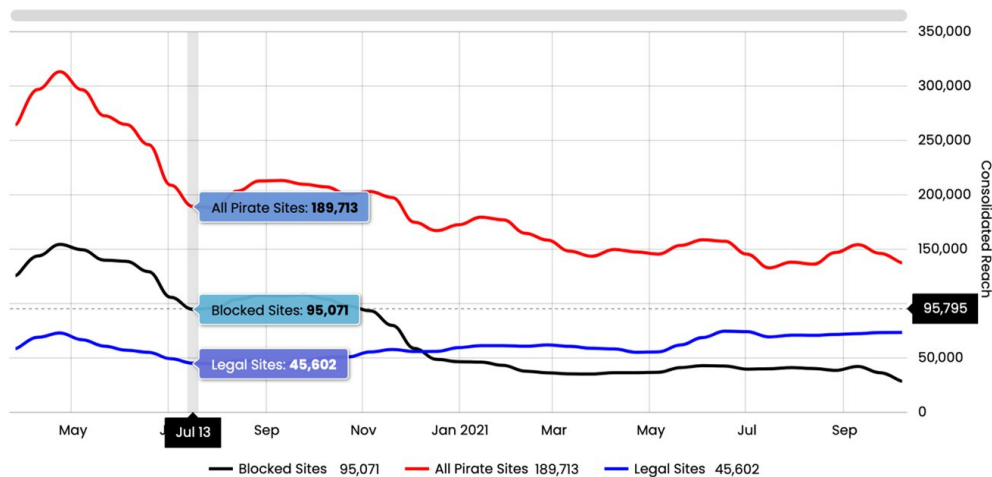


Site Blocking continues to be a focus of our activities in Indonesia and Malaysia, with significant success had in the rolling processes implemented in each territory. While they differ slightly in their timeframes and approach, they represent some of the most streamlined processes globally, and the measurable results back this up.

In Indonesia, working with Ministry of Communications and Information Technology – we have seen a **73% drop in access to piracy streaming sites** since August 2019. This includes sites that CAP have identified as pirate sites but are unable to block due to lack of representation on those rights. CAP have now submitted over **3,200 domains** over 54 separate submissions.



In Malaysia, CAP continues to represent a number of our members in regular submissions to Ministry of Domestic Trade and Consumer Affairs (MDTCA). This process has seen a **drop in access to pirate streaming sites of over 52%**. CAP have now submitted **436 unique domains** over 19 rounds.



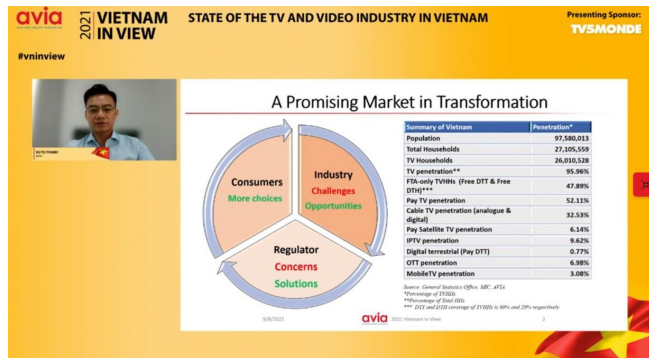
These results are an extraordinary achievement and provide the data to show how efficacious site blocking can be when implemented in a manner that is responsive to pirate activities.

## MOVING INTO 2022

As Southeast Asia begins the process of opening up following the significant interruptions the global pandemic has thrust upon us, we are looking to 2022 with a view to expand our research and reporting functions. We are currently working on a number of new initiatives including **economic modelling around losses to piracy**. This will build upon the work we have done with our YouGov reports over the past few years, as well as combining the data we have collected in our CAP portal and round out a missing piece of data in our conversations with governments. We are working with respected third parties in putting together a robust modelling framework that we can adapt appropriately in each of our territories such that it can be updated regularly and provide longitudinal study on economic impact of piracy across the region.



# INSIGHT ASIA



*Vu Tu Thanh, US-ASEAN Business Council*

AVIA hosted its country-focused virtual conference, **Vietnam in View**, to over 320 international and local speakers and delegates, sharing great optimism in a country that has arguably proven itself as one of the more resilient economies in Southeast Asia.

The conference opened with a presentation on the State of the TV and Video Industry in Vietnam by **Vu Tu Thanh**, Consultant, AVIA, and Deputy Regional Managing Director & Representative, US-ASEAN Business Council.

Over the last 3 years, Vietnam has seen significant developments with a completion of full digitalisation of its free-to-air (FTA) broadcast infrastructure. Competition was seen to be growing at all levels, between telcos and pay TV operators and between domestic industry and foreign services. Coupled with the fast development of OTT platforms, and with over 26 million television households almost all having access to TV and video, it has become a very promising market for the industry, with OTT the biggest winner in terms of both subscriptions and revenue growth..

Innovation is key if platforms are to reinvent themselves to take advantage of this explosive demand for content. **Phạm Thanh Phương**, Vice Director of Value-Added Services Center, Viettel Telecom, said that pay TV platforms are competing not only in terms of content, but also infrastructure and technology, to bring about better customer experience.

*Clockwise from left: **Phạm Thanh Phương**, Viettel Telecom, **Tran Thi Thanh Mai**, Kantar Media Vietnam, **Stéphane Le Dreau**, NAGRA, **Vu Tu Thanh**, AVIA and US-ASEAN Business Council*



However along with this increased consumption of content comes another major challenge in Vietnam, which is the pervasiveness of piracy, with Vietnam ranking #1 or close to it in Asia. The piracy ecosystem is thriving in the market and with significantly entrenched piracy trends visible, education remains a critical component of any anti-piracy strategy. But there has been substantial progress over the last 12 months with nascent site blocking in place having been relatively impactful. Much can also be learnt from other successful strategies in the region such as Indonesia.

Ultimately, as operators in the market become more inter-related, there is also a greater sense of mutual responsibility when it comes to taking content risks, with a need to share along the entire spectrum, for both investment and recoupment. Summing up this sentiment, **Celeste Campbell-Pitt**, Chief Policy Officer, AVIA, said, "The more we can de-risk a production, the better. Collaboration is key to our industry thriving."



*Celeste Campbell-Pitt, AVIA with **Nguyen Hanh**, Q.net*

November marks the return of our annual marquee event, the **Asia Video Summit 2021**. This year's conference spans over 5 days from 11 – 12 and 16 – 18 November, and includes our **Policy Roundtable**, **The State of Piracy Summit**, **Satellite Industry Forum**, and **The Main Event**. We will also be hosting our first physical event, **Resilience 100**, a 3-hour video industry conference and dialogue at the **Grand Hyatt Singapore**, followed by dinner and drinks.

The Asia Video Summit will aim to provide you with a comprehensive view of what you need to survive and thrive in the video industry. As you journey with us, we will take you from the world of **Content** from where it all starts to the **State of Video** today. We will cover the **Technology** that underpins it and the **Advertising** that supports it. And on top of this we will explore the development of **Policies and Regulations** that impact business in the region and understand the **State of Piracy** today - what is it costing us and what can we do about it?



### POLICY ROUNDTABLE

Kicking off the Asia Video Summit will be the annual **Policy Roundtable** to be held on **11 November**, where we bring industry legal and policy experts together with regulatory officials from jurisdictions across the Asia Pacific region, for a closed-door discussion on the latest policies and regulations that impact the video industry today.



### THE STATE OF PIRACY SUMMIT

Following the Policy Roundtable will be our Piracy focused event, **The State of Piracy Summit** on **12 November**. In several Southeast Asian markets, we are beginning to see a consolidation of illicit IPTV services with large criminal networks dominating markets. This year's State of Piracy Summit will discuss the effective and proven strategies that can be put in place to disrupt and curb such piracy networks.



### THE MAIN EVENT

Join us at the **Main Event** from **16 – 17 November** as we assess both the current reality as well as the future prospects of the video industry in Asia Pacific.

Across the various topics, there will be four key themes that will be evident at the summit this year:

### The State of Video, Content Creation, Advertising and Technology SATELLITE INDUSTRY FORUM

Join us at the **Satellite Industry Forum** on **18 November** as we talk with the players who are shaping the industry, understand where the satellite market is today, and where it is headed for in the coming years.

#### Headlining the Satellite Industry Forum 2021:

- Countries in Focus: India, Thailand and Indonesia
- NGSO Roundtable: The New World Order?
- The Future of Flexible Satellites



Registration is now open for all events. Registration for **The Main Event** of the **Asia video Summit** includes access to **The State of Piracy Summit**. **The Policy Roundtable** is by invitation only for AVIA members while the **Satellite Industry Forum** is complimentary for all delegates, so [register](#) for your ticket today!

## Member Reports:

The following member reports are now available at [avia.org](http://avia.org). Please register at our website for access.



## New Members:

AVIA is only as strong as its members. We want to appeal to all parts of the video ecosystem and we are delighted that in the last quarter we have been joined by the following companies:



## Updated Event Dates:

<b>Policy Roundtable</b>	<b>11 November</b>
<b>The State of Piracy Summit</b>	<b>12 November</b>
<b>Asia Video Summit</b>	<b>16 - 17 November</b>
<b>Satellite Industry Forum</b>	<b>18 November</b>
<b>Resilience 100 - Live in SG</b>	<b>18 November</b>



## Contact Us:

We want to hear from you. Please get in touch and let us know what you think:

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