

# ASIA VIDEO PULSE

THE NEWSLETTER OF THE ASIA VIDEO INDUSTRY ASSOCIATION



## Happy Holidays!

### 2022 EVENTS

**PIRACY OVER  
THE TOP**  
29 MARCH

**OTT SUMMIT**  
30 - 31 MARCH

**FUTURE OF VIDEO  
INDIA**  
29 APRIL

**SATELLITE  
INDUSTRY  
FORUM**  
31 MAY

## Closing Thoughts for the Year...

I have never thought of myself as a socialist particularly. Sympathy with a number of ideals maybe, but in an industry which has capitalism at its heart I have always been a believer in the power of the market. And while I have not lost that belief, four years in this role has tempered it and strengthened enormously my belief in collective enterprise. Not collective enterprises in the revolutionary China sense of the term, but a more traditional and simple belief that there is a greater good that can be achieved by working together.

There can be a tendency to be cynical when using such terms as greater good, but I had a taste of it earlier in my career where the proposed cross carriage regulations in Singapore were mooted and threatened, in my opinion, our ability to negotiate contracts on purely commercial terms. That was my first experience of working in common cause with a coalition of companies for something we all believed in. It was powerful. And by many (but not all) measures it was successful.

The last few years with AVIA have only strengthened that sense of purpose and satisfaction in working together. And in times when there is more change than ever, there is more than ever that can, and is being done by our industry.



## **2022 EVENTS**

**INDONESIA IN  
VIEW**  
29 JUNE

**KOREA IN VIEW**  
1 SEPTEMBER

**POLICY  
ROUNDTABLE**  
7 NOVEMBER

**STATE OF PIRACY  
SUMMIT**  
8 NOVEMBER

**ASIA VIDEO  
SUMMIT**  
9 - 10 NOVEMBER

This year has seen a changing of the guards within AVIA in the policy and piracy portfolios. We are indebted to John Medeiros and Neil Gane, and we are excited by the new direction and initiatives brought to us with Celeste Campbell-Pitt and Aaron Herps.

We are seeing greater activity from regulators across the entire digital ecosystem, and this by definition includes the video industry. New initiatives are popping up and our role is to understand why measures are being proposed, what the problem is that is trying to be fixed, make sure that measures that target the video industry are not going to harm us, and extract ourselves from measures in which we may be innocent bystanders. This is a collective enterprise.

Piracy continues to extort huge amounts of money from the video industry and while we have seen many successes this year, from site blocking actions in Indonesia and Malaysia to the passing of the Copyright Bill in Singapore which outlaws infringing apps and ISDs, the problem remains huge. But we are working together to educate regulators, educate consumers, educate intermediaries and enforce our rights more than ever before. This is a collective enterprise.

And we all need to learn from each other and understand the complex ways in which business is evolving and the ripple effects from those changes. So whether it be our webinars, our virtual conferences and more recently I am happy to say, our physical conferences and engagements, 2021 has seen a very high level of conversation, debate and collective enterprise. The work done to mitigate the dangers of COVID in essential broadcast facilities and the work done by the Premium Video Advertising Committee to grow the value of advertising and address challenges we all face deserve particular recognition.

Each member of AVIA has slightly different priorities and viewpoints and slightly different reasons for being a member. But no matter what that reason, the fact that you are a member has made a tremendous difference to everyone else. Thank you!

2021 has been another year of adversity but it has also been a year of where we have seen an incredibly strong testament to the power of collective enterprise. I look forward to 2022, working with all of you to become even stronger still.

**LOUIS BOSWELL, CEO**





# POLICY MATTERS



## CELESTE CAMPBELL-PITT

CHIEF POLICY OFFICER

Our end of year newsletter gives me a chance to reflect both on my first six months in this role but also on the constant evolution of the video content industry and the diverse number of regulatory issues we've dealt with in 2021.

Even in these ongoing Covid-times, regulators have continued to address the challenges presented by rapid digitisation and its impact on our industry with a focus on areas such as **tax, data privacy** and those issues that revolve around **online curated content**. In addition, as regulators around the region respond to the concerns around **Big Tech**, we are witnessing the promulgation of more general legislation aimed at protecting consumers of digital services. Fortunately, as with the **ETDA Royal Decree on the Supervision of Digital Services** in Thailand, these tend, for now, to be more targeted at intermediary platforms which connect a business user with a consumer, not so much at those services formed via a two-party, direct contractual relationship between a service provider and the end user. However, as we are aware, general digital services' legislation can sometimes have an inadvertent impact on our industry in scenarios such as those likely to develop under the proposed **Vietnamese Telecoms Law**, which imposes strict requirements on content takedown, is extra-territorial in its operation and places limitations on cross border data transfers.

**Data protection** also continues to be at the forefront of many regulators' minds as they seek to balance digital innovation, which is necessarily supported by the free flow of data and the need to ensure that critical data remains within their respective country's shores. We constantly see a balancing act being carried out between a regulator's vision to build an ecosystem which creates data sovereignty, legislation which empowers a consumer through data portability and the intersection of data protection legislation with the realm of competition law and data ownership.

Our greatest concern and focus though remains the **regulation of content** accessed by consumers. As some regulators begin to make overt approaches to assert their authority over online content, the debate around content quotas and their efficacy in contributing to the growth of the local production economy, is often raised in spite of empirical data to the contrary. With countries seeking to bring their legislative frameworks in line with international trends and best practices, maintaining that delicate balance between cultural preservation and freedom of expression is no simple task. Vietnam, in particular, has continued to keep us all on our toes this year with **Decree 6** and the **Cinema Law** undergoing multiple redrafts, and while we applaud the regulators' decision to remove content quotas and pre-censorship in the most recent drafts, at the time of writing this newsletter, these positive developments have not, as yet, been passed into legislation.

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



## INDIA

In India, with the change in leadership at TRAI and MIB, we are seeing a significant amount of consultation papers on everything from earth station gateway creation to competition and market structure within the cable television sector.

We were fortunate to have been able to host both India regulators at our annual Policy Roundtable and it was very helpful to get their insight into certain areas such as the **OTT regulations** and the **New Tariff Order 2.0** and to hear, firsthand, their commitment to regulation which creates ease of doing business, eliminates the need for multiple approvals through one-window clearance systems and thereby, encourages investment. We will continue to actively engage on all the consultations that are published to ensure our members' interests are taken into account prior to the drafting of any legislation, at which point proposed industry amendments are much less likely to be considered and/or adopted.



## KOREA

A market which has recently garnered much interest, partly as a result of the incredible success that is Squid Game and partly as a result of the increasing amount of legislation emanating from that market, is Korea.

While the **Self-Rating Bill** has yet to be passed, the business certainty and contribution towards greater ease of doing business it provides with its 3-year rating allocation, is to be applauded. The debate around the payment of mandated **network use fees** by high-traffic content service providers to ISP's, continues to cause concern amongst our members and it is one we are closely monitoring but we understand there is unease around the impact the Bill may have on the principle of freedom of contract, how a mandatory payment obligation on a few companies interplays with the fair and equal treatment outlined in the Constitution and exactly what the meaning is of "just consideration". Discussions between Korean- regulators and academics have also fueled a debate around extending the **Universal Access Right to OTT** and possibly to events, other than those within the traditional sports arena.

## SINGAPORE & PHILIPPINES



Meanwhile, gigantic strides have been made in the field of copyright policy with Singapore introducing its **Copyright Law**, formally implemented as of 21 November 2021.

With tough penalties and sanctions imposed on dealing in ISD's, copyright owners have been granted much more comfort in their ongoing fight against piracy. Similarly, we have seen the introduction of an **IP Code in the Philippines**, which acknowledges the imperative need, within this new digital world, to afford protection to copyright holders against online infringement. And most recently, we have seen Hong Kong re-ignite their stated ambition to become the IP trading hub of Asia by releasing a consultation paper on its current copyright regime and calling for submissions as it commences its review.



September witnessed the imposition of a **12% VAT** on the online supply of goods and services in the **Philippines** with non-resident digital service providers needing to register for VAT if their gross sales for the past year from implementation of the law, exceeds P3 million. More and more of the region's regulators are reviewing tax obligations in the wake of the pandemic as countries commence their journey to economic recovery. It is opportune then that the **OECD** has managed to bring 136 countries together to sign its **2-pillar solution** framework agreement to create a fairer global distribution of profits and taxing rights with relation to the largest multinational corporations.



It was an honour to host this year's Policy Roundtable which gave us the first opportunity at AVIA to hear from our homegrown storytellers about the challenges they face in their local markets and how they negotiate regulatory hurdles. Having heard from Deloitte about the significant potential value of the creator economy, it is essential that we, as industry stakeholders, work together to make that potential a reality, one that can truly contribute to the resurgence of an economy heavily impacted by the pandemic and one that ensures that our own industry is stronger and more resilient than before.

Looking forward, we are only too well aware that, with travel restrictions still in place across the region, in-person engagement with regulators will continue to remain a challenge but we remain optimistic that 2022 will be a better year for in-person gatherings as more countries make the decision to "live with COVID". Indeed, the culmination of the Asia Video Summit this year was our AVIA Resilience 100 events in Singapore and Hong Kong, which gave us all just a brief taste of the sheer joy of normal face-to-face interaction with our media colleagues - we certainly hope that those events are just two of many more to come.

In closing, may I take this opportunity to both express the Policy Team's heartfelt gratitude for your continued support this past year and to wish you all a wonderful festive break. We hope to see you in person in 2022!

## HIGHLIGHTS FROM OUR SINGAPORE EVENT



Keynote with **Tham Loke Kheng**, Mediador



Opening Presentation with **Vivek Couto**, Media Partners Asia



Keynote with **Yuan Kuan Moon**, Singtel

Thoughts From the Top -  
Left to Right:  
**Louis Boswell**, AVIA  
**Phil Hardman**, BBC  
**Shanta Arul**, Netflix  
**Clément Schwebig**, WarnerMedia



# PIRACY KILLS INDUSTRY



**AARON HERPS**  
GENERAL MANAGER

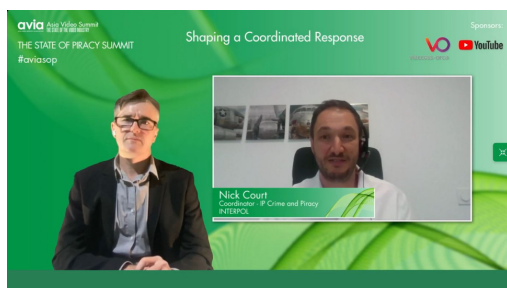
Despite the continuing challenges imposed upon us through the ongoing pandemic conditions we are all living under, CAP has been successful in delivering a number of initiatives for our members.

We continue to oversee the successful **rolling site blocking** actions in a number of territories, we have built upon the excellent research foundations to introduce annual data **Industry Losses to Piracy** that will be released in early 2022. We have seen the successful lobbying for, and implementation of legislation in Singapore targeting infringing IPTV boxes and services, a signed MOU with the IPO Philippines working towards rolling site blocking in territory, as well as draft legislation in the same territory that would introduce a legislated site blocking model.

We remain grateful for to CAP steering committee members for their continued financial support in 2021. We would also very much welcome other AVIA members to be part of the growing team in Southeast Asia who are determined to promote and protect our industry.



This year's State of Piracy summit, held virtually again this year, was well attended by industry and government, bringing together over 280 participants to discuss the ongoing evolutions in **piracy distribution, detection** and **enforcement**. We are grateful to those members who were able to participate and share their insight and experiences in dealing with the complexities of piracy in the challenging global environment we find ourselves in.



*Aaron Herps with Nick Court, INTERPOL*

We also had the opportunity to bring in INTERPOL to discuss **Project I-SOP (INTERPOL Stop Online Piracy)** that is being funded by the Republic of Korea, Ministry of Culture, Sport and Tourism (MCST). This is a unique program running over five years that will allow greater collaboration with the Global enforcement body and Rights Owners.

Following these discussions, CAP has been invited to be part of a multi-agency advisory group with INTERPOL, MCST and other bodies to provide advice on the development of an INTERPOL held infringing site list that can be shared with governments. CAP has access to a vast trove of site information through our MAGIC CAP portal, and a rich data set based on our experience in blocking websites on behalf of our members across a number of territories that we can contribute to this project.

## INDUSTRY LOSSES RESEARCH

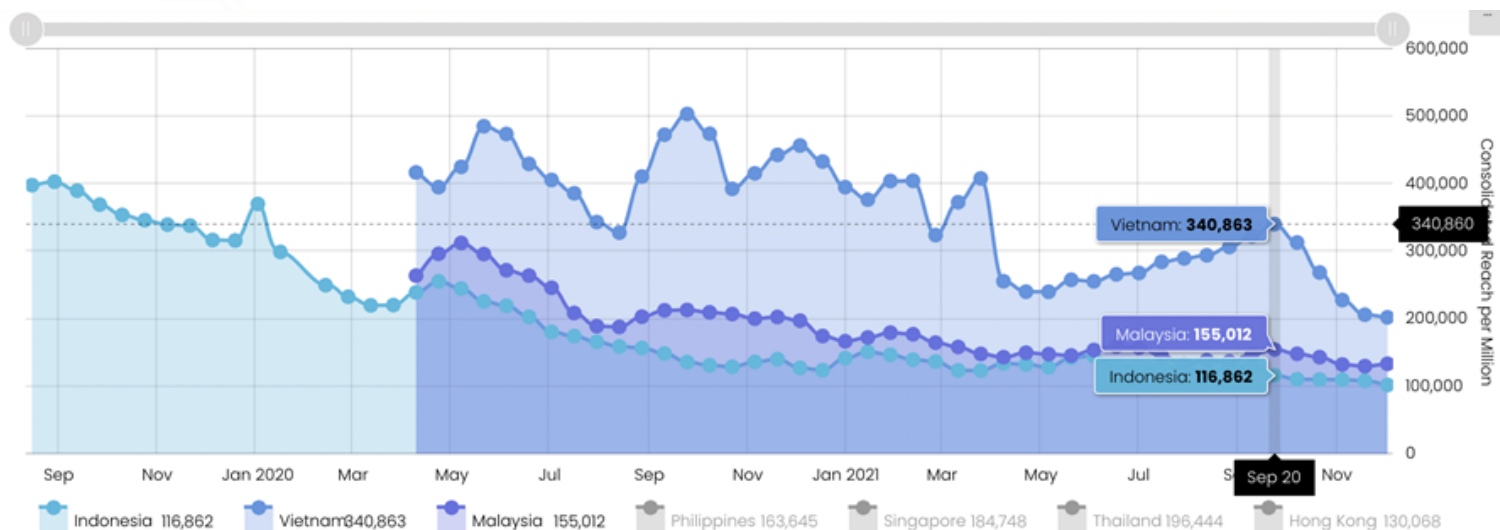
CAP has developed over a number of years, a substantial body of research on piracy based on consumption data through our portal and attitudinal surveys measuring consumer behaviour. However, one item we have not quantified from this point has been the Industry losses to digital piracy.



In order to achieve this, we have worked closely with Price Waterhouse Coopers (PWC) to develop a general framework that can be applied across markets to measure these losses as well as more tightly integrating the YouGov surveys to ensure a detailed, and consistent data set that can be run annually. Thank you to those members who have provided valuable feedback on both the methodology around measuring losses to industry as well as input into the specific questions asked in the YouGov surveys. Whilst this has taken a while to coordinate – the output will ensure CAP, and AVIA, can provide our members with the most complete and up-to-date information on piracy within the region. We are looking forward to sharing the first sets of results with CAP members in 2022 once finalised.

## SITE BLOCKING

Site blocking continues to take a significant bite out of the streaming piracy in various territories. From its peak in 2019, we have seen a **drop of 76%** access to streaming piracy websites in **Indonesia**. This is in part a result of extraordinarily efficient site blocking platform that allows us to identify and refer sites to the government regulator that in turn blocks them within 48 hours. We have now referred and blocked over 3500 sites.



In **Malaysia**, we are seeing **falls of over 60%** in access to piracy streaming services. While the numbers in site referrals and frequency are lower than Indonesia, the piracy landscape is substantially different with users accessing sites predominantly operated by users overseas.

Finally, in the last 3 months, **access to piracy sites has fallen dramatically by 42%**. This is an incredible result driven by a small number of players working with ABEI, and CAP has been proud to assist in this process. Prior to this site blocking campaign, access to piracy streaming sites at times was double that of the next closest Southeast Asia. We look forward to continuing this progress in 2022!



## INTERMEDIARY ENGAGEMENT



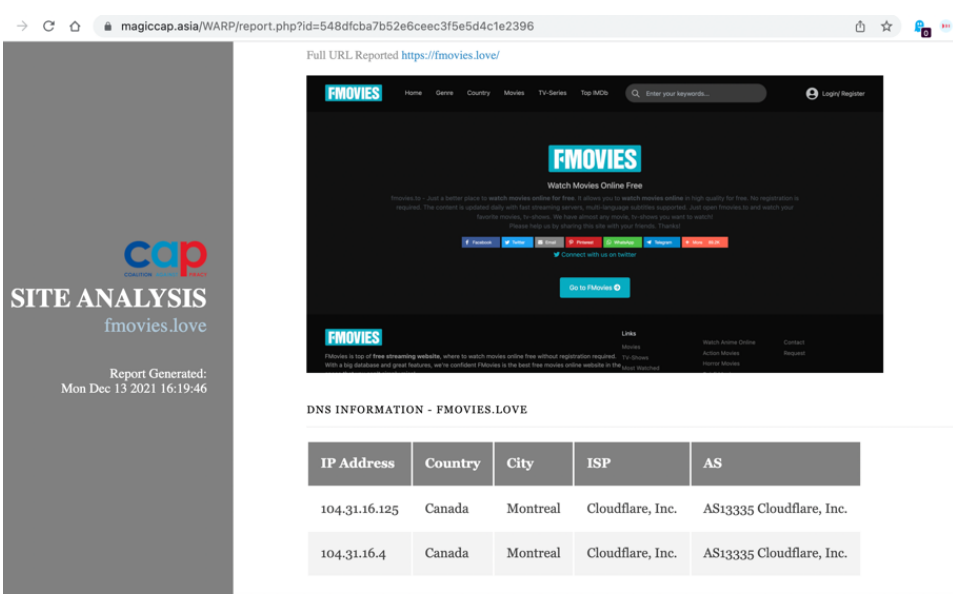
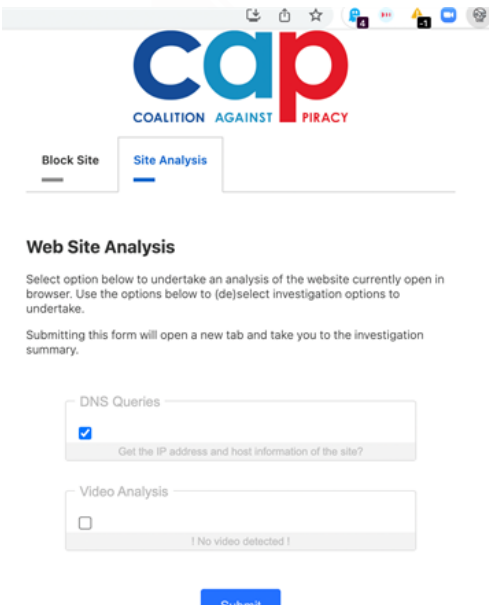
Through October and November, CAP held calls with **Google, Facebook (Meta)** and **TikTok** as we seek to engage more collaboratively with these groups to improve the copyright enforcement of these companies on behalf of our members. We have had long standing discussions with Google and we are well on the way to re-establishing our **Google-AVIA forums** in 2022.

Similarly, we have held discussions with **Facebook** for the first time and been able to discuss the many concerns of our members. These conversations are preliminarily promising, and we are paving the way to establish regular forums involving our members in 2022.

We have established a good working relationship with **TikTok Intellectual Property** team based in Singapore, and we are bringing together members with TikTok and facilitating expeditious takedowns on their platforms. We will continue working with them as they build systems that enable both a rapid takedown and eventually proactive filtering.

## CAP TOOLS

We have continued to improve our member tools that both provide valuable insight to our members, and that integrate with our systems. With the **CAP Browser plugin**, our members are now able to rapidly report websites for blocking in both Malaysia and Indonesia where we have well established programs in place. In addition, the plugin also performs an analysis of the running site and provides a preliminary investigation report to members on the website, and the source of the video streams.



IP Address	Country	City	ISP	AS
104.31.16.125	Canada	Montreal	Cloudflare, Inc.	AS13335 Cloudflare, Inc.
104.31.16.4	Canada	Montreal	Cloudflare, Inc.	AS13335 Cloudflare, Inc.

## CONCLUSION

This year, despite the many challenges we have faced, continued to be successful and demonstrate the impact of effective strategies. Whilst enforcement has been stymied by the ongoing pandemic, we are actively pursuing alternative enforcement strategies that we will look to implement through 2022. We foresee the coming year will be an opportunity to continue to build on the strong foundations and deliver further excellent results in 2022.

AVIA ended the year with a series of events that ran the gamut of virtual, hybrid and live, attended by over 1600 delegates across Asia Pacific, and its first in-person industry conference and dinner in over two years, Resilience 100, at the Grand Hyatt Singapore.

## POLICY ROUNDTABLE

11 November 2021 | 2pm – 6pm SGT

**avia** Asia Video Summit  
THE STATE OF THE VIDEO INDUSTRY



This year we focused on the Digital Transformation the industry was undergoing, the role of Content Production and the impact of the recent OECD 2-pillar solution on Global Tax Structures.

Kicking off the Summit this year, we had the privilege of hosting our Singapore-based members at the Baker McKenzie office for the Policy Roundtable while the rest of our delegates from Asia Pacific joined us virtually.

The Policy Roundtable is always much anticipated as the defining conversation of the year where we bring industry legal and policy experts together with regulatory officials from jurisdictions across the region, for a closed door discussion on the latest policies and regulations that impact the video industry today.

## THE STATE OF PIRACY SUMMIT

12 November 2021 | 2pm – 5pm SGT

**avia** Asia Video Summit  
THE STATE OF THE VIDEO INDUSTRY

#aviasop

The 2021 State of Piracy Summit aimed to provide the best opportunity to hear from recognized international authorities on what are proven and effective strategies to disrupt streaming piracy.



**Aaron Herps**, General Manager, Coalition Against Piracy (CAP)

The Summit opened with an update from AVIA's GM of CAP, Aaron Herps on CAP's Content Protection Strategy, and its increased focus on research, to become the repository for reliable data on piracy in the region, comprising economic, consumer and network data. CAP is working with PwC on a methodology to measure the economic losses from piracy in priority markets and will continue working with YouGov on more consumer awareness research.

With the launch of MAGIC CAP across markets, we are also now able to measure the impact of our anti-piracy activity as well as changes over time. In addition, CAP is also working with Synamedia on telegram piracy and how operators operate on the platform, as a way to to engage with regulators on this threat.

Though strategies need to be more localized to raise awareness, streaming is a global problem and international cooperation is required to have more meaningful impact. Interpol has now launched its first ever global operation dedicated to digital online piracy, I-SOP (Stop Online Piracy). With I-SOP, it hopes to build a picture that explains the threat of piracy and why it should no longer be ignored. As AVIA, we believe that it is just a matter of time before governments and regulators take the problem of piracy more seriously, and we have proven again, that when working together, we can make a difference.





With Asia accounting for 47% of global streaming subscriptions, the region has shown that it is clearly a very significant market, with influence way beyond its borders. The streaming market in Asia is bigger than that of the US, Western and Central Europe put together, with the top 15 Asian streamers boasting over 520 million subscriptions by the end of 2020, reported Guy Bisson, Executive Director and Co-Founder, Ampere Analysis.

*Guy Bisson, Ampere Analysis*

Ownership of IP has thus become a key battleground for streamers. Commissioning trends are increasingly driven by streaming platforms and having a local voice with international audiences in mind is now an important part of the mix.

Being local is exactly what has set Viu apart from other streamers being based out of Asia, said Felix To, Chief of Viu Original, PCCW Media. This commitment to the region has paid off, with Viu currently Southeast Asia's second largest streaming service by paid subscribers. Summing up the conversation with To on What's Next for Viu and the Future of Local Storytelling, Celeste Campbell-Pitt said, "There can be no doubt that an increased focus on original content production that brings together Asian onscreen and offscreen talent to tell Asian stories is the way forward."



*Left to Right: Felix To, PCCW Media, Celeste Campbell-Pitt AVIA*

This focus on content, and the consumers, continued to drive a lot of the discussions at the Summit. However the consumers of today are no longer just on TV. With OTT and CTV consumption growing globally, subscription video viewers in APAC are expected to hit 1 billion in 2021, and marketers are tapping into this opportunity by accelerating their spend from linear TV to video streaming. "OTT brings the best of TV and digital programmatic. . . in terms of being able to effectively target and optimize," said Gavin Buxton, MD Asia, Magnite.



And as technology evolves, the media industry continues to be transformed for consumers. However, the industry needs to find what is most relevant to the end users. "We need to put the consumers at the heart of the . . . decision making. . . there is still a lot to be done about creating true relevancy for the consumers so that the consumers stay on the platform," added Stéphane Le Dreau, SVP, Regional General Manager APAC, NAGRA.

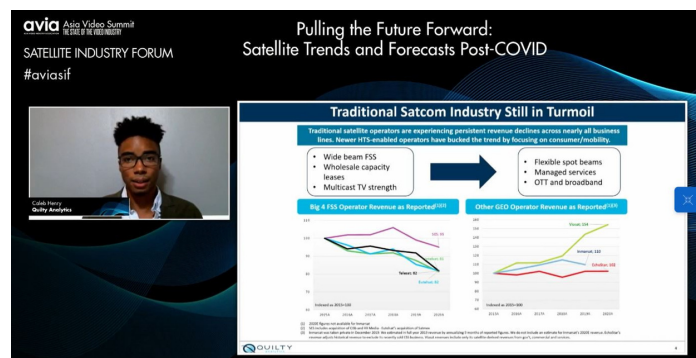
*Clockwise from Top: Lesley Simpson, WeTV and iflix Indonesia, Jennifer Chase, Mediacorp, Mitch Waters, The Trade Desk, Anita Munro, Mindshare APAC, Gavin Buxton, Magnite*

Closing off the Summit on What's Next for Entertainment, Shad Hashmi, APAC Partner Lead, Media and Entertainment, Amazon Web Services, commented, "When you enrich the customer experience, . . . this is the broadest use of convergence." Relevance in a world of choice, based on data, is key. And throughout the conference, the message was clear. It is the era of convenience for the consumers as platforms, and experiences, converge with digital acceleration.



## With 3.7 Billion People not Connected to Broadband, Satellite Remains an Essential Element of Video Distribution Alongside the Growth of OTT

AVIA hosted its annual Satellite Industry Forum on Thursday, 18 November as a virtual conference, to end off the Asia Video Summit umbrella of events this year.



*Caleb Henry, Quilty Analytics*

The Forum opened with a look at Satellite Trends and Forecasts Post-Covid with Caleb Henry, Senior Analyst, Quilty Analytics. The traditional satcom industry continues to be in a state of rapid change, and still in a state of turmoil. While the industry is currently dominated by a handful of major players, this could also change dramatically over the next five years as new technologies and standards reset the competitive landscape.

AVIA was also privileged to host Stephen Spengler for his final keynote before he steps down as CEO of Intelsat. Spengler had spoken at the Satellite Industry Forum for his first keynote as CEO in 2015, hence it was fitting the Forum was his final address as well.



*Stephen Spengler, Intelsat*

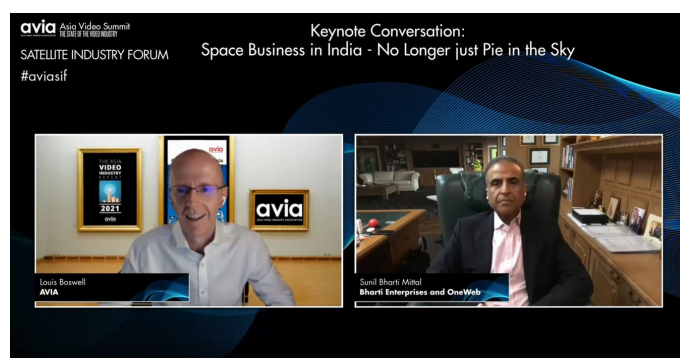
With digital video making up 70% of internet traffic, satellite remains the essential and enabling technology, with the ubiquity, reach and economics to serve the networks. Spengler's outlook on industry trends for Asia thus remains positive, with linear and pay TV distribution still a driving application for the Asia Pacific region, with a growth rate of 2.5% per year. Spengler was also excited about 5G being a huge enabler and game changer.

Asia Pacific's leading satellite operators also shared similar positive sentiments despite the move from broadcast to streaming. Yau Chyong Lim, COO, MEASAT, believes that satellite will still be the main platform to deliver video services nationwide in Malaysia, and it is the platforms themselves who are transforming their services to include streaming. Hence broadcast and streaming will complement each other, with linear still having a role to play, and streaming alongside it.



*Clockwise from Left: Yau Chyong Lim, MEASAT, Peter Jackson, PJ Square, Roger Tong, AsiaSat, Nick Leake, Optus, Christophe Cazes, Eutelsat Asia, Terry Yamashita, SKY Perfect JSAT*

Sunil Bharti Mittal, Founder and Chairman, Bharti Enterprises and Executive Chairman, OneWeb, also joined the Forum this year for a keynote conversation on the space business in India. With the holy grail of low latency, high speed and sufficient capacity resolved by NGSOs, it has become a solution that works for the new world and into the future. Mittal also shared OneWeb's vision to connect all areas of the world, from oceans to aviation. "In 5 years' time. . . there should not be anybody in the world that is not connected," said Mittal.

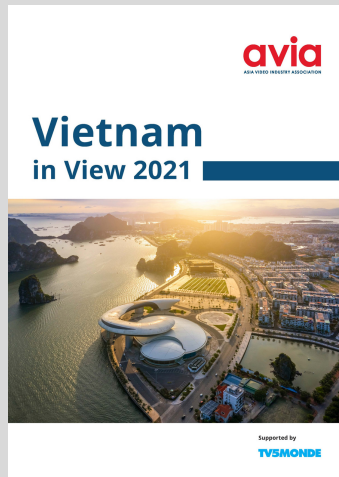


*Louis Boswell, AVIA with Sunil Bharti Mittal, OneWeb*

## Member Reports:

As part of our recent Vietnam In View country focused conference as well as our annual Asia Video Summit, we have released the Vietnam in View 2021 report and the latest Asia Video Industry Report 2022.

The reports are now available at [avia.org](http://avia.org) for download and is accessible to all members. Please register at our website for access.



## 2022 Event Dates:

### First Half

Piracy Over The Top	29 March
OTT Summit	30 - 31 March
Future of Video India	29 April
Satellite Industry Forum	31 May
Indonesia in View	29 June

### Second Half

Korea in View	1 September
Policy Roundtable	7 November
The State of Piracy Summit	8 November
Asia Video Summit 2022	9 - 10 November



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