A GOVERNANCE FRAMEWORK FOR ONLINE CURATED CONTENT (OCC) SERVICES 2024

avia
ASIA VIDEO INDUSTRY ASSOCIATION

INTRODUCTION

Online Curated Content (OCC) services have transformed the way that content is created and consumed, by providing consumers with choice and flexibility, allowing them to view the curated content of their choice whenever, wherever and on whichever device they choose. It has also expanded options and markets for content creators.

An effective Self Governance Framework is critical for this dynamic sector. We believe that this approach will encourage high-quality programming, and safeguard the best interest of consumers whilst encouraging the growth of creativity and innovation in the content industry.

It is recognised that governments regulate for legitimate public policy objectives, such as protecting the interests of society and individuals. As responsible players, OCC service operators also intend to contribute to the societies where they operate, specifically by complying with laws and existing regulations on taxation, data protection, intellectual property protection, and so forth.

DEFINITION OF OCC SERVICES?

Other common terminologies include Video on Demand (VOD) services, streaming services, OCC Providers (OCCP), the common characteristic being that these services offer a fully curated content catalogue, have direct control over the content available on their services and permit the authorised use of this content and other assets by third parties.

avia
ASIA VIDEO INDUSTRY ASSOCIATION

OCC vs Pay TV vs UGC

Service Provider Commitments	Delivered over the internet?	Robust Systems of Control?	Program Ratings?	Content Advisories?	Content Category Labels?	Licensed/ Copyrighted Content?
Online Curated Content (OCC)	✅	✅	✅	✅	✅	✅
Pay TV	❓/❌	✅	✅	✅	✅	✅
User-Generated Content (UGC)	✅	❓/❌	❌	✅	❓/❌	❌

✅ Yes
❌ No
❓/❌ Maybe

IMPORTANCE OF OCC SERVICES

Importance of Consumer Choice

Within the library of content curated by OCC service operators, the key feature 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, in response to the user's request. OCC services provide information to consumers, to assist in their viewing 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 household members, assisting parents and caregivers to make personal viewing choices for their own households. In this way, OCC services are fundamentally different from traditional "push" broadcasting services, which were regulated in many places in a top-down manner to recognise that these services, rather than users, control the content that is exhibited.

Driving Investment and Industry and Skills Development

Rising investment in content creation and consumer demand have led to the creation of new and more high-quality content offerings, as well as localised content. Regulators are also offering production incentives to encourage local investment from OCC operators, recognising that investments in the local production and creative industries in turn benefit tourism and other ancillary services such as hospitality, transport, F&B etc. through associated jobs created.

Investment in content creation also allows for knowledge sharing and transfer between creative ecosystems around the world, where local cast/crew benefit from the experience of working alongside international cast/crew, thus elevating the standards and knowledge of content production etc. The Asia Pacific streaming market is forecasted to increase 22.5% by 2030, and revenues may reach up to US$49 billion. Self-regulation will contribute to the creative industry goals pursued by governments.

KEY ELEMENTS OF 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 consumers, including 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/caregivers can easily navigate, understand, control, and enjoy quality content offerings.

- **Robust systems for control:** OCC systems should feature "safety by design," with elements such as 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 a third-party 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 OCC 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) advisory messages, on-screen notices, 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, descriptors and/or advisories, when published, should be clear, prominent, and of a nature to facilitate the exercise of informed parental judgement. A non-exhaustive list of categories that are considered sensitive and therefore deserving of a label include sex, violence, nudity, and language. The use of these measures empowers consumers to make informed choices about their viewing experience.

Focal Point of Contact

- OCC service operators should commit to provide consumers and regulators with a focal point of contact for 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 appropriate, 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 centre 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 recognise that governments regulate for legitimate public policy objectives, such as those in the interest of protecting society and individuals. Accordingly, OCC service providers are committed to complying with applicable laws in the countries in which they operate, particularly in monitoring their services for content which may be prohibited in certain countries.

A non-exhaustive list of examples of these prohibited content categories is as follows:

- Child sexual imagery;
- Content which expresses deliberate and malicious disrespect or forms of violence towards any form of national symbols (e.g. flags, anthems, emblems) and segments of the population;
- Content which deliberately calls for the conduct of terrorist activity and other forms of violence against the state or state institutions;
- Content which knowingly infringes copyright.

It is hereby clarified that prohibited content categories are based on the laws of each territory and the above examples do not expand the category of content that is prohibited in any of the territories.

BENEFITS OF FRAMEWORK

OCC industry players and governments have several mutual goals that encourage more collaborative governance:

- Safeguarding the best interests of consumers, by empowering them to make informed choices on age-appropriate content for themselves and their families, at their own time and convenience.
- Developing a notification system that meets the needs of both governments and OCC services by offering the following benefits:

  - Providing assurances to governments of OCC service responsiveness and accountability;
  - Facilitating the ability of governments to contact OCC service operators regardless of where they are based, without requiring those OCC services to establish local subsidiaries.

- 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.
- Providing consumers with access to and choice of a variety of legitimate services, so as to deter consumers from turning to piracy offerings or illegitimate sites that blatantly operate outside of the law and have the greatest adverse impact on consumers, disproportionately impacting children, and commerce.
- Fostering responsibility in industry participants to develop and enforce their own robust standards and practices which help add predictability and professionalism to the OCC ecosystem.

OCC Governance Framework
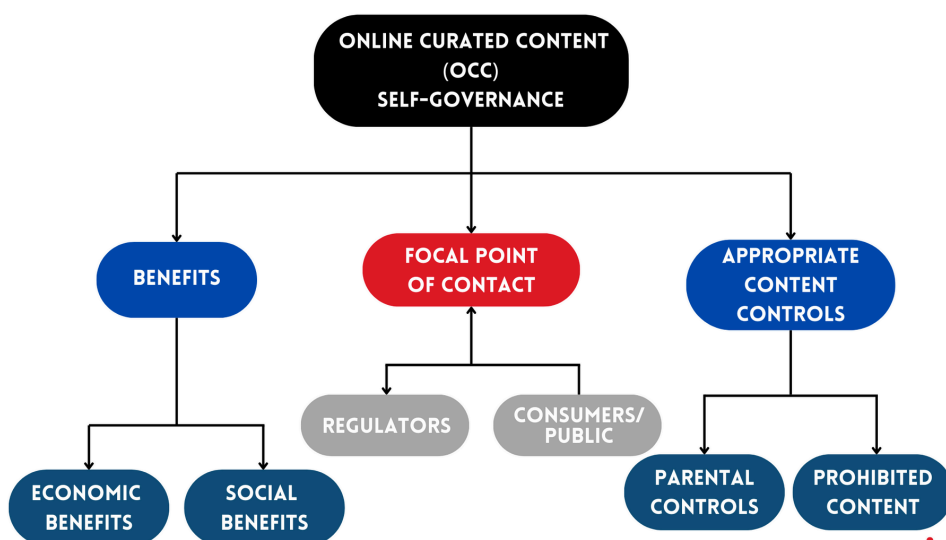
EXPECTED OUTCOMES

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 OCC service operators.

AVIA urges governments to refrain from imposing onerous or inappropriate obligations on OCC services, and instead to focus on an approach that is fit for purpose, suited to the nature of OCC services and does not create disproportionate administrative burdens.

It is in this spirit that AVIA, whose wide membership reflects the Asia-Pacific video ecosystem [1], publishes this OCC Governance Framework. This framework will help guide our members, and governments, to act in good faith as this dynamic sector continues to evolve.

As a next step, we welcome greater opportunities for formal industry and government consultations to assess and develop collaborative approaches. As the OCC industry continues to mature and develop, governments and industry professionals 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 an 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.

[1] 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.

STAY CONNECTED

linkedin.com/company/AsiaVideoIA

facebook.com/AsiaVideoIA

@AsiaVideoIA

regulatory@avia.org

www.avia.org

avia
ASIA VIDEO INDUSTRY ASSOCIATION

avia
ASIA VIDEO INDUSTRY ASSOCIATION