

2024 AVIA Regulating for Growth – OCC TV Matrix for Singapore

Questions	OCC TV	Foreshadowed changes?
1. How regulated? <i>Details of regulator/s</i>	<ul style="list-style-type: none"> Any licensing and regulatory responsibilities will lie with the IMDA. Offshore OCC TV providers are automatically class licensed under the Broadcasting (Class Licence) Notification¹, and must comply with the Class Licence Conditions and the Internet Code of Practice². Local OCC services are subject to licensing requirements as OTT (niche) services. There are no registration fees for the class licence or the niche licence. 	
2. Copyright protection?	<ul style="list-style-type: none"> Singapore's intellectual property regime also applies to OCC TV providers. The Copyright Act 2021 allows copyright owners to seek injunctive relief to block infringing websites, and this mechanism has been utilised by copyright owners recently in cases that garnered significant local media attention. On 1 May 2024, the new CMO Regulations come into effect requiring all Collective Management Organisations (CMOs) to meet new requirements. 	
3. Convergence and new technologies	<ul style="list-style-type: none"> In practice, the market for OCC TV services has grown rapidly over the last few years, with the launch of meWATCH, Viu, Netflix, Disney+, HBO Go and Prime Video, amongst others. 	
4. Licensing of foreign channels <i>Allowed, prohibited or unregulated?</i>	<ul style="list-style-type: none"> All OCC providers must observe IMDA's Class Licence Conditions, and the Internet Code of Practice. OCC providers must, where applicable, comply with content regulation codes (e.g. Singapore Code of Advertising Practice,³ Content Code for Over-the-Top, Video-on-Demand and Niche Services⁴). 	
5. Licence fees and taxation	<ul style="list-style-type: none"> There are no licence fees payable by Internet Content Providers licensed under the class licence scheme or under the OTT niche licence system. 	

¹ <https://sso.agc.gov.sg/SL/BA1994-N1?DocDate=20161227>

² <https://www.imda.gov.sg/-/media/imda/files/regulations-and-licensing/regulations/codes-of-practice/codes-of-practice-media/policiesandcontentguidelinesinternetinternecodeofpractice.pdf>

³ https://asas.org.sg/Portals/0/SCAP%202008_1.pdf

⁴ <https://www.imda.gov.sg/-/media/imda/files/regulations-and-licensing/regulations/codes-of-practice/codes-of-practice-media/ott-vod-niche-services-content-code-updated-29-april-2019.pdf>

Questions	OCC TV	Foreshadowed changes?
6. Rate regulation <i>Including wholesale and retail rate regulation and whether there are any price controls on e.g. basic tier</i>	<ul style="list-style-type: none"> No rate regulation has been imposed on OCC providers. 	
7. Programme packaging <i>Including tiering, bundling, any mandatory a la carte</i>	<ul style="list-style-type: none"> Cross carriage rules do not apply for OCC TV services on the grounds that these are carried over the internet. Therefore, restrictions on program packaging (arising from cross-carriage) do not apply to the OCC providers. 	
8. Restrictions on advertising <i>Including localisation rules, revenue and minutage restrictions</i>	<ul style="list-style-type: none"> In principle, the Singapore Code of Advertising Practice applies to all advertising in Singapore, regardless of the place of origin. In practice, no action has been taken against offshore OCC TV providers in Singapore. 	
9. (a) Content regulation <i>Including local content quotas, content control and insertion of classification and other content labels into international feeds</i>	<ul style="list-style-type: none"> There are no local content quotas for OCC TV services. The Content Code for Over-the-Top, Video-on-Demand and Niche Services⁵ came into effect in March 2018. It embodies a looser approach to regulation than the previous content codes. In addition, the Internet Code of Practice⁶ prohibits various categories of material, including material that is racist, incites ethnic and or religious hatred, is against public order or contains explicit nudity or sexual activity. The Internet Code of Practice is not usually enforced against foreign OCC services, but the government does have the right to block websites. 	<ul style="list-style-type: none"> Future legislation aimed at tightening content regulation is possible.
9. (b) Content regulation <i>Including languages, dubbing/subtitling and captioning</i>	<ul style="list-style-type: none"> There are no OCC-specific requirements relating to language, dubbing / subtitling or captioning. 	
10. Programme supply restrictions <i>Including must provide rules and other restrictions on exclusivity and anti-siphoning rules</i>	<ul style="list-style-type: none"> There are no OCC-specific requirements relating to programme supply. 	

⁵ <https://www.imda.gov.sg/-/media/imda/Files/Regulations-and-Licensing/Regulations/Codes-of-Practice/Codes-of-Practice-Media/OTT-VOD-Niche-Services-Content-Code-updated-29-April-2019.pdf>

⁶ <https://www.imda.gov.sg/-/media/imda/files/regulations-and-licensing/regulations/codes-of-practice/codes-of-practice-media/policiesandcontentguidelinesinternetinternecodeofpractice.pdf>

Questions	OCC TV	Foreshadowed changes?
11. Restrictions on FDI <i>Including platforms and wholesale supply of programming and Cross-media ownership restrictions</i>	<ul style="list-style-type: none"> There are no OCC-specific requirements relating to foreign direct investment in OTT TV providers. However, companies must require approval from the regulator to obtain a licence (under the Broadcasting Act) if the Minister is satisfied, among other things, that a foreign source holds at least 49% of the shares in the company or its holding company or a foreign source is in a position to control voting power of at least 49% in the company or its holding company. 	
12. Retransmission arrangements <i>Including must carry and remuneration</i>	<ul style="list-style-type: none"> There are no OCC-specific requirements relating to retransmission arrangements. 	
13. Consumer protection Including cooling-off period, termination rights and payment mechanism	<ul style="list-style-type: none"> There are no OCC-specific requirements relating to consumer protection. In general, the Consumer Protection (Fair Trading) Act 2003⁷ applies to most business-to-consumer contracts, including those for online TV services. This Act governs “unfair practices” which include the making of misleading or false claims. 	
14. Entering a new market: FAST TV	<ul style="list-style-type: none"> There are no OCC-specific requirements to enter the Singapore market. In practice, larger OCC platforms tend to do so after a discussion with IMDA. 	
15. Data handling	At present, there are no applicable data localisation requirements in Singapore.	
Other country-specific information not already covered	The government has amended the Broadcasting Act 1994 to include a new part regulating Online Communication Services accessible by Singapore users. At present, only Social Media Services (i.e. Facebook, YouTube, etc) have been specified and subjected to provisions under the new part.	

⁷ <https://sso.agc.gov.sg/Act/CPFTA2003>