

## 2024 AVIA Regulating for Growth – Pay TV Matrix for Singapore

Questions	Pay TV	Foreshadowed changes?
1. How regulated? <i>Details of regulator/s</i>	<ul style="list-style-type: none"> <li>The Info-communications Media Development Authority (IMDA) is the statutory board that regulates the converging info-communications and media sectors.</li> <li>IMDA decisions may only be appealed to the Minister. Under law, the Minister can give directions to IMDA.</li> <li>Before introducing new laws or regulations, IMDA often conducts public consultations to receive input from industry players and the general public.</li> </ul>	
2. Copyright protection?	<ul style="list-style-type: none"> <li>There is a robust intellectual property law framework that can be enforced both through criminal and civil mechanisms.</li> <li>It is a criminal offence to install, import, offer for sale, have in possession or operate unlicensed broadcasting apparatus. However, the government has not designated any apparatus used for online services for coverage under this prohibition.</li> <li>There is a “fair use” exception to copyright infringement which includes an exception to infringement for the purpose of reporting the news. There is no specified medium through which such news must be reported for the exception to apply.</li> <li>COMPASS<sup>1</sup> is a collective management organisation (CMO) that administers the public performance, broadcast, diffusion and reproduction rights in music and musical associated literary works on behalf of its members. Other CMOs include MRSS (Music Rights (Singapore) Public Limited), CLASS (Copyright Licensing and Administration Society of Singapore Ltd) and MPLC (Motion Picture Licensing Company (Singapore) Private Limited).<sup>2</sup></li> <li>Copyright laws were amended in 2021 to make the dealing, importation, distribution, sales, offering etc of illegal streaming devices (ISDs) and apps illegal. Since then, local law enforcement has been proactive in cracking down on ISDs.<sup>3</sup></li> </ul>	

<sup>1</sup> <http://www.compass.org.sg/>

<sup>2</sup> To see the rights that the CMOs administer: <https://www.ipos.gov.sg/about-ip/copyright/copyright-owners/collective-management-organisations>

<sup>3</sup> See for example: <https://www.channelnewsasia.com/singapore/police-illegal-streaming-devices-sim-lim-set-top-boxes-pirate-bootleg-2993921#:~:text=Under%20the%20Copyright%20Act%202021%2C%20infringement%20by%20making%2C,term%20of%20up%20to%20five%20years%2C%20or%20both.>

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3. Convergence and new technologies	<ul style="list-style-type: none"> <li>IMDA currently adopts a flexible two-tier commercial licence framework for pay TV service providers. It distinguishes between large mass market service providers (i.e. under the Nationwide Subscription TV Licence) and service providers targeting specific niche market segments (i.e. Niche TV Service licence). However, it does not distinguish between foreign and local pay TV channels.</li> </ul>	
4. Licensing of foreign channels <i>Allowed, prohibited or unregulated?</i>	<ul style="list-style-type: none"> <li>Pay TV channels are regulated and must comply with, amongst others, the IMDA Content Code for Nationwide Managed Transmission Linear Television Services<sup>4</sup> and the Television and Radio Advertising and Sponsorship Code.<sup>5</sup> Non-compliance with the IMDA Codes may result in a fine for the local licensee carrying the channel.</li> <li>With respect to operation of regional channel feeds, a Subscription International Television Service Licence<sup>6</sup> is required to broadcast, uplink or transmit satellite TV services from Singapore to the region via broadcast signals from a local earth station to a satellite in space, while channels that seek to operate their own uplink service require a Satellite Uplink/Downlink Licence for Broadcasting Purposes.<sup>7</sup></li> </ul>	
5. Licence fees and taxation	<ul style="list-style-type: none"> <li>For Nationwide Subscription Television Service Licensees, the annual licence fee is 2.5% of total revenue or SGD 50,000 per annum, whichever is higher. Licensees must also have a performance bond of SGD 20,000.<sup>8</sup></li> <li>For Niche TV Service licensees, no licence fee is required.</li> <li>IMDA may require any licensee to pay a charge of such amount as IMDA may determine for the late payment of any fee or charge payable by the licensee to IMDA.</li> </ul>	
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"> <li>There is no wholesale or retail rate regulation in respect of pay TV services in Singapore.</li> </ul>	

<sup>4</sup> <https://www.imda.gov.sg/-/media/Imda/Files/Regulations-and-Licensing/Regulations/Codes-of-Practice/Codes-of-Practice-Media/Managed-Linear-TV-Services-Content-Code-updated-29-April-2019.pdf>

<sup>5</sup> <https://www.imda.gov.sg/-/media/Imda/Files/Regulations-and-Licensing/Regulations/Codes-of-Practice/Codes-of-Practice-Media/TV-and-Radio-Advertising-and-Sponsorship-Code.pdf>

<sup>6</sup> <https://www.imda.gov.sg/regulations-and-licensing-listing/subscription-international-television-service-licence>

<sup>7</sup> <https://www.imda.gov.sg/-/media/imda/files/regulations-and-licensing/licensing/broadcast/satellite-uplink-downlink/guidelinesapplicationsatelliteuplinkdownlink.pdf>

<sup>8</sup> <https://eservices.mas.gov.sg/fid>

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7. Programme packaging <i>Including tiering, bundling, any mandatory a la carte</i>	<ul style="list-style-type: none"> <li>• Cross-carriage rules apply for designated content offered on Relevant Platforms (cable, DSL and fibre). Tiering and bundling of channels are allowed, but if a bundle contains a channel that is considered “Qualified Content” under the Code of Practice for Market Conduct<sup>9</sup> (CMC), then the entire bundle would be subject to the cross-carriage requirements.</li> <li>• So far, these restrictions have been applied only to a limited number of sporting competitions – most prominently the English Premier League.<sup>10</sup></li> </ul>	
8. Restrictions on advertising <i>Including localisation rules, revenue and minutage restrictions</i>	<ul style="list-style-type: none"> <li>• Pay TV channels must comply with the Television and Radio Advertising and Sponsorship Code<sup>11</sup> and the Singapore Code of Advertising Practice.<sup>12</sup></li> <li>• A 14-min/hr advertising time limit applies for channels with scheduled programming. This time limit is not applicable for VOD content and interactive advertising services.</li> <li>• For Nationwide Subscription Television Licensees, no more than 25% of the licensee’s total revenue can come from advertising. The same restriction does not apply to Niche Television Service Licensees.</li> <li>• There are a growing number of sponsored or advertising-funded programmes in Singapore, and these are subject to the Television and Radio Advertising and Sponsorship Code.</li> </ul>	
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"> <li>• There are no local content quotas.</li> <li>• IMDA does not pre-vet programmes of pay TV channels. However, pay TV channels are expected to comply with the content regulations in the Content Code For Nationwide Managed Transmission Linear Television Services or the Content Code for Over-the-Top, Video-on-Demand and Niche Services which include restrictions on types of content which can be included.</li> <li>• Generally, content should be rated considering the Film Classification Guidelines and channels must present the classification information of a programme visually and prominently such that a consumer is aware of the programme’s rating before making a decision to view.</li> </ul>	<ul style="list-style-type: none"> <li>• Future legislation aimed at tightening content regulation is possible.</li> </ul>

<sup>9</sup> <https://sso.agc.gov.sg/SL/S148-2010>

<sup>10</sup> <https://www.imda.gov.sg/-/media/imda/files/inner/about-us/newsroom/mda/information-circular-in-respect-of-the-crosscarriage-measure-summary-of-the-direction-to-singnet-to-crosscarry-the-barcla/finalsummary-of-direction.pdf>

<sup>11</sup> <https://www.imda.gov.sg/-/media/imda/files/regulations-and-licensing/regulations/codes-of-practice/codes-of-practice-media/tv-and-radio-advertising-and-sponsorship-code.pdf>

<sup>12</sup> [https://asas.org.sg/Portals/0/SCAP%202008\\_1.pdf](https://asas.org.sg/Portals/0/SCAP%202008_1.pdf)

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	<ul style="list-style-type: none"> <li>Programmes that are rated R21 are not allowed for broadcast. Programmes that are rated M18 may only be broadcast between 10:00PM and 6:00AM, while programmes that are rated NC16 or over can be offered as long as parental locks are made available to limit access to such programmes.</li> </ul>	
9. (b) Content regulation <i>Including languages, dubbing/subtitling and captioning</i>	<ul style="list-style-type: none"> <li>Transmission of programmes in dialects is controlled and limited for all Niche Subscription Television and Nationwide Subscription Television Service licensees.</li> </ul>	
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"> <li>IMDA imposes restrictions for a limited list of essential programmes in respect of which the so-called “anti-siphoning” restrictions apply (mostly sporting events). This list of programmes is published in the <a href="#">government gazette</a><sup>13</sup>, and may be updated from time to time by notice. The current list is divided into categories and set out below: <ul style="list-style-type: none"> <li>i) Subscription TV Licensees cannot acquire exclusive “live” or “delayed” rights to broadcast all or part of the following programmes: <ul style="list-style-type: none"> <li>a. Asian Games;</li> <li>b. Commonwealth Games;</li> <li>c. Formula 1 Singapore;</li> <li>d. Federation Internationale de Football Association World Cup (Key matches (Opening, Semi-finals and Finals) and matches involving Team Singapore, including the qualifiers);</li> <li>e. Southeast Asian Games; and</li> <li>f. Summer Olympic Games.</li> </ul> </li> <li>ii) Subscription TV Licensees can acquire exclusive “live” rights, but not exclusive “delayed” rights to broadcast all or part of the following programmes: <ul style="list-style-type: none"> <li>a. ASEAN Football Federation Suzuki Cup;</li> <li>b. Malaysia Cup (matches involving Singapore Club team(s));</li> <li>c. Summer Paralympic Games; and</li> <li>d. Summer Youth Olympic Games.</li> </ul> </li> </ul> </li> </ul>	

<sup>13</sup> <https://www.imda.gov.sg/-/media/imda/files/regulation-licensing-and-consultations/frameworks-and-policies/conducive-media-environment/mmcc-notification-antisiphoning-list.pdf?la=en>

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	<ul style="list-style-type: none"> <li>Pay TV operators must make their exclusive content on all “Relevant Platforms” (which currently means a managed cable or fibre network) available to other operators for cross-carrying. (There is, as a result, very little contractual exclusivity in Singapore).</li> </ul>	
11. Restrictions on FDI <i>Including platforms and wholesale supply of programming and cross-media ownership restrictions</i>	<ul style="list-style-type: none"> <li>Nationwide Subscription Television Licensees are subject to ownership requirements. These include a cap of 49% of foreign investment in the licensee unless otherwise approved by the Minister and with prior approval of substantial shareholders, directors and CEOs.</li> <li>There are no specific cross-media ownership restrictions, but there is a general requirement for the Minister’s approval of shareholding greater than 5%.</li> </ul>	
12. Retransmission arrangements <i>Including must carry and remuneration</i>	<ul style="list-style-type: none"> <li>Nationwide Subscription Television Licensees have “must carry” obligations for ensuring access to local free-to-air channels for their subscribers.</li> </ul>	
13. Consumer protection <i>Including cooling-off period, termination rights and payment mechanism</i>	<ul style="list-style-type: none"> <li>Under the guidelines on maximum contract term and early termination charges for pay TV services offered to consumers, pay TV operators must comply with certain restrictions including that subscription contracts are a maximum of two years in length.</li> <li>Under the CMC, pay TV operators must comply with certain restrictions including that any early termination charges are reasonably related to any discounts provided and the duration of the period the contract was consumed, and that procedures for subscribers to dispute subscription charges are implemented.</li> </ul>	
14. Entering a new market: FAST TV	N/A	
15. Data handling	<ul style="list-style-type: none"> <li>At present, there are no data localisation requirements in Singapore in regards to pay TV.</li> </ul>	
Other country-specific information not already covered	<ul style="list-style-type: none"> <li>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. As the amendments were proposed to prohibit and/or combat egregious content on social media, we do not expect or foresee that this part of the Act will extend to pay TV.</li> </ul>	