



PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY

Consultation Paper No. Web&OTT/1-2020

Consultation on Regulating the Web TV & Over the Top TV (OTT) Content Services

Date of Issuance: 8th January, 2020

Deadline for comments: 14th February, 2020 (1700 Hrs PST)

PEMRA Headquarters, Mauve Area, Sector G-8/1 Islamabad

(www.pemra.gov.pk)

INDEX

| S. No. | Content | Page No. |
|---------------|---|-----------------|
| 1. | Background | 3 |
| 2. | Scope of Web TV and Over the Top TV | 5 |
| 3. | International Practices | 8 |
| 4. | Eligibility Criteria & Documents Required | 9 |
| 5. | Licensing Process, Fee, Duration etc. | 13 |
| 6. | Issues for Consultation | 18 |
| 7. | Deadline for Submission of Comments | 20 |
| 8. | Schedule-A Application Form | 21 |

Section 1: Background

1.1 Introduction to Web TV & OTT Services

1.1.1 Web TV and Over the Top TV (OTT) has seen a tremendous growth in the past few years. While Web TV is there for quite some time as an alternate medium for streaming content such as news etc. online, the OTT has become one of the widely used service where you, by subscribing to the service, can access it from anywhere in the world through public internet. Web TV is the equivalent of a traditional broadcast service whereby linear content can be streamed live and the service can be accessed free of cost by simply visiting the URL (website) of the service provider. In this case, the revenue is generated through advertisements. The OTT is predominantly a non-linear model whereby recorded content of various genres can be accessed only if you subscribe to the service, which require payment of a monthly subscription fee.

1.1.2 Both the services are getting popular day by day due to advancement in technology and the preferred use of small screen such as mobile device or laptop and tablets. These services have posed a real challenge to the legacy services such as satellite TV, Direct to Home & cable TV services since in majority of the countries the services are not subject to any regulation, hence no licenses are required, the service providers do not pay any regulatory fee & taxes as against the regulatory fee and taxes which licensed TV broadcasters and other operators are subjected to.

1.2 Need for Regulating the Web TV & OTT Content Services

The extensive growth of the web TV & OTT market and the excessive disruption of these services to traditional broadcast services have made regulators vigilant all over the world. Moreover, the broadcasters /TV operators and other traditional service providers are losing their market share to online web TV and content providers.

There are other regulatory issues also which necessitate it to regulate & hence license the Web TV & OTT services. For example all PEMRA licensed broadcasters are subject to compliance with code of conduct-2015 which require the operators to have in-house delaying mechanism and

editorial control to filter out content which is not in compliance with the code of conduct etc. However, the web TV and OTT players are not subject to any code of conduct & other PEMRA laws. Moreover, as a regulator, it is the responsibility of PEMRA to provide a level playing field to all. Since OTT & Web TV operators are competing for the same advertisement or subscription revenue as the licensed operators, therefore, it is imperative that the services be regulated at par with other services.

Section 2:

Scope of the WEB TV & OTT Service Licence

2.1 Web TV: The Web TV will refer to broadcast of content either live or recorded made available for viewing of the public through internet either free of cost or on payment of a subscription fee. The content to be made available will either be produced by the licensee or he shall have the copyrights of it. The service is equivalent to linear TV such as the satellite TV channels licensed by the Authority, however, the difference is only in the medium i.e. it is available via internet. The content shall be in accordance with the Code of Conduct of PEMRA. Web TV shall be considered as a broadcast service.

2.2 Over the Top (OTT) TV: The term Over-the-Top (OTT) TV refers to content services which are accessible over the internet and can be accessed from any place at any time on private or public internet by users using variety of devices either free of cost or by paying a subscription fee to the service providers. The content to be made available shall be either produced by the licensee or he shall have copyrights of it. The content shall be in accordance with the Code of Conduct of PEMRA.

The OTT Content / Television Service Licensee shall be authorized under the Licence, if deemed appropriate, to include such video on demand content (VoD) which are in conformity with the code of conduct approved by the Authority and /or licensed satellite TV channels / foreign TV channels having landing rights of the Authority, TV channels of national broadcasters of Pakistan (in case the operator so desires to include the linear TV channels in the service offerings) through online platform / internet for access by the individual subscribers in the whole of Pakistan.

The Web TV or OTT Service shall only include the television or content services as elaborated above and shall not include any telecom related or any other service which are in the exclusive domain of Pakistan Telecommunication Authority (PTA) or any other regulatory authority.

2.3 Guidelines for Determining Whether a Service being provided is OTT Content or Web TV or Not:

2.3.1 If all or part of the offering of a service provider to viewers is likely to compete with linear TV, and the nature of the content & its access will lead viewers to expect some sort of regulatory protection, there is a probability that the service being provided is either web TV or OTT.

If a service is competing for the same viewers or audience as a linear or non-linear TV or broadcast service, then it can be considered OTT or Web TV.

2.3.2 The following examples give some introduction of the types of service, which are likely to be considered an OTT or Web TV:

- a) A content streaming service whereby a news or entertainment e.g. movies, dramas, sports, documentaries, regional, science & technology, music & other similar content is made available via a website either live or recorded which may compete with the linear TV service (the service can be classified as a web TV service);
- b) A video-on-demand (non-linear content) i.e. movies, music, drama etc. provided online via a website by a provider exercising editorial control over the content (the service can be classified as an OTT service);
- c) A pay per view (PPV) content service via a website whereby the provider while exercising editorial control charge the viewer on a per view basis (OTT service);
- b) a 'catch-up service' whether programmes are made available from the broadcaster's own website, an online aggregated media player service, or through a 'television platform' to a set top box linked to a television (whether using broadcast 'push' technology, or 'pull' video on demand) (an OTT service);
- c) a television programme archive service comprising less recent television programmes from a variety of broadcasters and/or production companies, made available by a content aggregator exercising 'editorial responsibility' over all the programmes, whether via a dedicated website, online aggregated media player service, or through a television platform (OTT service);

2.3.3 Services that are primarily non-commercial or non-economic, and which are not in competition with television broadcasting (linear or non-linear TV) may not be classified as OTT or Web TV. This may include public service material, user-generated video content posted by private individuals for non-commercial purposes of sharing and exchange within communities of interest.

2.3.4 It is also possible that part of an overall consumer offering of a service provider constitutes an OTT or a web TV in its own right. For example, where a service provider offers a movie and television programme download service as part of its broader, non-audio-visual online activities, then such a service may be considered to be an OTT Content Service. More generally, a single outlet or platform (such as a website) can be home to one service or several services.

2.4 Web TV & OTT to be Two Different Services:

2.4.1 The Web TV and OTT shall be two different services and Separate Licenses shall be issued for the Web TV or OTT service.

2.4.2 Any applicant can either be issued a Web TV or an OTT license. Any company which is issued a Web TV license shall not be eligible for the grant of an OTT Service license and vice versa.

Section 3: International Practices regarding OTT & Web TV

The study of international practices suggest that the web TV and OTT services are not regulated the same way as traditional TV & broadcast services are regulated. However, the practices being followed in some countries are elaborated in the following sections.

3.1 Singapore:

In Singapore, the Info-comm Media Development Authority (IMDA) issues a Class License for OTT service, however, no regulatory fee is charged. IMDA issues a Niche Television Service Licence to service providers of television services targeting niche market segments, and television services transmitted over the Internet, including the Over-the-top (OTT) television services. The license duration is 5 years and the licensee has to comply with the online content code.

3.2 Australia

The Australian Communication & Media Authority (ACMA) has issued detailed guidelines for regulating the content on the internet, however, it does not require any licence to be obtained before offering Internet TV service in Australia.

3.3 United Kingdom

In the UK, the Internet content is largely unregulated; however, the general provisions of Communications Act 2003 regarding obscene publications, defamation, copyright etc. still apply. Operators providing On Demand Program Services (ODPS) need to notify to OFCOM before provision of such services. However, no license is required.

3.4 Malaysia

The Malaysian Communication and Multimedia Commission (MCMC) does not issue a separate licence for Web TV/Internet Content Service Provider. However, it requires the Online Content Providers to comply with the MCMC Content Code issued by it under the Communication and Multimedia Act 1998.

Section 4:

Eligibility Criteria & Documents Required along with Application for Web TV & OTT Licensing

4.1 Eligibility Criteria:

- 4.1.1 Any company registered under Companies Act 2017 having paid up capital of not less than Rs. 3 million.
- 4.1.2 A company, directly or indirectly, cannot be granted more than one Web TV or OTT content service licence.
- 4.1.3 The applicant company shall demonstrate, through financial & technical feasibility, that it has sufficient financial & technical resources to launch, establish and operate the Web TV or OTT Service in relevant cases.
- 4.1.4 In case of OTT Service, the applicant company must not be holding, directly or indirectly, a broadcast media licence or a landing rights permission as required under Rule 13 of the PEMRA Rules 2009 or another OTT service license while in case of Web TV, the applicant company must not be holding, directly or indirectly, a distribution service license, an OTT Service licence or another web TV licence.
- 4.1.5 For a Web TV Service license, the management, control and majority shareholding of the applicant company must vest in the local nationals (in compliance of sec. 25).
- 4.1.6 For an OTT Content Service license, for local companies, the management, control and majority shareholding of the applicant company must vest in the local nationals. However, for foreign companies following shall be the requirements:
 - a. The company shall have to register in Pakistan with the Securities & Exchange Commission of Pakistan (SECP) under the Companies Act 2017 and the Authority may grant exemption from the requirements of management control & majority shareholding vesting with local nationals. OR
 - b. The company may enter into a distribution / partnership agreement with a local company registered with SECP under the Companies Act 2017 and the local company may apply for the OTT Service license to the Authority.
 - c. In either case the company when granted a license shall have to comply with the Code of Conduct-2015 & other PEMRA laws.
 - d. The company shall have to register with income tax / sales tax etc. authorities of Pakistan and pay applicable taxes as per the prevalent laws of Government of Pakistan.
- 4.1.7 Any Director or shareholder of one Applicant Company shall not be a Director or shareholder in any other applicant company for the OTT Service.

- 4.1.8 The object clause of the applicant company shall allow entry into the business of electronic media or OTT / Web TV service.
- 4.1.9 The applicant company or any of its Directors or shareholders must not be defaulter of PEMRA, any financial institution, tax authorities, Government of Pakistan or any provincial/local government.
- 4.1.10 Applicants shall not be funded or sponsored by a foreign government or foreign government organization, in accordance with Section 25 (d) of the PEMRA Ordinance.
- 4.1.11 The applicant company must be in compliance with the relevant provisions of the PEMRA Ordinance 2002 (Amendment Act 2007) excluding the exemptions granted by the Authority (if any), PEMRA Rules 2009, regulations made thereunder as amended from time to time and licence terms & conditions.
- 4.1.12 The applicant company shall undertake to provide true information and if any statement of information provided turns out to be false subsequently, the application may be rejected and if licence is granted, same may be revoked.

4.2 Documents Required alongwith Application:

- 4.2.1 Duly filled application form (**Schedule-A**) along with all information required therein; any missing information may lead to disqualification.
- 4.2.2 Board Resolution of the applicant company authorizing filing of the application for grant of Web TV or OTT Content Service licence in relevant cases.
- 4.2.3 Certificate of Incorporation from SECP, Forms regarding ownership/management of the applicant company (e.g. Form-A, Form 29 and Form 3 etc.).
- 4.2.4 Names and detailed CVs/Profiles of the Directors and shareholders of the applicant company.
- 4.2.5 Attested copies of CNICs (Passports in case of foreigners) of the Directors and shareholders of the applicant company.
- 4.2.6 Details of other businesses/ licenses of PEMRA (if any) of the applicant company alongwith annual reports of the company, where applicable.
- 4.2.7 A description of the applicant company's ownership and control structure with names, CNICs (passport in case of foreigners) of the ultimate beneficiaries including its holding company, any shareholding company if any etc.]

- 4.2.8 Audit reports/financial statements for last two years of the applicant company where applicable.
- 4.2.9 Copy of NTN certificate of the applicant company and its Directors and shareholders.
- 4.2.10 Certificate from FBR for tax clearance or tax filer certificate & undertaking on stamp paper for income tax & sales tax clearance.
- 4.2.11 Copy of the income tax returns of the applicant company for last two years. In case of a new company the income tax returns of the Directors and shareholders of the company for the last two years shall be provided.
- 4.2.12 Bank statement of the applicant company for the last six months or in case of new company proof of bank account of the applicant company and bank statements having details of last six months of the Directors / shareholders/ shareholding companies etc. of the applicant company.
- 4.2.13 A summary of the services the company intends to provide, including value-added, interactive services, video on demand, pay per view services etc. (services other than the linear /basic TV services).
- 4.2.14 Proposal regarding various subscription packages including proposed tariff (if any) etc.
- 4.2.15 Affidavit of applicant company that neither the applicant company nor any of its Directors or shareholders are defaulter of PEMRA, any financial institution, or government and tax authorities & that the applicant company or any of its directors and shareholders has never been black listed.
- 4.2.16 Affidavit of applicant company that it shall abide by all PEMRA Laws, the Rules, Regulations, Code of Conduct, licence terms & conditions and directions issued by the Authority from time to time.
- 4.2.17 Affidavit of the applicant company that neither the applicant company nor any of its Directors and shareholders are directly or indirectly, holding a broadcast media licence or a landing rights permission as required under Rules 13 of the PEMRA Rules 2009.
- 4.2.18 Affidavit that the applicant company is in compliance with Section 25 of the PEMRA Ordinance 2002.
- 4.2.19 Demand Draft or Pay Order in favor of PEMRA amounting to rupees 50,000 thousand as application processing fee which shall be non-refundable.
- 4.2.20 Technical feasibility containing all relevant information including the one given as per checklist.

- 4.2.21 Financial feasibility containing all relevant information including the one given as per checklist.
- 4.2.22 Undertaking from the applicant company that it has provided true information and if any statement or information provided turns out to be false subsequently, the application shall be rejected and if license is granted, same shall be revoked.
- 4.2.23 Dues clearance certificate from concerned regional office(s)/Finance wing of PEMRA in case the applicant is already a licensee.
- 4.2.24 Softy copy of the duly filled application alongwith all allied documents.
- 4.2.25 Additionally, the Authority may ask for any other document before or after grant of licence and the applicant / licensee shall be bound to provide the same within such time as the Authority may require.

Section 5:

Licensing Process, License Fee, Duration of License etc. for Web TV & OTT Services

5.1 Licensing Process:

- 5.1.1 Licenses shall be awarded on case to case basis on first come first served basis, after fulfilment of eligibility criteria, payment of fee & other legal requirements as determined by the Authority. In this regard the Authority may like to grant exemption from the requirements of Section 19 of the Ordinance 2002 (Amendment Act 2007) to the extent of bidding under Section 32 of the PEMRA Ordinance 2002 (Amendment Act 2007).
- 5.1.2 Licenses shall be awarded for a period of five (5) years.
- 5.1.3 The Web TV or OTT Content Service Licences shall be national licences and extend to the whole of Pakistan excluding the territory of AJK.
- 5.1.4 The existing STV licensees currently web streaming or video streaming their content through their URL shall not be required to obtain Web TV licenses.

5.2 License Fee & Tariff:

- 5.2.1 A non-refundable application processing fee for an OTT or web TV licence of Rs. 50,000 shall be deposited along with the application in the form of demand draft or pay order in favour of PEMRA.
- 5.2.2 The fee structure for an OTT Service or Web TV license shall be as under:

| S. No | License | License / Upfront Fee (Rs.) | Annual Fee (Rs.) |
|-------|--|-----------------------------|--|
| i | OTT Service | 5.0 Million | Fixed fee @ 20% of license fee Variable fee @2% of Gross Annual Revenue (GAR) (which includes revenue earned from subscription, advertisement etc.) |
| ii | (a) Web TV Service (news & current affairs) (b) Web TV Service (non-news e.g. | 10.0 Million 5.0 Million | Fixed fee @ 20% of license fee Variable fee @2% of Gross Annual Revenue (GAR) (which includes revenue |

| | | | |
|--|--|--|---|
| | entertainment, education, travel, sports etc.) | | earned from subscription, advertisement etc.) |
|--|--|--|---|

*AGR: Annual Gross Revenue means the total revenue earned from the licensed service annually before deduction of taxes & liabilities. This includes revenue from subscription as well as advertisement.

- 5.2.3 The license fee shall be accompanied by applicable taxes as per policy of the Government of Pakistan. Advance taxes shall be applicable up front.
- 5.2.4 In addition to license fee, the applicants shall be required to deposit security @3% of license fee which shall remain with the Authority for one year and shall be refunded / adjusted upon one successful year of operation to the satisfaction of PEMRA.
- 5.2.5 The AGR will be payable each year on or before 30th October calculated on the basis of audited financial statement to be submitted by the licensee within three months of the closing of fiscal year as per Rule 17 of PEMRA Rules 2009. Late payment after 30th October shall incur surcharge@5% per month maximum upto 15%.
- 5.2.6 The fixed fee @ 20% of license fee will be payable each year with effect from the date of issuance of license and any late payment shall incur surcharge @5% per month upto a maximum of 15%.
- 5.2.7 The applicant companies shall bear all their costs associated with the preparation and submission of their application. The Authority shall in no case be responsible for these or any other costs, regardless of the conduct or outcome of the application process.

5.3 Tariff / Fee to be charged from Subscribers:

- 5.3.1 The applicant shall give details of proposed tariff to be charged from subscribers for various packages.
- 5.3.2 The licensee shall submit details of the tariff to be charged from subscribers within 3 months of the grant of license. The licensee shall be required to notify to the Authority and the subscribers at least one month in advance if there is any change in tariff.

5.4 Infrastructure for Web TV or OTT Service:

The physical infrastructure such as servers, subscriber management system, encoders etc. can be located within or outside the territory of Pakistan. However, the services made available

under license of the Authority shall be in compliance with PEMRA laws, the code of conduct, the technical and quality of service requirements etc. Moreover, the licensee shall have to immediately discontinue provision of services within the territory of Pakistan through geo blocking or other mechanism in case the license is suspended or revoked by the Authority or in case the Authority directs the licensee to immediately stop the provision of a specific program or content within the territory of Pakistan.

Alternatively, the Web TV or OTT Content Providers can have Content Delivery Networks (CDNs) or Caching Servers located within the territory of Pakistan which can cache or download content from the internet in off- peak hours and serve it to customers locally within Pakistan.

5.5 Compliance with Code of Conduct:

The web TV or OTT licensee shall be required to comply with the Code of Conduct-2015 as notified or amended by the Authority from time to time.

5.6 Compliance with the Quality of Service Guidelines:

The Web TV or OTT Content Service licensees shall comply with the quality of service guidelines of the ITU, ETSI, ANSI, AIBD, EBU, IEEE, any other relevant international bodies and those adopted by the Authority from time to time.

The licensee shall also be required to provide to the Authority any service level agreement (such as a priority of video over other traffic, managed quality of service (QoS) etc.) with the internet service providers etc.

5.7 Complaint Handling Mechanism:

5.7.1 The Licensee shall establish a call centre, open round the clock, and communicate its telephone number, e-mail, whatsapp etc. to the subscribers and each regional office of the Authority. All the above details shall be available on the Licensee's website.

5.7.2 The licensees shall make reasonable efforts to resolve complaints of subscribers related to OTT Content or Web TV service in relevant cases within a reasonable time, which shall not exceed 48 hours for 95% of the complaints unless the same is beyond the reach of the licensee due to force majeure.

5.7.3 Only the services being provided by the Licensee under the licence shall be its responsibility.

5.7.4 In case the licensee fails to rectify a complaint within time specified in clause 15.2, the subscriber will be at liberty to complain to the Authority or the concerned regional office of the Authority for any violation of the Licensee's contractual obligations, under the contract that the Licensee has with its subscriber, or violation of the terms & conditions of licence or the code of conduct.

5.7.5 The authorized officer including a Director General at Headquarters or Regional General Manager as the case may be may issue show cause notice to the Licensee in order to investigate such complaint and may also summon the Licensee to explain his position, and thereafter pass such orders as deemed appropriate, including imposition of a fine not exceeding a maximum of one hundred thousand rupees for each violation of relevant laws.

5.7.6 In case there is a violation of a severe nature, the authorized officer may refer the case to the Council of Complaint or the Chairman, along with appropriate recommendations.

5.7.7 The licensee shall keep the record of all the complaints for a period of 90 days and provide the same to the Authority whenever so required.

5.8 Content Policy for Web TV and Over the Top TV:

Web TV licensee shall be subject to the same content policy as a satellite TV licensee ninety percent content as locally or indigenously produced while ten percent foreign content excluding any Indian Content. However, OTT being a non-linear content service shall not be subject to the same local content percent requirement, however, any content to be made available by an OTT licensee shall be subject to compliance with the Code of Conduct-2015 of the Authority.

5.9 Monthly, Quarterly, Bi-annual or Surprise Inspections & Review of the Web TV or OTT Service Licensees:

In order to ensure compliance of PEMRA laws & the terms & conditions of license and to make sure the content being aired through the Web TV or OTT platform is in accordance with the code of conduct, monthly/quarterly / bi-annual/surprise inspections & review by a team of PEMRA shall be conducted which shall make appropriate recommendations to the Chairman for implementation by the licensees. Moreover, licensees shall also provide free of cost access alongwith allied equipment to an office designated by the Chairman for monitoring purposes.

5.10 Coordination with PTA for Enforcement:

The Operations wings of PEMRA shall maintain close liaison with PTA Enforcement and Vigilance Cell to ensure immediate action such as blocking of URL etc. in case of any violation by Web TV or OTT licensees. In this regard contact numbers, e-mail addresses etc. shall be maintained and Standard Operating Procedure (SOPs) for coordination may subsequently be defined.

Section 6: Issues for Consultation:

Based on the details regarding Web TV & OTT elaborated in the above sections, feedback of all stakeholders including the general public is solicited on the following questions.

Question 1:

Whether or not Web TV & OTT Content Services should be regulated by PEMRA? Give reasons & support your answers in either case.

Question 2:

Do you agree with the eligibility criteria requirements for applicants for Web TV & OTT Content Service Licenses given in Section 4.1 above? Suggest changes, additions, deletions if any with reasons & justifications.

Question 3:

Do you agree with the list of documents required alongwith application for applicants for Web TV & OTT Content Service Licenses given in Section 4.2 above? Suggest changes, additions, deletions if any with reasons & justifications.

Question 4:

Do you agree with the proposal given at Para 4.1.6 above reproduced as under: Give details in support of your answer.

For an OTT Content Service license, for local companies, the management, control and majority shareholding of the applicant company must vest in the local nationals. However, for foreign companies following shall be the requirements:

- a. The company shall have to register in Pakistan with the Securities & Exchange Commission of Pakistan (SECP) under the Companies Act 2017 and the Authority may*

grant exemption from the requirements of management control & majority shareholding vesting with local nationals. OR

- b. The company may enter into a distribution / partnership agreement with a local company registered with SECP under the Companies Act 2017 and the local company may apply for the OTT Service license to the Authority.*
- c. In either case the company when granted a license shall have to comply with the Code of Conduct-2015 & other PEMRA laws.*
- d. The company shall have to register with income tax / sales tax etc. authorities of Pakistan and pay applicable taxes as per the prevalent laws of Government of Pakistan.*

Question 5:

Do you recommend option 4.1.6 (a) OR 4.1.6 (b) for regulating a foreign OTT service provider? Give reasons & justification in support of your answer. Do you think there is another option also in addition to or as an alternative to 4.1.6 (a) or (b). Give details if any.

Question 6:

Do you agree with the proposed Licensing Process given in Section 5 above. Given reasons in support of your answer.

Question 7:

Do you agree with the proposed License Duration given in Section 5.1.2? Should it be extended to 10 years? Give reasons in support of your answer.

Question 8:

Do you think the Proposed Fee Structure given in Section 5.3 is an appropriate one for regulating the Web TV and OTT Content Services? Can you suggest any alternative fee structure? Give reasons & justifications in support of your answer.

Question 9:

Do you agree with the proposal for infrastructure given in Section 5.3 above? Give reasons & justifications in either case.

Section 7: Response time/Deadline for Submission of Comments:

For any queries related to the issues of consultation elaborated above, undersigned may be contacted at telephone number, fax number or e-mail address, given below. The questionnaire/ issues for consultation can also be accessed directly online by visiting <http://bit.ly/37ILaVT>

Response to the above questions and any other additional points related to the issues under consideration along with reasons & justifications may be submitted in writing, through fax or e-mail latest **by 14th February, 2020 till 1700 hrs PST** at the following address:

Director General Licensing (Broadcast Media)

4th Floor PEMRA Headquarters, Mauve Area,

Sector G-8/1 Islamabad 44000, Pakistan.

Phone: +92-51-9107117, 9107151, 9107162

Fax: +92-51-9107165

e-mail: licensing@pemra.gov.pk

SCHEDULE-A

NON-TRANSFERABLE

Reference No. Web TV/OTT No. _____/2019

(for official use only)

**APPLICATION FORM FOR A WEB TV OR OVER THE TOP (OTT)
CONTENT SERVICE LICENCE**

Please read the following instructions carefully before filling in the Application Form:

- To be submitted in duplicate after printing on A4 paper size;
- Give complete answers, use extra sheets if required, attach copies of other relevant documents, if required, to illustrate an answer;
- Use the typescript or write in black ink in CAPITAL letters;
- Please attach documentary evidence of your authorization to act on behalf of the applicant company;
- One form can be used for only one category;

**The Pakistan Electronic Media Regulatory Authority,
Islamabad.**

1. 1.1 **Name of Applicant Company:** _____

1.2 Full Name & title of CEO: _____

1.3 CNIC No. of CEO: _____

1.4 Applicant Company's Registration No.: _____

1.5 National Tax No.: _____

1.6 Date of incorporation: _____

1.7 Business Address: _____

1.8 Mailing Address [If different from above]: _____

1.9 Telephone No.: _____ Mobile No.: _____

1.10 Fax No.: _____ E-mail address: _____

1.11 Website: _____

2. 2.1 Proposed Location of Technical Set up/Servers/Physical Infrastructure: _____

2.2 Whether the proposed set up will be located within or outside Pakistan? Give details along with reasons & justifications. Also provide relevant documentary evidence.

2.3 Proposed URL (website(s)) for accessing the service: _____

2.4 Overseas Offices if any: Give details (address, contact, no. of staff etc.)

3. License required for (mark only one)

a. Web TV Service Category News & current affairs Non-News (tick one category only)

b. OTT Service

4. **Duration of Licence: Five (5) Years**

5. **Projected date of Launching: _____**

6. **Non-refundable application processing fee: Rs. 50,000/-(Fifty thousand) vide**

Bank Draft/Pay Order No.: _____ Dated _____ (attached in original) drawn on: _____ (Bank)

7. **Vision, policy & objective for establishing the Web TV or OTT Service** (min 1000 words):
[must be attached with the application]

7.1 Proposed language of the programmes:

Urdu English Regional / Any other (please specify): _____

7.2 Content Type:

- a. Linear: ----- (%age of 24 hrs)
- b. Video on Demand:----- (%age)
- c. Content to be produced by the company itself: ----- (% of total content in 24 hrs)
- d. Content to be acquired from others: ----- (% of total content in 24 hrs)
- e. Ratio of local content to foreign content: ----- (in %)
- f. Any other relevant details: (attach separate sheet)

7.3 Uniform Resource Locator (URL) for Accessing the Service:

8. **Organizational set-up:** (Organogram of the company to be submitted on separate sheet)

8.1 Names and addresses of the ultimate beneficial ownership of the Company/Organization:

| Sr. No. | Name, address, CNIC /Passport Number |
|---------|--------------------------------------|
| | |
| | |
| | |
| | |

| | |
|--|--|
| | |
| | |
| | |
| | |
| | |
| | |

(use additional sheet if required)

9. Technical Information:

9.1 Detail of Equipment to be used for the Web TV / OTT Service (including details of servers, encoders, video recorders, tri-casters, subscriber management systems, billing, cache server, content delivery network etc.) (please attach sheet along with technical literature of the equipment)

9.2 Whether any set up proposed outside Pakistan? If Yes, give detail of location: (attach sheet)

9.3 Call center detail (along with address, whether operational round the clock, proposed staff etc.): (attach sheet)

9.4 Arrangements for internet bandwidth (whether company owned internet bandwidth or ISP set up will be utilized or services of an existing ISP will be utilized, bandwidth detail, service level agreements (SLA signed etc.) (please provide complete detail of the proposal on additional sheet, the company shall have to give certified copies of all such agreement if in case it is granted a license).

9.5 Details of firewalls, billing systems, subscriber management system, data servers etc.

9.6 Detail of business models e.g. whether subscription or advertisement based service (please give complete details of the proposed business model along with subscription packages if any on addition sheets).

10. Funding Details covering the source of financing the Web TV / OTT Service (including capital expenditure, company asset, equity, bank loan, ratio of debt to equity) (the answers should be supported with documentary evidence) (please complete detail of all sources of finance for the project) (use additional sheet for these information)

11. **Socio-economic Impact:** (Attach note of approx. 1000 words on the social benefits or objectives sought to be achieved by the project)

12. **Detailed Technical Feasibility** (also attach details of all equipment to be used in connection with provisioning of service).

13. **Detailed Financial Feasibility**

UNDERTAKING

(To be provided on a Stamp paper)

I/We _____, the applicant company do hereby declare that the above facts are correct in all respects and nothing has been concealed or misrepresented therein. I/We also undertake that:

- (1) I/we shall respect the sovereignty, security, integrity and ideology of the Islamic Republic of Pakistan;
- (2) I/we shall respect the national, cultural, social and Islamic values and the principles of public policy as enshrined in the Constitution of the Islamic Republic of Pakistan and to safeguard the ideology of Pakistan;
- (3) I/we have read and understood the eligibility criteria and shall strictly comply with the same in letter and spirit;
- (4) I/we, if granted a licence, shall comply with PEMRA Ordinance, rules and regulations made thereunder, the Code of Conduct, licence terms & conditions and instructions as notified by the Authority from time to time and pay licence fee, annual fee including such percentage of annual gross revenue as may be applicable and notified by the Authority;
- (5) I/we, if granted a licence, shall broadcast programmes in the public interest specified by the Federal Government or the Authority in the manner indicated by the Government or, as the case may be, the Authority;
- (6) I/we shall abstain from broadcasting any programme or advertisement in violation of copyrights or other intellectual property rights;
- (7) I/we shall obtain NOC from PEMRA before import of any electronic media equipment as per requirement of the licensed service as required under relevant PEMRA laws;
- (8) I/we shall not sell, transfer or assign any of the rights conferred by the licence without prior written permission of the Authority;
- (9) I/we have provided all documents which are required to be submitted along with the application and shall provide any further information if and when required by the Authority;

Signature on behalf of Applicant Company

Place & Date _____