

行政院所屬各機關出國報告  
(出國類別：會議)

出席 2011 亞洲  
有線暨衛星廣播電視協會年會報告

服務機關：國家通訊傳播委員會

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派赴國家：香港

出國期間：100 年 10 月 30 日至 11 月 4 日

報告日期：101 年 1 月 20 日

## 摘 要

亞洲有線暨衛星廣播電視協會（The Cable & Satellite Broadcasting Association of Asia，簡稱 CASBAA）成立於 1991 年，是由電視業者、內容業者、媒體平台業者、廣告業者和影像傳送業者所組成的亞洲區域組織，其成立目的係希望藉由各式各樣的資訊交流和活動，來推動付費電視和影像內容的成長，並協助這些產業參與國際活動。

2011 年是 CASBAA 成立的 20 周年，此次舉辦的管制者圓桌論壇及年會，分別於 10 月 30 日、10 月 31 日至 11 月 4 日在香港君悅飯店舉行。管制者圓桌論壇的討論重點，係在討論政府如何看待 OTT TV（Over-the-top TV）的發展，以及美國市場發展 OTT TV 的經驗。年會則以「TV365」為主題，探討電視媒體業者如何利用新興科技，在任何時間、於任何地點、以任何設備，讓觀眾都可以接觸到電視內容。

本次本會代表台灣政府出席 CASBAA 年會，除了聆聽產業界對於政府政策的需求外，亦藉由此次機會，收集產業界近來熱門的討論話題和發展趨勢，有助於本會及時制定可因應之法規或政策，維持公平競爭的媒體環境。

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## 壹、前言

本次係本會成立以來，第 4 次出席亞洲有線暨衛星廣播電視協會（以下簡稱 CASBAA）年會，其會議近五年來的討論主題分別如下：

**2007 年：It's all about Content（一切都與內容有關）**

**2008 年：Subscribe to the Future - All Eyes are on Asia（訂閱未來--注目亞洲）**

**2009 年：Extending your reach（延伸你所能觸及之處）**

**2010 年：Unlock your Network（解鎖你的聯播網）**

**2011 年：TV 365（全年無休的電視節目）**

由前揭主題可知，電視業者所關注之議題，從傳統的電視內容（**Content**）和發展區塊（**Asia**），一直到近年來熱烈討論的無疆界（**Extend**）、跨平台（**Unlock**）及全時段（**TV 365**）播送，顯示電視業者不僅沒有在時代的洪流下成為夕陽產業，而是不斷地利用傳播科技，將原本只能在固定時段及固定場所收看的電視內容，擴展到全世界各式各樣的接收平台。



圖片 1 2011 年 CASBAA 年會會場外觀



## 貳、行前準備與出席目的

### 一、行前準備

傳播科技發展日新月異，傳播載具間的差異也日益模糊，以往壁壘分明的廣播、電視、網路等各種媒體平台，有的因為市場重疊而成了直接競爭者，有的則因不同的媒體特性而成了事業上的最佳夥伴。

本次圓桌會議的重點在於討論 IPTV 和 OTT TV<sup>1</sup>之間的競合關係，適逢台灣目前最大的 IPTV 業者中華電信 MOD，也欲於民國 101 年推出 MOD 第二平台，跨足 OTT TV 產業<sup>2</sup>。是以，本會代表出發前，於 10 月 27 日（四）下午 4 時約訪中華電信台灣北區電信分公司互動式多媒體處甘果碩科長及吳致達專員，約訪摘要如下：

- 1、相對於 IPTV 來說，OTT TV 既不能保證節目品質和連線速度，也不負責對節目做事前審查，所以和 IPTV 的市場仍有一定差距。
- 2、目前積極準備進軍 OTT TV 的業者，有 Google TV 及 Apple TV，但它們的節目缺乏本土內容，所以若要打入台灣市場，仍需要像中華電信 MOD 這樣的夥伴來協助推廣。
- 3、MOD 欲發展的第二平台，是將客戶原本只能在家中收看的節目內容，傳送到雲端平台上，使客戶能在任何時間、任何地點，使用移動式設備接收其在 MOD 上所購買的內容（目前暫以線性內容為主）。
- 4、對 MOD 來說，發展第二平台有幾個好處：（1）內容提供者不再需要分別洽談各種螢幕平台的授權，只要跟 MOD 簽約即可在中華電信各個媒體平台上架。（2）提升原本 MOD 訂戶的顧客價值，使其能隨心所欲地收看电视。

### 二、出席目的

本次本會代表台灣政府出席 CASBAA 年會，除了聆聽產業界對於政府政策的需求外，亦藉由此次機會，收集產業界近來熱門的討論話題和發展趨勢。此外，本次會議也邀請近來積極向電視產業進軍的 Youtube 及 Hulu 等業者，這些新進競爭者和原有的業者，將在會場上發表對於媒體未來的發展願景與藍圖，有助於本會掌握未來媒體的趨勢，以及時制定可因應之法規或政策，維持公平競爭的媒體環境。

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<sup>1</sup> Over The Top(OTT)為近來在 Pay TV 或 STB 產業相當熱門的名詞，指的是直接透過網際網路取得的內容或應用服務，亦有人將其解釋為「在雲端之上的服務」，意指無屏障之視聽服務。而其中最具代表性、也最常被相關業者用以舉例的 OTT 應用服務，是以 YouTube 為首的影音內容網站。在過去 Pay TV 與 STB 產業中，所有內容都來自於廣播或是由 Pay TV 業者在封閉式環境中提供，而不是來自於高度開放的網際網路平台。但隨著網際網路影音內容數量快速增加，OTT 創造出另一個新的市場需求區隔，讓 Pay TV 業者也不得不正式來自於消費者對於 OTT 內容服務的需求，希望透過同時兼顧提供 OTT 服務功能增加用戶的黏著度。

<sup>2</sup> 林淑惠，「中華電宏達電，合建 OTT 平台」，工商時報，100 年 11 月 11 日。

<http://money.chinatimes.com/news/news-content.aspx?id=20111111000128&cid=1211>

## 參、亞洲有線暨衛星廣播電視協會簡介及年會主題

### 一、亞洲有線暨衛星廣播電視協會成員簡介及發展歷史

#### (一) CASBAA 簡介<sup>3</sup>

CASBAA 是一個由數位多頻道電視 (digital multichannel television)、內容業者 (content)、平台業者 (platform)、廣告業者和影像傳送業者 (video delivery) 所組成的亞洲區域組織，其成立的目的是希望藉由各式各樣的資訊交流和活動，例如加強智慧財產權保護、政策遊說、推廣地區技術標準、舉辦研討會等，來推動付費電視和影像內容的成長，並協助這些產業參與國際活動。CASBAA 的會員有以下幾類<sup>4</sup>：

- 1、有線電視、衛星電視、直播衛星、網路電視業者
- 2、以提供影像相關服務為主的數位媒體業者 (如：線上影音入口網站)
- 3、行動影音內容聚合者、行動通訊業者和行動技術服務提供者
- 4、多頻道電視業者和涉及提供多頻道的無線廣播電視業者
- 5、內容製造者、內容擷取者和內容散布業者
- 6、廣告代理商、電視和新媒體的廣告購買者
- 7、相關產業服務提供者

#### (二) 發展歷史 History<sup>5</sup>

1990 年 4 月，亞衛 1 號 (AsiaSat-1) 升空，是亞洲第一個私營的衛星系統，使得全亞洲超過 53 個國家可透過衛星碟型天線 (C-band TVRO dishes) 接收訊號。

1990 年 12 月，衛星廣播集團 (HutchVision) 上傳五個頻道至亞衛 1 號。1991 年亞洲衛視 (Star TV) 開播，1993 年 7 月，新聞集團 (News Corp) 以 5 億 2 千萬美元的代價，買下亞洲衛視 (Star TV) 63.6% 的股權，和商業大亨李嘉誠形成合夥關係。1995 年 6 月，新聞集團 (News Corp) 再花費 3 億 4 千萬美元買下剩餘的 36.4% 股份。與此同時，亞洲衛視也推出 5 個全天候 24 小時頻道，而其他多頻道廣播業者也加入了亞洲市場，包括 HBO Asia、Turner International's CNN 和 ESPN。這些業者和亞洲衛視於 1991 年 5 月 28 日在香港成立了 CASBAA，今 (2011) 年則是 CASBAA 成立的 20 周年，已於今年 7 月在新加坡舉行慶祝大會。

<sup>3</sup> <http://www.casbaa.com/about-casbaa/casbaa-history>

<sup>4</sup> <http://www.casbaa.com/about-casbaa/what-is-casbaa>

<sup>5</sup> <http://www.casbaa.com/media-and-resources/news-center/casbaa-news/1942-casbaa-20>

過去 20 年來，亞洲付費電視市場從稀少的商業經營計畫、缺少有線電視平台或成熟的衛星電視系統，至今已經達到 400 億美元的規模、服務超過 35 億的人口。亞洲通訊產業市場也因數以千計的付費平台的出現，而發生革命性的改變；而透過連線媒體、行動媒體和互動平台所傳送的内容，也加強了傳統有線電視和衛星電視的服務。

CASBAA 的核心任務是「藉由出版物、論壇、網絡交流和遊說等方式，以『告知、代表和連繫』會員、政府和相關社群」，它代表著集體會員的意見，以維持一個有秩序的產業發展，並成立了亞洲電視廣告聯盟 (Asian Television Advertising Coalition, ATAC)，負責為付費電視上的廣告產生新的利潤，和協助業者更切中市場目標及符合社會責任。除此之外，也負責協助管制者端和市場趨勢端，相互傳遞與產業相關的訊息和貿易資源。

## 二、 2011 亞洲有線暨衛星廣播電視協會年會主題及會議過程

本次年會的主題是「TV365」，意指在任何時間、於任何地點、以任何設備，都可以接觸的電視内容。

2011 年度 CASBAA 會議於 2011 年 10 月 31 日至 11 月 4 日舉行，第一天下午是管制者間的閉門圓桌會議，第二天及第三天則是主題演講，邀請了包括英國廣播公司世界網路及 iPlayer 部門總裁 Jana Bennett、彭博新聞傳媒集團行政總裁 Andy Lack、GlobeCast 全球公司董事長兼行政總裁 Olivier Barberot、J:COM 總裁兼行政總裁 Shuichi Mori、微軟媒體與娛樂集團副總裁 Blair Westlake、NBC 環球國際總裁 Jeff Shell、日本 SKY Perfect JSAT 公司主席兼代表董事 Shigeki Nishiyama 以及日本 WOWOW 衛星電視總裁 Nobuya Wazaki 等演講者。第四天的會議則是 CASBAA 會員年度大會。

本次會議與本會相關的重要議程及引言摘要如下：

| 2011 年 10 月 31 日 星期一 |   |
|----------------------|---|
| 13:00                | <b>午宴</b><br>*此為本會首次受邀參與的會前活動，現場由香港君悅飯店提供簡單的自助式餐點供圓桌會議的來賓享用，並在輕鬆的氣氛中，與他國管制者或業者進行交流活動。                                 |
| 14:00                | <b>監理者圓桌會議</b><br>為管制者和產業代表間舉行的閉門會議，討論有關網路影音、智慧財產權保護和内容在地化等相關議題。參與者包括來自印尼、印度、馬來西亞、新加坡、日本、巴基斯坦和台灣政府機關代表。會中主要討論的三大議題如下： |

|                     |  |
|---------------------|--|
|                     | <p><b>一、政府對 OTT (over-the-top) 服務的管制：</b></p> <p>1、 隨著寬頻網路的快速發展，影視節目也隨之找到新的播送管道。許多新媒體藉由在網路上提供影視節目而獲利，稱之為 OTT 服務。在某些情況下，OTT 服務補足了付費電視的不足，另一方面也和付費電視形成直接的競爭。然而，付費電視所受到的管制卻遠高於 OTT 服務業者。</p> <p>2、 在這節的討論中，除了探討政府及產業界如何面對 OTT 服務的崛起之外，也邀請透納廣播公司 (Turner Broadcasting) 資深顧問 Mitzi Hill 小姐，發表美國政府和產業界對於 OTT 服務的應對及管制經驗。</p> <p><b>二、智慧財產權保護：</b>為了維持產業發展的基石，亞洲政府採取了許多不同的方式協助產業保護智慧財產權。本節邀請馬來西亞管制機構 (MCMC) 發表他們的對策，並由現場來賓針對自己市場的狀況加以評析。</p> <p><b>三、內容在地化：</b>對於亞洲付費電視產業而言，當然希望自己的節目可以同時滿足亞洲超過 4 億人的收視需求，然而，這就必須要有足夠在地化及國際化的內容來支撐。本節主要探討國際付費電視產業如何製作「語言親近」(language-friendly) 的節目來傳送給說不同語言的各地族群。</p> |
| 2011 年 11 月 1 日 星期二 |  |
| 9:00                | <p><b>Talking TV：CASBAA Show (談談有關電視的事)</b></p> <p>今日的影音內容無所不在，而電視的內涵也隨著科技的發展而擴充，這是 20 年前 (1991 年，CASBAA 成立的第一年) 根本想像不到的事。本節探討電視在這些年間發生的改變。</p> <p>影音連結：<a href="http://www.casbaa.com/video/casbaa-video?videoID=179796">http://www.casbaa.com/video/casbaa-video?videoID=179796</a></p>  |
| 10:40               | <p><b>Return Engagement (重新找回觀眾的參與感)</b></p> <p>干擾觀眾收視的因素無所不在—當面對零碎但富有創意的影音平台時，多頻道電視產業該如何自我定位？線性電視和數位媒體間的距離是否越來越近了？</p> <p>影音連結：<br/><a href="http://www.casbaa.com/video/casbaa-video?videoID=179926">http://www.casbaa.com/video/casbaa-video?videoID=179926</a></p>   |
| 11:50               | <p><b>Regulating for Good (使產業更好的管制手段)</b></p> <p>有效益、公平且對市場友善的管制手段，將能刺激經濟的成長，並為消費者帶來好處，還能支撐文化創意產業的發展。本節探討一些國家近來實施的積極管制措施，並探討這些措施將如何影響市場的發展。</p> <p>影音連結：<br/><a href="http://www.casbaa.com/video/casbaa-video?videoID=179754">http://www.casbaa.com/video/casbaa-video?videoID=179754</a></p>  |
| 13:30               | <p><b>China TV at home and Abroad (中國電視的國內外發展)</b></p> <p>一如所知，中國的內需市場是一個獨特的市場，有很多的機會和限制。</p>  |

|                     |   |
|---------------------|---|
|                     | <p>然而，與此同時，中國的媒體公司正在國內和國際上創造一個全新的獲利模式。</p> <p>未附影音連結</p>  |
| 14:40               | <p><b>The 365 Experience（體驗 365 天/24 小時的電視時代）</b></p> <p>每個電視製作人或廣播業者都必須關注於觀眾的需求，在 21 世紀則更甚以往。網路互聯設備和它即時互動的特性，正在改變電視產業的面貌，而使電視逐漸進入 365 天、24 小時的電視時代。業者要不就與這些已有傳播能力的消費者合作（empowered consumer），要不就被他們遺棄。</p> <p>影音連結：<br/> <a href="http://www.casbaa.com/video/casbaa-video?videoID=179815">http://www.casbaa.com/video/casbaa-video?videoID=179815</a> </p> |
| 16:50               | <p><b>Over the top—With online services is this too much, too far?</b><br/> <b>（OTT 服務—透過網路傳送的 OTT 內容是否太多、太廣了？）</b></p> <p>網路電視為付費電視產業帶來了希望與危機，與談人分別探討 OTT 服務對產業正面和負面的影響。</p> <p>影音連結：<br/> <a href="http://www.casbaa.com/video/casbaa-video?videoID=179833">http://www.casbaa.com/video/casbaa-video?videoID=179833</a> </p>                              |
| 2011 年 11 月 2 日 星期三 |   |
| 9:00                | <p><b>A Vision for Pay-TV（付費電視的未來）</b></p> <p>影音連結：<br/> <a href="http://www.casbaa.com/video/casbaa-video?videoID=179854">http://www.casbaa.com/video/casbaa-video?videoID=179854</a> </p>   |
| 11:20               | <p><b>Reconfiguring the Future（重新理解未來）</b></p> <p>當有需要的時候，消費者希望電視節目可以不限時間、不限地點的提供，而電視產業該如何迎合他們的需求？科技的改變和改進—從互連裝置到 3D 電視—將改變消費者觀看電視的方式，這會對電視產業造成甚麼影響？</p> <p>影音連結：<br/> <a href="http://www.casbaa.com/video/casbaa-video?videoID=179868">http://www.casbaa.com/video/casbaa-video?videoID=179868</a> </p>   |
| 14:35               | <p><b>Founders Day: Back to the Future</b><br/> <b>（創辦者論壇：CASBAA 的過去與未來）</b></p> <p>CASBAA 的幾位創辦人聚首，談論這 20 年來付費電視產業經歷過的改變及未來的挑戰。</p> <p>影音連結：<br/> <a href="http://www.casbaa.com/video/casbaa-video?videoID=179880">http://www.casbaa.com/video/casbaa-video?videoID=179880</a> </p>   |
| 17:20               | <p><b>Asia-Pacific Child Rights Award 2011</b><br/> <b>（2011 年亞太兒童權益獎頒獎典禮）</b></p> <p>由 CASBAA、ABU（亞太廣電聯盟）和 UNICEF（聯合國兒童基金會）共同舉辦的徵選活動，共有來自亞太地區約 50 件以兒童權益為主題的電視節目參賽，最後獲獎的是日本的靜岡電視台（Shizuoka</p>   |



|       |  |
|-------|--|
|       | <p>Telecasting)，其所製作的電視紀錄片節目「Iori and Ibuki ~ Why We Were Born」以一對出生即患有先天障礙的姊弟為主題，敘述他們和家人如何互相扶持，面對生活中的大小困難。這部片的拍攝時間超過 10 年，不僅展現了家庭和生活中的細膩情感，也強化了人們克服困難的意志。</p> <p>影音連結：<br/> <a href="http://www.casbaa.com/video/casbaa-video?videoID=179880">http://www.casbaa.com/video/casbaa-video?videoID=179880</a></p> <p>獲獎影片介紹：<br/> <a href="http://www.childrightsaward.org/">http://www.childrightsaward.org/</a></p> |
| 17:40 | <p><b>Lifetime Achievement Award</b><br/> <b>（2011 年 CASBAA 終身成就獎）</b></p> <p>由電訊盈科（PCCW）主席李澤楷獲得，表揚他及旗下 now 寬頻電視對亞洲收費電視產業及對網路電視影響。</p> <p>影音連結：<br/> <a href="http://www.casbaa.com/video/casbaa-video?videoID=178070">http://www.casbaa.com/video/casbaa-video?videoID=178070</a></p>   |



圖片 2 會場內部



圖片 3 會場設有免費無線網路，可利用行動裝置直接於現場投票

## 肆、2011 亞洲有線暨衛星廣播電視協會年會－監理者圓桌會議



圖片 4 監理者圓桌會議



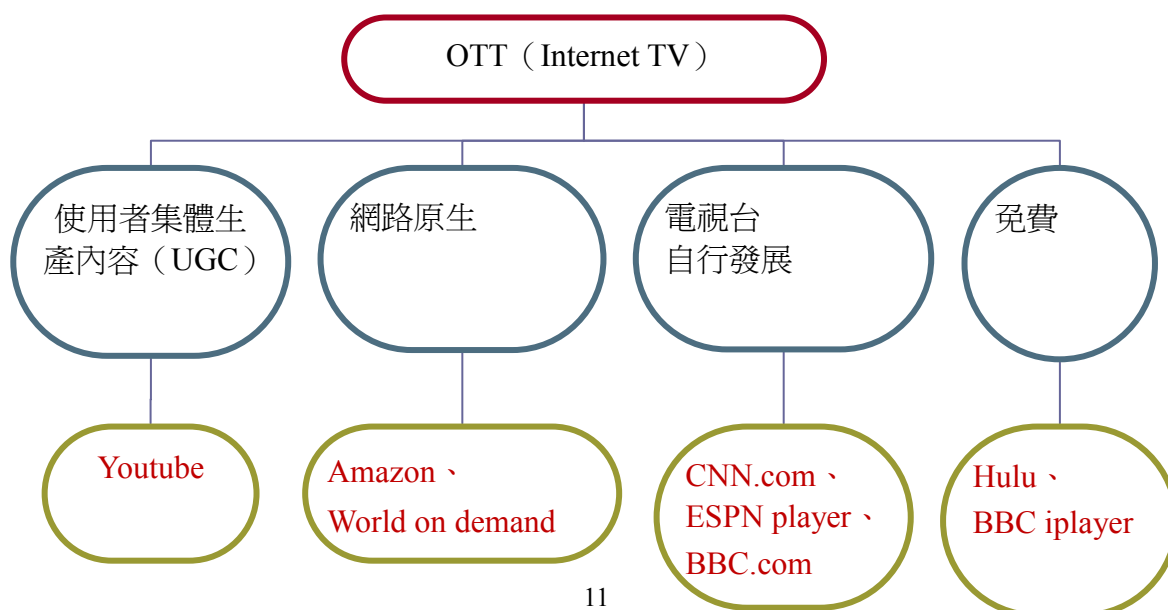
圖片 5 圓桌會議前與業者代表合影。

（左起）業者、ESPN 法務及商業事務資深副總裁 Andrew Marshall、本會何處長吉森、CASBAA 執行副總裁 John Medeiros 於圓桌會議前合影。

### 一、 會議重點：政府針對 OTT 服務的管制作為

#### （一）引言人發言摘要（CASBAA 執行副總裁 John Medeiros）

網路協定電視（IPTV）的傳輸管道，如透過網路播出的付費電視（Pay-TV），像是一座封閉的「牆內花園」(Wall garden)，業者可以像控管有線電視節目內容一樣，高度控管其所播出的內容，以符合法令的規範。然而，OTT 服務(Over-the-top service)的竄起，打開了這座封閉的大門，讓內容提供者可在開放式的傳輸管道上提供節目。OTT 服務的獲利模式，建構在使用者直接付費、或廣告收入、或品牌價值上，在某些情況下，更直接與付費電視業者競爭收視率和廣告收入。



過去數十年來，政府部門積極立法保障「科技中立性」<sup>6</sup>（technology-neutral），並適用於有線電視、網路電視和衛星直播電視。然而，面對自由在網路上流傳的內容，政府卻往往採取既有的、過時的管制架構，而不去思考預防式、輕觸式（light touch）的管制作法以處理這些變化。

以下這些問題，將會深刻地影響付費電視產業的未來：

- 1、**內容管制（Content regulation）**：大部分的網路內容都未經管制（付費電視除外），那麼，在付費電視內容受管制的情況下，OTT 服務提供者（或許設立在海外）卻能在同一戶的同一個銀幕上，播放在付費電視上遭限制播出的內容，這樣是否合理？如果政府放寬付費電視的管制強度（如調整成人節目播出時間等），是否會比較好？
- 2、**語言政策（Language policy）**：有些政府會要求付費電視業者須在節目中提供國語配音或國語字幕，但 OTT 業者則是毫無限制地提供特殊語言節目的內容。如果觀眾可以自行在 OTT 上收看「已標示為某種語言」之節目。那麼付費電視業者是否也能比照辦理播出？
- 3、**稅收（Taxation Policy）**：付費電視業者每年都要繳交固定的稅金給政府，但 OTT 服務提供者可以設立在海外，繳交低額或近乎零的稅金。如果 OTT 業者在同一戶的同一個銀幕上，播放與付費電視相同長度的節目內容，那麼政府是否有必要削減付費電視業者的稅金？
- 4、**廣告管制（Advertising Regulation）**：
  - （1）部分政府限制付費電視播放廣告的時間，或限制廣告利潤和訂費利潤間的比例，然而提供 OTT 服務的業者並沒有受到這些限制。
  - （2）越來越多的政府會在考量本國利益的需要上，去限制付費電視的廣告須為本國製作，或限制境外付費電視頻道賺取本國廣告利潤，但 OTT 業者卻無類此規定，因而形成了不公平的競爭態勢。
  - （3）政府是否應該解除對於付費電視廣告的限制？
- 5、**本國自製（Local content）**：一些國家針對付費電視設有本國節目製播比例，OTT 業者則無類此規定，使 OTT 業者可完全從國外進口節目，致使製播成本下降，在市場上對付費電視業者形成不公平的競爭優勢。政府是否該轉換

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<sup>6</sup>根據 [Wikipedia](#) 的 [network neutrality](#) 詞條，「網路中立性」原本是學者整理出來的理念，包括「非歧視」（Non-discrimination）、「保證互連」（Interconnection）、「可接收性」（Access）三個原則，主要精神是維護網路上各種資訊被平等對待的權利，使資訊能在不同的網站間彼此互連，並且讓網路使用者具有互相接收訊息的能力，這些權利不應該遭受任何理由的歧視，不應被掌握了網路設施（infrastructure）的人進行網路內容與應用方式的篩選，也不得對於特定單位提供較好或較差的服務。這可說是言論自由、保障立足點平等、鼓勵創新的精神在網路世界的運用。



方式，例如直接補助製作本國節目的公司，或去除對付費電視業者的限制？

6、**運動轉播 (Sports Rights)**：一些國家為了保障民眾在無線電視上免費收看運動賽事的權力，設有「反虹吸效果」(anti-siphoning) 條款（按：指無線電視業者尚未決定是否要轉播運動賽事前，禁止付費電視業者獨家轉播運動賽事），但限制對象卻未包含 OTT 業者。政府該如何限制 OTT 業者獨佔運動賽事的轉播權？

7、**智慧財產保護 (Intellectual Property)**：付費電視和領有執照的無線電視業者必須取得節目內容在本地完整的著作權聲明才能播出，同時也受到當地及國際上有關著作權法的約束。那麼 OTT 服務提供者（尤其設籍海外者）是否也受相同規範？



圖片 6 本會何吉森處長於會場發言  
（取自 CASBAA 網站）



圖片 7 本會代表於圓桌會議現場合影

## （二）與會來賓發言摘要

1、Kidsco（兒童國頻道）：對電視台來說，「節目配音」這件事，是除了「節目行銷」以外最大的一筆花費，而且還是回收利潤前預先支出的一筆費用。雖然對電視台來說，此舉可以拉近觀眾和節目間的距離，但對新進頻道來說，如何達到損益平衡，是很大的挑戰。

- 2、NBC Universal（美國環球公司）：節目內容在地化不應僅限於字幕和配音，而是要包跨整個產業鏈，包括僱用當地員工、提出客製化在地內容以對應不同的市場。從業者的角度來說，提供觀眾一個高品質、同時兼顧語言和內容在地性的節目，是我們的職責所在。
- 3、泰國政府沒有針對電視業者提出在地化的強制性規範，但為了協助付費電視頻道業者快速進入並拓展泰國市場，泰國政府會鼓勵電視業者做在地化的措施。目前，除了即時新聞之外，大多數的節目供應商都有提供配音服務。
- 4、巴基斯坦政府代表：對於付費電視業者來說，政府沒有必要要求他們製作在地化的內容，但對使用公用頻譜資源的無線電視業者，政府則要求他們提供至少 70%在地化的內容。我們對於在地化內容的定義是：在巴基斯坦國內製作生產的節目。
- 5、ESPN 法務經理 Andrew Marsahll：ESPN 目前推出的 OTT 服務叫做 ESPN Player，可以讓觀眾從不同的平台上收看比賽。

### （三）本會發言摘要

- 1、正如各位所知，網路具有去中心化和跨國化的特質，因此管制者在面對網路內容時，通常採取低度管制和業者自律的共管架構。新興的 OTT 服務，確實對媒體市場生態造成改變，但是否要適用相同的管制架構？NCC 的看法是，管制手段不以傳輸途徑做分別，而是以線性或非線性傳送的特性來分別規管。
- 2、目前 NCC 要求付費電視業者，只要是以線性傳送的内容，提供者都必須取得衛星廣播電視事業執照後才可播送，而對於非線性的內容，則須符合網路分級處理辦法，以保護兒少身心健康為重點。對於 OTT 業者，目前仍以非線性內容的管理辦法相繩，但未來會視其發展納入規範之中。
- 3、關於演講者剛剛提到的語言政策，NCC 並未強制要求付費電視業者搭配本國字幕或配音，反而是業者為了增加收視率的自發行爲（例如動物星球頻道「狐獾大宅門」節目邀請台灣演員以台語配音，獲得普遍好評），我們相信這種市場趨力將會使得 OTT 業者自動跟進。另外在廣告管制上，付費電視業者因爲已收取了訂閱費用，所以必然會限制廣告的播出時間，而 OTT 業者則大多靠收費廣告支撐營運，所以，消費者可依對廣告的忍受程度，自行選擇要收看的網路平台。
- 4、總體來說，OTT 服務因爲不能保障連線品質和節目內容，和可提供高畫質及

優良節目內容的付費電視業者仍有一定的競爭差距。然而，政府機關仍將密切注意 OTT 服務的發展，並視其影響範圍做出相應的管制措施。

5、台灣多年前曾有「盜版王國」的惡名，並在 1989 年被美國列入特別 301 優先觀察國家名單（the Priority Watch List）。為加入 WTO，台灣開始即著手修正智慧財產權相關法規，除了在 1993 年與法務部、警政署及經濟部共同成立專案小組，全面查緝違法第四台外，並於同年訂定「有線廣播電視法」，明定「節目及廣告涉及他人權益者，應經合法授權始得播送」。2001 年，立法院通過「光碟管理條例」與「專利法」修正案，將專利保護期限從 15 年延長為 20 年，並通過「著作權法」修正案，加強對重製權與網路線上交易服務的管理。種種的努力，終使我國在 2004 年降為一般觀察名單（the Watch List），至 2009 年除名。

## 二、 主題演講：美國 OTT 電視的發展：適用於亞洲嗎？



圖片 8 主講人：Turner Broadcasting 助理首席法律顧問 Mitzi L. Hill

### （一） OTT 電視的緣起

- 1、這裡所指的 OTT 電視，係指透過寬頻網路傳送的電視內容。它有別於傳統付費電視的傳送途徑，而是付費電視業者選擇傳送其節目內容的另一種管道。

- 2、受到經濟不景氣的影響，有線電視的剪線運動（Cord-cutting）和 OTT 服務的發展幾乎是同時進行。
  - 3、因此，內容提供者和傳輸平台業者便開始將 OTT 服務推廣給原來的付費電視閱聽人，且不收取額外的費用，讓閱聽人覺得物超所值。
- （二）美國付費電視市場概觀：
- 1、目前美國付費電視市場約有一億名用戶，但受到經濟不景氣的牽累，至今已經減少了大約 10 萬多名用戶。
  - 2、有線電視的基本套餐方案（basic packages）提供收視戶 150 個以上的頻道，一個月的收視費用為 30 美元，目前大約有 6 千萬名收視戶；黃金套餐方案則提供將近 300 個電視頻道（包含高畫質節目和數位錄影機（DVR）功能），一個月的收視費用為 150 美元，目前大約有 6 千萬名收視戶。
- （三）美國主要的 OTT 業者
- 1、Netflix：利用影音串流服務，提供閱聽人在電腦和電視上觀看電影和電視節目檔案，是美國全國寬頻網路主要的使用者，採月付會員制。
  - 2、Apple：閱聽人可在 iTunes 商店或利用蘋果電視下載電影和電視節目，並可選擇利用串流服務在線上收看，或下載到自己的電腦及電視上收看。
  - 3、Amazon：利用影音串流服務，提供閱聽人在電腦上觀看電影和電視節目。
  - 4、Hulu：利用影音串流服務，提供閱聽人利用公共網路在電腦上觀看廣電內容，在廣告商的贊助下，可免費收視。
  - 5、Apps：由節目製作公司或平台自行開發的應用軟體（可在智慧型手機或平板電腦上收看），有隨選視訊模式，以及線上串流模式，如：CNN。
- （四）「無所不在的電視」（TV Everywhere，簡稱 TVE）
- 1、付費電視業者對抗剪線運動的選擇
    - （1）為了對抗 OTT 服務的興起，美國絕大多數的主要費付費電視業者及節目製作者，都已經加入了 TVE 計畫。
    - （2）目前 TVE 計畫僅提供給付費電視的訂戶。
    - （3）不同於 OTT 和線上影音以公共網路傳輸的開放模式，在 TVE 計畫中，影片在一個受保護的路徑中傳輸，而使用者必須透過登入才能取得授權認證。
    - （4）付費電視的用戶透過帳號登入及認證手續後，可以在線上收看他們在付費電視上所購買的頻道。例如訂購基本頻道的用戶，可以在線上收看他們購買的基本頻道，但卻不能看需要加值購買的 HBO 頻道。
    - （5）此舉將能提升訂戶購買付費電視的商品價值。
    - （6）目前該計畫尚未受到美國政府法令的介入或監理。
  - 2、成功四要件
    - （1）普及的寬頻基礎建設和有利的智慧財產權保護
    - （2）取得節目內容的線上觀賞權及播送權，而對於未經授權之內容，則用黑幕保護。

- (3) 易於操作的介面，尤其是對那些不知道該如何登入的使用者而言。
- (4) 使用一些公關行銷技巧，使該計畫得以廣為周知。
- 3、美國 TVE 模式
  - (1) 付費電視的訂戶可免費使用
  - (2) 目前多數採用「隨選視訊」的服務模式
  - (3) 只需要一個帳號，就可以使用多項授權服務
  - (4) 隨著電視產業間的合作與創新，TVE 發展地相當迅速。但目前美國政府並未對此進行規管。
  - (5) 目前大部分的節目內容都已釋出線上播映權，但僅限於美國地區。對於美國以外市場的授權，仍需要再努力。
- 4、線上認證技術委員會（OATC）
  - (1) 線上認證技術委員會是由美國主要的電視節目製作商及傳輸平台業者共同出資成立，負責建構傳送 TVE 的技術平台，迄今已運作了約 2 年多的時間。
  - (2) 以目前的發展來說，「單一帳號，多項授權」的技術機制，是 TVE 是否能獲得消費者接納的關鍵。
- 5、OTT 的營運環境
  - (1) OTT 電視的收視率、閱聽人的消費量及其剪線的狀況均無法精確測量。在 TVE 上的點擊數，只能顯示閱聽人點選了這個連結，但卻沒有辦法得知出他是否真的有看完全部的節目？抑或僅僅只看了一部分？
  - (2) 傳統的付費電視業者為求壓低成本，著眼於推出小規模的收視套餐方案或基本頻道套餐，使得傳統付費電視的收視率面臨極大的壓力。
  - (3) 如果 OTT 電視計畫開始播送一些傳統上只在有線電視獨家播送的節目（例如 CNN 的節目登上 Netflix 的平台？），將可能造成 OTT 和現有付費電視業者間的競合關係被打破。
- 6、反盜版的計畫及工具
  - (1) 透過線上認證技術委員會（OATC）的認證機制，以及利用限制同時觀賞人數、觀賞期限、特殊器材等方式，減少有線電視被盜用的問題。然而如何杜絕盜版，則是另一個待解決的問題。
  - (2) 當有線電視的節目內容在 OTT 平台上，以線上線性傳輸的方式播送時，節目的版權問題就會變得很複雜。因此，對線上內容的版權保護，政府必須提供強而有力的支持。
- 7、美國管制環境速覽
  - (1) 相對於其他國家而言，美國對於媒體的管制強度本來就比較弱，而對於 TVE 和 OTT 業者更是毫無管制措施。
  - (2) 美國市場廣大，電視訊號不會溢波至其他的國家。
  - (3) 在美國憲法第一修正案的保護下，媒體享有不受政府干涉的言論自由權。



- (4) 廣播電視業者和有線電視經營者必須取得由 FCC 所核發的執照，而有線電視的節目提供者則不需要。

#### 8、與 OTT 和 TVE 相關的議題及即將實施的法案

- (1) 網路中立性 (Net neutrality)：網路中立性的規則是，網際網路服務供應商 (ISP) 必須對所有的網站和使用者一視同仁 (例如不能對某些網站故意放慢播放速度、搜尋不到某些網站，或是對使用者收取較高的費用)。然而，法院目前正在爭辯一個新的規則，也就是讓 ISP 業者可以依據使用者對於頻寬的使用量來收費，如此一來，將會影響消費者利用 OTT 平台觀賞節目的意願，因為他們會被收取較高額的網路使用費。如果這個新的規則成真，將會傷害付費電視業者推出的「快車道」(fast lane) 商業模式 (該計畫內容略如：消費者付出訂閱費，即可以預先或與電影院上映同一時間觀看最新的電影)
- (2) 線上影像檔案必載引藏式字幕 (IP video closed caption)<sup>7</sup>：為保障身心障礙人士權益，FCC 規定所有的線上影音檔案都必須搭載引藏式字幕，而這個政策將於 2012 年 1 月正式生效，實施範圍包括使用寬頻接收的長時間電視節目、網路影音，行動影音、應用程式影音、隨選視訊，以及遊戲機操作台、個人電腦、平板電腦、手機、藍光播放器、機上盒等等。但目前僅限於英語和西班牙語節目，目前不清楚這個規則是否限用於美國本土製作的節目。



圖片 9 各國政府代表皆以首都名稱代替國名



圖片 10 會場中互換名片及交換意見 (取自 CASBAA 網站)

<sup>7</sup>Closed Caption，簡稱 CC，意思是隱藏且帶有解釋意味性的字幕 (CAPTION)。CAPTION 與一般常見的字幕 (SUBTITLE) 不同，CAPTION 是透過一些解釋性的語言，來描述當前畫面中所發生的事情的字幕，例如畫面中出現了背景的聲音的時候，CAPTION 就會透過字幕來顯示。在美國，CAPTION 主要是為了幫助聽力障礙人士於觀看電視時，能瞭解播放內容或劇情。

## 伍、2011 亞洲有線暨衛星廣播電視協會年會－重要議題

### 一、香港電視發展現況



圖片 11 香港財政司司長曾俊華（取自 CASBAA 網站）

- 1、香港媒體的發展，來自於高度競爭的環境與高速創新的科技，再加上公平競爭的貿易環境，以及政府對於媒體較輕的管制強度，使得消費者擁有更多的選擇。香港目前 700 萬的居民可選擇的電視頻道約有 370 多個（包含無線電視及付費電視），而其中，有 17 個外國頻道選擇香港作為其地區性的總部；就類比式的廣電訊號來說，香港兩家商業無線電視台（aTV 和 TVB）以及公共服務性質的電視台共提供約 30 個頻道。
- 2、香港付費電視的發展：香港的付費電視市場自 2000 年發展迄今，已有 240 萬訂戶，而香港境內 3 家付費電視業者，則提供超過 360 個頻道（較去年增加 10%），並推出 22 個高畫質頻道。
- 3、香港無線廣播電視的發展：
  - （1）無線電視（free tv）仍是香港最普遍的收視管道，目前港府正以最快的速度審批 3 家國內無線電視台的新設申請案，並計畫於 2015 年全面回收類比頻道，全面推動無線電視數位化（目前 96% 的香港人，約 2/3 家戶，可收看數位電視）。
  - （2）為了達成數位廣播（digital audio broadcasting）的目標，港府於今年三月通過了 3 家商業廣播電台的申請案，這 3 家業者和其他的業者

預計將推出 18 個數位廣播頻道。

- 4、 除此之外，港府也批准了一些行動電視的服務，預計將在明年初正式推出，將使香港居民享受更多新服務與更好的收視品質。
- 5、 隨著科技的進步，電信產業和電視產業間的界線漸趨模糊，爲了協助產業發展，2012 年 4 月，香港廣播事務管理局和電訊管理局將合併爲通訊事務管理局（communication authority）。目前世界經濟疲弱，香港政府將挹注資金於創新科技產業及文化創意產業，以確保香港的競爭力。

## 二、電視的發展與競爭：



圖片 12 Talking TV 現場（取自 CASBAA 網站）

### （一）Talking TV：CASBAA Show（談談有關電視的事）

#### 1、微軟媒體娛樂事業群企業副總裁魏斯特萊克（Blair Westlake）

- （1） 電視將無所不在，因爲電視業者無不思考如何將節目內容於任何時間、任何地點提供給訂戶及更多的人。
- （2） 然而，受到經濟衰退的影響，美國四大電視網的收視人口越來越少（每年約有 50 萬戶的剪線潮），但使用寬頻收看電視節目的人卻越來越多。因此，電視業者開始思考如何利用 OTT 的服務技術，讓其訂戶隨時可收看其所訂閱之內容，以建立和觀眾間更好的聯繫關係，並增進訂戶的黏著度。



- (3) 根據統計，美國人每日平均花 5 個小時在看電視，而電視主要的收入來自於廣告，但一直到 ESPN 發展出向觀眾收費的商業模式之後，電視產業才取得雙向的收入來源。因此，雖然廣告收入仍是主要來源，但互動電視能同時取得廣告及服務的收入，將是未來的發展。
- (4) 面對網路影音 (internet video) 的崛起，電視業者必須要有一個認知，就是要以更多元的方式將節目內容傳遞給消費者，就好比一本雜誌不能只冀望放在商品貨架上或旅館大廳內，就能獲得好的銷售成績一樣。

## 2、英國廣播公司世界網路及 iPlayer 部門總裁 Jana Bennett

- (1) 每個國家發展付費電視的歷程都不相同，以美國來說，它是分散型的發展，而英國則是以 BBC 為單一品牌帶頭發展，兩者都發展的非常健康。
- (2) 線性電視 (Linear TV) 的發展還沒有走入絕境，因為這種家庭式、即時性的分享模式，仍有其存在的價值。線性電視創造的是一種集體式的共同經驗 (例如在特定的時間一起收看世界盃足球賽決賽)，而且不需要特別的宣傳，就可以有收視率。
- (3) 然而，節目內容必須要建立多管道的播出模式，有即時性的線性播出，也要有非即時性的隨選內容，甚至還要做到能內嵌到社群網站 (如 Facebook) 的影音格式。
- (4) BBC 自從推出了 iplayer 的服務之後，觀眾隨時都可以上網收看七天內的節目 (目前主要以英文為主)，也讓公司內部建立了系統化歸檔的制度。現在 BBC 的節目都不僅系統化地進行歸檔和上傳，並可針對不同的市場做分類，建立了新的價值。
- (5) 有人曾質疑，BBC 的節目是不是越賣越便宜？應該這麼說，BBC 提供給每個收視者的節目，是更個人化且更在地化的觀賞歷程，因此創造出更多的價值和利潤。
- (6) 電視的內容正在改變，電視節目不只是一個節目，而是有故事主軸、重視拍攝技巧及更多互動性的內容。BBC 目前要解決的課題是：如何擴大訂戶對語言接受度？對多元內容的興趣？以及如何將月租型的客戶提升為年租型的客戶？
- (7) 先忘記線性電視、多元節目、平板電腦的發展或其他現象，注意【電視革命】正在進行，消費者希望在任何螢幕看到任何想看的資訊。因此，如果電視業者還在思考「該如何讓人守在電視機前看節目」的話，那無疑是個落伍的想法，而是要思考「如何將各種螢幕整合成單一的體驗」，並提供各種方便的管道，讓消費者自由選擇要使用的收視平台，如果能做到這點，內容提供者將更容易獲利，而消費者雖然會忘記自己到底是在哪裡看到這個內容，但卻會深深記住你的節目。

(8) 推動【電視革命】之三大元素為：

- 網路：無所不在的寬頻網路，將提高使用者在觀看上的便利性
- 設備：多螢幕的數位生活型態，且影音格式能相互容合
- 使用者經驗：情境（context）取代內容（content）成為收視關鍵

## (二) Return Engagement（重新找回觀眾的參與感）

1、新媒體的出現已經成為一個既定的事實，傳統媒體應學習如何去擁抱他們。

### 2、Hulu 國際部門副總裁 Johannes Larcher

- (1) 對媒體而言，如何讓節目內容在不同的傳輸平台中呈現，是個重要的投資項目，因此 Hulu 提供了這個新的播放平台。在美國，Hulu 已被認為是個成功的經營模式，可以讓觀眾在任何時候看到他們想看的內容。
- (2) 免費頻道需要廣告來支撐，但不是所有的消費者都不願意付錢，只要內容好，更方便，消費者仍願付錢，如 Hulu 推出的 Hulu plus，一方面向廣告商收取廣告費，另一方面則收取訂戶的訂閱費，目前已有將近 1 百萬的收費訂戶。

### 3、Google 亞太區策略業務開發總監 Michelle Guthrie

- (1) Youtube 於今（2011）年 10 月底，宣布推出約 100 個於固定時段播放的原創影音頻道內容。
- (2) Youtube 不會擔心節目來源的問題，因為當上傳者上傳的內容受到大眾的關注之後，他會不斷地自行上傳。至於消費者是否願意付費？我們的觀點是，不同的內容會出現在不同的平台之中，也會有不同的收費方式。

### 4、facebook 北亞區行銷總監 Jayne Leung

- (1) Facebook 每天有超過 20 億次的點擊數，且因使用者皆以實名登入，因此可以在互動社群平台上，藉由分享自己喜歡的影片和心得，達到放大節目宣傳的效益，並影響其他朋友觀賞其視訊服務。對電視媒體來說，Facebook 是一個可以讓觀眾找到收視資訊的地方。
- (2) Facebook 公司的哲學就是一打破再建造，而且速度非常的快，像是法文版的介面，一天內就可以完工。

### 5、Netbiscuit 董事總經理 Joerg Krahner

- (1) 電視節目可以利用手機和觀眾建立更密切的互動關係，螢幕大小不重要，重要的是內容。電視媒體應重新思考不同平台所能提供的價值。
- (2) 智慧手機之創新速度，讓傳統媒體之改革顯得太慢。

## 陸、心得與建議

此次本會代表台灣參加 CASBAA 年會，除了藉此機會與亞洲重要媒體代表及組織接觸外，亦感受到電視媒體業者對於網路新媒體搶食既有市場的擔憂。然而，危機就是轉機，在整場會議過程當中，既有的電視媒體業者如 BBC、ESPN 已然發覺到一網路並非敵人，而是可以值得借力使力的夥伴－於是，BBC 和 ESPN 相繼推出 BBC iplayer 和 ESPN player，讓原本的電視收視戶也能利用公共網路平台收看電視節目。另一方面，新興的競爭者如 Hulu、Youtube 等業者，則對網路電視的前途一片看好，欲在免費收視的收視基礎上，進一步地推出收費版本，以增加產品利潤。

面對這股電視、電信與網路的匯流趨勢，本會作為一個維持市場公平競爭生態的政府機關，已然關注到 OTT 電視對於整個電視產業的衝擊，惟是否要如業者所說，將付費電視和網路電視的管制標準拉齊？這還需要視個別產業的發展規模和影響性而定，而非皆以齊頭式平等的管制規則，而忽略了不同媒體平台間的特性。

另外，從此次會議的軟硬體設備、演講者安排以及會場效果等面向來看，本會所提建議如下：

### 1、善用互動媒體特性，與聽眾即時互動

此次會議全程提供聽眾免費使用 Wifi 無線上網，不僅方便上網查資料，主持人亦可針對某個議題，請觀眾於現場投票，並在演講結束前五分鐘，及時公布投票結果，增加演講者與聽眾的互動性。

### 2、重大招商或施政措施，可藉由 CASBAA 平台對外宣布

由於近來國際媒體對於投資日本市場漸失信心，日本政府特別藉由此次年會擔任主講者的機會，對外宣傳日本政府的投資環境以及媒體發展（[http://www.casbaa.com/images/stories/VM\\_Yamakawas\\_presentation.pdf](http://www.casbaa.com/images/stories/VM_Yamakawas_presentation.pdf)）。是以，未來本會若有重大媒體招商計畫或施政措施，亦可向 CASBAA 爭取擔任主講者，以增加政策能見度。

## 柒、附件

### 附件一：圓桌論壇討論題綱



#### CASBAA Regulators' Roundtable

October 31, 2011

Agenda

#### 1. Welcome and Introductions – Simon Twiston Davies, CEO, CASBAA

#### 2. Regulation of OTT Services:

*As broadband infrastructure develops rapidly around the world, video programming is reaching consumers in a host of new ways. Many new media ventures supply TV programming over the Internet, on services dubbed "OTT" ("Over-the-top") because they supplement basic broadband service. In some cases these new offerings complement existing pay-TV services, and in others they compete directly with them.*

*Industry voices in many countries have drawn attention to the heavy regulatory burdens that existing pay-TV services must bear, while competing with these new, lightly regulated services.*

*This session will explore how regulatory officials and industry executives within and outside Asia see the developing situation.*

- a) Introduction – John Medeiros, Deputy CEO and Director of Regulatory Affairs, CASBAA
- b) Presentation – Mitzel Hill, Senior Counsel, Turner Broadcasting System, New York
- c) Discussion

#### 3. Coffee Break

#### 4. Protection of Intellectual Property

*Governments in Asia adopt different approaches to helping their broadcasting industry protect the intellectual property which is the foundation of the industry. The representative of the Malaysian regulator, MCMC, will discuss her agency's approach, and other participants will comment on the situation in their markets.*

- a) Presentation – Elvira Shamuddin, Deputy Director of Content Monitoring and Compliance Dept., MCMC
- b) Discussion – Regulatory Officials and Industry Executives

#### 5. Coffee Break (as necessary)

#### 6. Localization of Content

*The Asian pay-TV industry is seeking to meet the entertainment needs of more than 400 million households simultaneously, and this requires a deft mixture of local and international content. But everything needs to be understandable or consumers won't watch. This session will explore how the international pay-TV industry seeks to deliver language-friendly content to many different linguistic groups – in very disparate Asian markets, some of which produce comparatively sparse revenues to fund "localization".*

- a) Commentators: Senior Industry Executives (TBA)
- b) Discussion

#### 7. Closing Remarks – Marcel Perez, Chairman, CASBAA

502 Wilson House, 19-27 Wyndham Street, Central, Hong Kong

# OTT Television in the US: Implications for Asia?

Overview October 2011

CASBAA

Presented by Mitzi Hill, Turner Broadcasting  
System

# Over the Top Television

- ♦ Television content delivered via broadband
- ♦ Not traditionally delivered by pay TV providers -- it's been an alternative to them
- ♦ "Cord-cutting" is the synonym
- ♦ Programmers and carriers starting to offer pay TV customers an OTT experience at no additional cost -- value for consumer

# US Pay TV Market

- Roughly 100m households
- Weak economy has shaved a few hundred thousand off the numbers
- Basic cable channels often reach 90+m households
- Basic packages may offer up to ~150 channels for US\$30/month
- Basic packages in 60M households
- HD and DVR services cost more, as do multiple TVs
- Premium packages have nearly 300 channels, for US\$150/month including multiple TVs, HD, and DVR service (\$85 without extras)
- Digital systems often include even more programming channels, such as satellite radio, regional sports networks, and league networks

# Key Retail OTT Players

- Netflix -- unlimited streaming of films and programmes, to computer or television. Largest primetime use of bandwidth nationally. Monthly subscription
- Apple -- films and programmes. iTunes, iTunes store, AppleTV. On-demand streaming, or download to computer or television
- Amazon.com -- films and programmes. Annual subscription, unlimited streaming to computer
- Hulu -- free broadcast content streamed on the public Internet to computers. Advertising-supported
- Apps: offered by programmers themselves (VOD) and by carriers (live streaming)



## TV Everywhere: Pay TV Alternative to Cord-cutting

- Most major US pay TV operators, programmers offering something
- Available only to pay TV subs
- Video goes behind “authentication” (conditional access) wall, but online/OTT
- Carrier authenticates users at log-in and authorises their online access to the services they pay for in the home. No HBO for a basic-only sub, e.g.
- Enhances the value of subscription
- No government involvement or oversight

## TV Everywhere: Requirements

- ♦ Significant broadband infrastructure and copyright protections
- ♦ Content rights for online use/distribution; black-out requirements for unlicensed content
- ♦ Ease of use for consumers, who do not traditionally know how to log in to pay-TV carrier accounts
- ♦ PR and awareness campaigns

# TV Everywhere: US Model

- ♦ Free to existing customers
- ♦ Most offerings currently on demand
- ♦ Single sign-on allows access to all authorised services
- ♦ Unregulated; has emerged very quickly through industry cooperation and innovation
- ♦ Content rights increasingly available, at least for the US -- more work needed to have rights outside the US

## Online Authentication Technical Committee

- ♦ Technical framework for TVE in the US
- ♦ Most major US programmers and distributors contributed to development
- ♦ “Single sign-on” viewed as key for consumer acceptance
- ♦ Not a standards body
- ♦ Roughly two years’ work to date

# Business Issues with OTT

- ♦ Ratings, consumption, amount of cord-cutting: no metrics. Clickstream data only tells us that a consumer chose something -- not whether it was actually viewed, viewed in part, etc
- ♦ Pressure on sub rates: pay TV carriers trying to cut costs, looking at smaller packages/fewer nets, a la carte options
- ♦ OTT to start carrying traditional channels? E.g., CNN on Netflix? May impair relationships with existing carriers, who have been the exclusive outlets.

# Anti-piracy Plans/Tools

- ♦ OATC framework allows anti-fraud measures (number of concurrent streams, sessions, devices, e.g.)
- ♦ Authentication/authorisation also cut down on fraud
- ♦ But piracy is an issue online
- ♦ Most US programmers and studios use a vendor to monitor and manage
- ♦ Problem becomes potentially more complex when linear net goes OTT, although security for linear feed is greater
- ♦ Support for strong copyright protection needed, from a regulatory point of view

# Anti-piracy Plans/Tools

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# Regulatory Environment

- ♦ Media not as heavily regulated in the US as in other markets. TVE and OTT completely unregulated.
- ♦ Large national market - signals do not cross borders
- ♦ First Amendment to the Constitution confers the right to freedom of speech without government oversight
- ♦ Media are privately owned, not state-owned
- ♦ Broadcasters and cable operators must have a licence from the FCC; cable TV programmers do not
- ♦ Cable TV programmers self-police; channel tiers allow for sensitive or controversial content to be packaged separately from basic services



# DC Issues

- "Net neutrality": the idea that ISPs may not discriminate against legal traffic over their networks. New rules, already being contested in court. Explicitly allow usage-based billing by ISPs, which may affect OTT consumption if it makes it more costly for consumers to stream content. May impair pay TV opportunity to offer "fast lane" business model (such as premiering films at home for a fee, on the same date as theatrical release).
- IP Video Closed Captions: expecting rules by January 2012. Will apply to long-form TV content used downstream. Web, mobile, apps, VOD. Gaming consoles, PCs, tablets, phones, Blu-ray players, STBs. English- and Spanish-language programming only. Unclear whether this will be limited to US programmes only.
- Apart from these issues, no current regulatory initiatives that would affect OTT/TVE fledgling businesses

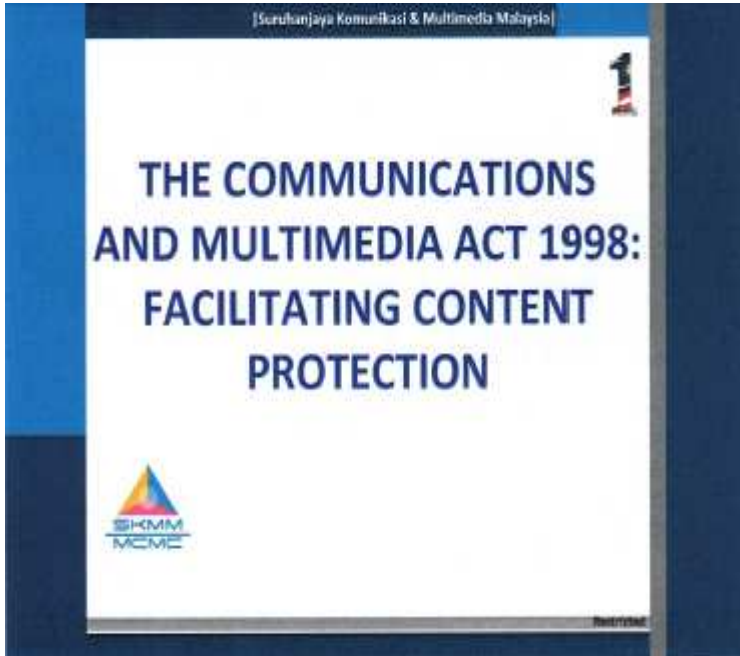

# Other Policy Considerations

- **Content Regulation:** pay TV not regulated in the US due to First Amendment "freedom of speech" guarantee. Broadcast content regulated by the FCC. Programmers (pay and broadcast) voluntarily provide age-related ratings and content descriptors (foul language, violence, etc). Programmers also employ "standards and practices" departments to ensure that on-air content and advertising is suitable for the desired demographic.
- **Language Policy:** US is primarily English-speaking and has no official language. Several Spanish-language pay networks serve the Hispanic population. DBS services carry substantial overseas networks (state networks and news), for an additional fee, to serve immigrant populations from around the world.
- **Taxation Policy:** pay TV not taxed -- there is no licence fee for pay networks. Broadcasters pay a licence fee to the FCC.
- **Advert regulation (1):** apart from children's programming, advertising minutes are unregulated; advertising revenues are unregulated entirely. (Both broadcast and pay TV). Children's programming limits minutes and prohibits "host selling".

# Other Policy, Continued

- Advertis Regulation (2): no localism issues for the US; pay TV and broadcasters free to go after the same advertisers (who often run adverts on both). National advertisers on broadcast and national pay TV nets; local or regional advertisers in carriers' local market avails.
- Local Content: no quota in US.
- Sports Rights: not regulated to preserve consumer access; in fact, some top sports already appear partially or exclusively on pay TV (pro and collegiate gridiron football, golf, pro and collegiate basketball, pro baseball, etc).
- Intellectual Property/Programming: a copyright licence is required to gain access to programming, whether for broadcast or pay TV distribution. Licences are defined geographically, and anyone who wants to carry must show ability to control distribution by territory. Comcast/NBCU merger Order explicitly contemplates that OTT distributors must licence NBCU programming in order to distribute it, just as any carrier would.
- Intellectual Property/Networks: likewise, carriers must have a licence from the programmer in order to carry programming networks, both for broadcast and for pay TV.

## 附件三：圓桌論壇會議文件 2－馬來西亞管制文件

| 馬來西亞--簡報資料  | 摘譯  |
|---|---|
|   | <p>1998 年傳播多媒體法案：促進內容保護</p>   |
|  | <ul style="list-style-type: none"> <li>一、責任範圍</li> <li>二、CMA 要求目標</li> <li>三、產業資訊</li> <li>四、根基於 CMA1998 年的規範</li> <li>五、數位環境</li> <li>六、保護著作權</li> </ul> |



## SCOPE OF RESPONSIBILITY

- A statutory body
  - Established by the Malaysian Communications and Multimedia Commission Act 1998 (MCMCA)
  - Effective from 1 November 1998
- To regulate according to the:
  - Communications and Multimedia Act 1998 (CMA)
  - Postal Services Act 1991 (PSA)
  - Digital Signature Act 1997 (DSA)
- Covers telecoms, broadcasters and ISPs; postal and courier services; and digital certification authorities

3

### 一、責任範圍

#### (一) 法定機構

1. 依據馬來西亞 1998 年傳播多媒體法案建置
2. 1998.11.1 生效

#### (二) 管制依據

1. 1998 傳播多媒體法案
2. 1991 郵政服務法案
3. 1997 數位簽章法案

#### (三) 涵蓋：電訊傳播、廣播、網路服務供應商、數位認證機構等。

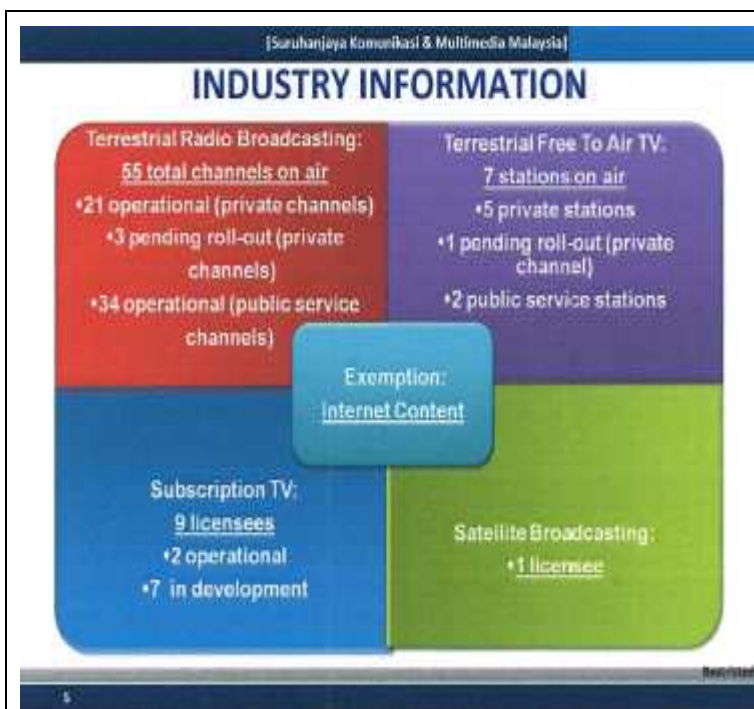
## MANDATED OBJECTIVES UNDER CMA

1. Creating a global hub
2. Building a civil society
3. Nurturing local content and culture
4. Ensuring long-term benefits for end-users
5. Nurturing user confidence
6. Promoting access and equity
7. Creating a robust applications environment
8. Facilitating efficient allocation of resources
9. Developing industry capabilities
10. Promoting secure and safe networking

4

### CMA 要求目標

1. 創造全球性的樞紐
2. 建立公民社會
3. 培育在地內容與文化
4. 確保終端使用者長期利益
5. 培養使用者的信賴
6. 促進可近性及公平性
7. 創造健全的應用環境
8. 促進資源的有效配置
9. 發展產業能力
10. 促進安全及網路安全



### 產業資訊

|  |  |
|--|--|
| 地面無線廣播<br><u>55 個頻道</u><br>* 21 商業頻道<br>* 3 即將推出的頻道<br>* 34 公共服務頻道 | 無線電視<br>7 個現有播送頻道<br>* 5 家商業電臺<br>* 1 家即將推出的頻道<br>* 2 公共服務電臺 |
|--|--|

排除：  
網路內容

收費電視  
9 張執照  
\* 2 家營運中  
\* 7 家籌備中

衛星廣播：1 張執照



### 數位環境

#### 一、新媒體平臺 / 頻道

1. 廣播/電視或影像/聲音網路
2. 手機(電視、廣播、網路)
3. 互動電視

← 個性化

#### 二、新應用技術與科技

1. 使用者製作內容 (UGC)
2. 社會網絡

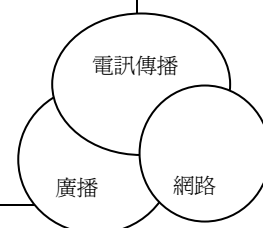
← 使用者控制

#### 三、內容服務

1. 多頻道
2. UGC

← 多平臺

科技匯流與應用所帶來的「新媒體」挑戰傳統內容監理制度



## PROVISIONS UNDER CMA 1998

## Sec 211

- Prohibition of offensive content which is defined as "content which is indecent, obscene, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass any person".

## Sec 232

- Fraudulent use of network facilities, network services, etc.

## Sec 236

- Fraud and related activity in connection with access devices, etc

根基於 CMA1998 年的規範

## Sec 211

禁止提供不雅內容，如色情、虛假等，或文字中意圖煩擾、虐待、恐嚇或騷擾任何人。

## Sec 232

以欺騙方式使用網絡設施及網絡服務等。

## Sec 236

通路設備方面的造假和相關事項

## PROVISIONS UNDER CMA 1998

## Sec 239

- Unlawful use, possession or supply of non-standard equipment or device

## Sec 263 (1)

- General duty of licensee to use his best endeavour to prevent his network facilities from being used for the commission of an offence under the laws of Malaysia

## Sec 263 (2)

- General duty of licensees to assist in preventing the commission or attempted commission of an offence under the laws of Malaysia.

## Sec 239

非法使用、持有或供應相關非標準化設備或裝置。

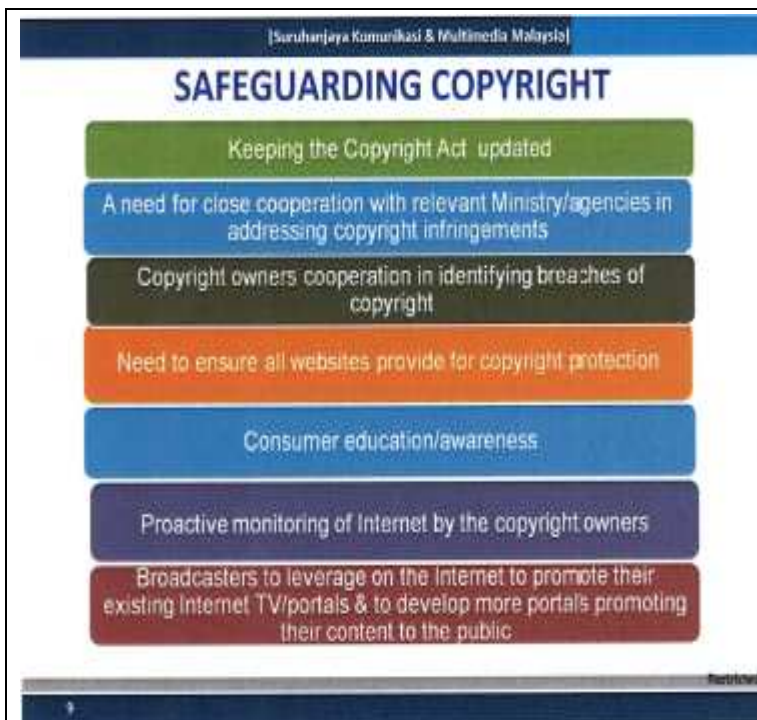
## Sec 263(1)

執照所有者需是盡最大的努力，去防止他公司提供的服務違法。

## Sec 263(2)

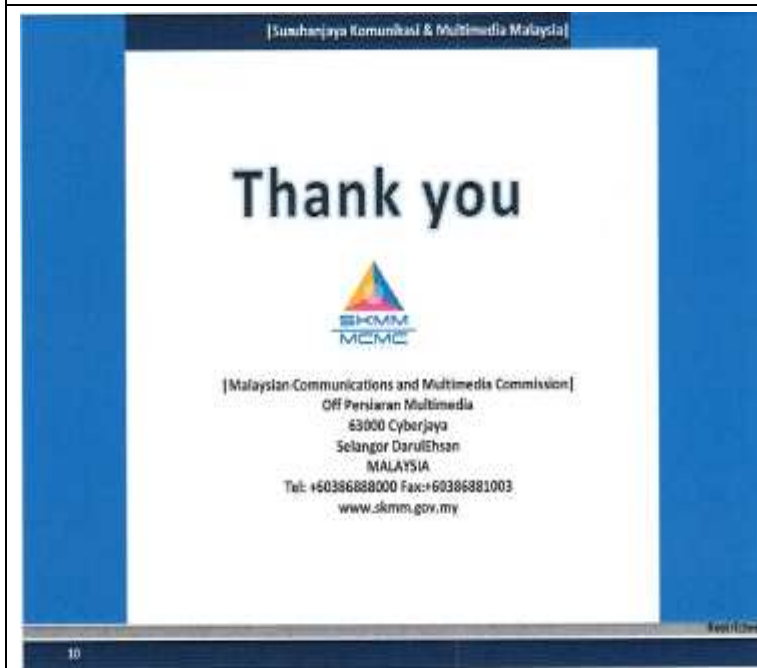
執照所有者應協助委員會或其他機構防止違法情事。





## 保護著作權

- 一、持續更新著作權法
- 二、透過相關部會及機構處理侵權問題
- 三、與著作權人合作
- 四、確保所有網站有提供著作權保護
- 五、消費者教育及覺知
- 六、著作人主動監控網路
- 七、廣播業者利用網際網路，以促進它們現有的網路電視/入口網站，以發展更多得入口網站，進而向公眾促銷內容。



## 簡報結束

| 條次         | 規範目的  | 條文   |
|------------|---|--|
| Sec<br>211 | Prohibition on provision of offensive content.                    | <p>(1) No content applications service provider, or other person using a content applications service, shall provide content which is indecent, obscene, false, menacing, or offensive in character with intent to annoy, abuse, threaten or harass any person.</p> <p>(2) A person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding one year or to both and shall also be liable to a further fine of one thousand ringgit for every day or part of a day during which the offence is continued after conviction.</p>   |
| Sec<br>232 | Fraudulent use of network facilities, network services, etc.      | <p>(1) A person who —</p> <p>(a) dishonestly transmits or allows to be transmitted any communication or obtains a service provided by a licensed network facilities provider, network service provider, applications service provider or content applications service provider; or</p> <p>(b) dishonestly receives a content applications service from a place within Malaysia not intended for general reception, with intent to avoid payment of any rate or fee applicable to the provision of that facility or service commits an offence.</p> <p>(2) A person who possesses, obtains or creates a system designed to fraudulently use or obtain any network facilities, network service, applications service or content applications service commits an offence.</p> <p>(3) A person who commits an offence under subsection (1) or (2) shall, on conviction, be liable to a fine not exceeding three hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.</p> |
| Sec<br>236 | Fraud and related activity in connection with access devices, etc | <p>(1) A person who knowingly or with intention to defraud —</p> <p>(a) produces, assembles, uses, imports, sells, supplies or lets for hire any counterfeit access devices;</p> <p>(b) possesses any counterfeit access device or unauthorised access device;</p>   |

|  |  |   |
|--|--|---|
|  |  | <p>(c) produces, assembles, uses, imports, sells, supplies or lets for hire, or has control or custody of, or possesses any device-making equipment; or</p> <p>(d) produces, assembles, uses, imports, sells, supplies or lets for hire, or has control or custody of, or possesses —</p> <p>(i) any equipment, device or apparatus that has been modified or altered to obtain unauthorised use of any network service, applications service or content applications service; or</p> <p>(ii) hardware or software used for altering or modifying any equipment, device or apparatus to obtain unauthorised access to any network service, applications services or content applications service, commits an offence.</p> <p>(2) A person who without the authorisation of the issuer of an access device, solicits a person for the purpose of —</p> <p>(a) offering an access device; or</p> <p>(b) selling information regarding, or an application to obtain, an access device, commits an offence.</p> <p>(3) A person who commits an offence under subsection (1) or (2) shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.</p> <p>(4) For the purposes of this section —</p> <p>"counterfeit access device" means any access device that is counterfeit, fictitious, altered, or forged, or an identifiable component of an access device or a counterfeit access device;</p> <p>"device-making equipment" means any equipment, mechanism, or impression designed or primarily used for making an access device or a counterfeit access device;</p> <p>"unauthorised access device" means any access device that is lost, stolen, expired, revoked, cancelled, or obtained with intent to defraud.</p> |
|--|--|---|

|               |  |   |
|---------------|--|---|
| Sec<br>239    | Section 239. Unlawful use, possession or supply of non-standard equipment or device. | <p>(1) A person who —</p> <p>(a) uses any non-standard equipment or device;</p> <p>(b) has in his possession any non-standard equipment or device that he knows or has reason to believe is a non-standard equipment or device for the purpose of installing, working, operating or using the equipment or device; or</p> <p>(c) offers for supply, supplies or has in his possession with a view to supply any such non-standard equipment or device, commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.</p> <p>(2) For the purposes of paragraph (1)(b), a person is deemed to have a non-standard equipment or device in his possession for the purpose of installing, working, operating or using it if it is in his possession, otherwise than for the purpose of supply to another person, and can be operated by doing any of the following:</p> <p>(a) connecting the equipment or device to an electric power supply by means of an electric plug or other electric connection;</p> <p>(b) switching on the equipment or device;</p> <p>(c) connecting a microphone to the equipment or device by inserting a microphone plug into the equipment or device;</p> <p>(d) switching on any other thing relevant to the operation of the equipment or device;</p> <p>(e) adjusting settings by manipulating the external switches, dials or other controls of the equipment or device; or</p> <p>(f) connecting the equipment or device to an antenna.</p> <p>(3) In any proceedings under this Act, any document purporting to be a certificate given by an authorised officer certifying that any particular equipment or device is a non-standard equipment or device shall be admissible as a <i>prima facie</i> evidence of the facts stated in it until the contrary is proved.</p> |
| Sec<br>263(1) | General duty of licensees  | <p>(1) A licensee shall use his best endeavour to prevent the network facilities that he owns or provides or the</p>  |

|            |                           |  |
|------------|---------------------------|--|
|            |                           | network service, applications service or content applications service that he provides from being used in, or in relation to, the commission of any offence under any law of Malaysia.   |
| Sec 263(2) | General duty of licensees | (2) A licensee shall, upon written request by the Commission or any other authority, assist the Commission or other authority as far as reasonably necessary in preventing the commission or attempted commission of an offence under any written law of Malaysia or otherwise in enforcing the laws of Malaysia, including, but not limited to, the protection of the public revenue and preservation of national security. |



## Taiwan



### Frustration for Everyone

Taiwan's regulatory system for pay television remains one of the most complex and restrictive in the region<sup>1</sup>. Multiple levels of government are involved in licensing and rate regulation and there has been no convergence in respect of regulatory regimes for the various platforms. At the same time, digital take-up remains comparatively sluggish and the island's TV economy continues to be excessively dependent on volatile advertising revenues. As a result of the unfavorable regulatory environment there has been little development of the industry since our last report was published in 2008.

#### Effective regulatory bodies

The National Communications Commission (NCC) was established in 2006 as a converged regulator. However, it continues to administer separate regulatory regimes for each type of platform and it must also share jurisdiction, at least in respect of cable television licensing and rates, with local authorities. Although the NCC operates independently, the process of appointing commissioners is political, and the framework within which the regulator operates has a number of politically-determined constraints.

The NCC sees itself as the guardian of consumer interests. While this is one of several appropriate

concerns for regulators, NCC has too often paid scant regard to the regulator's responsibilities for the growth, development and longer-term health of the pay-TV industry. There also appears to be a mistrust of market mechanisms, and a consistent bias towards intervention, which substitutes the regulator's directives for market mechanisms or the judgment of market players.

Commissioners frequently have no business or media experience but do not engage in dialogue with the full range of market players to understand the potential (and actual) impact of policies on the pay-TV industry and its various stakeholders. The short-sightedness of this approach tends to be reflected in the results. By way of example, in 2007 the NCC chose to cope with laws restricting government ownership of "media outlets" by requiring the leading IPTV platform (operated by the incumbent telecom company in which the government owns a substantial legacy share) to become an "open platform", like a telecommunications common carrier, rather than as the aggregator and marketer of a content service. The operator was not able to deal directly with consumers in respect of their programming purchases, frustrating all parties (content providers, platform operator and consumers). It was only after three years marked by considerable consumer complaint that the NCC

<sup>1</sup> Information in this report was current as of 1 June 2011. Some aspects of the regulatory regime might be modified by pending legislative proposals.

relaxed to some degree its very particular requirements for this service.

The NCC's processes for granting and renewing licenses are controversial. The NCC has used the license application and renewal process to impose new requirements on operators, such as higher local content quotas and digital uptake targets, and has begun to misuse the channel licensing requirement in the same way.

Much-needed industry reform is particularly difficult due to the matters mentioned above, as well as Taiwan's cumbersome and highly partisan legislative process and the continued involvement in cable TV regulation of vested interests at the local level.

#### **Effective copyright and legal protection of content**

Copyright infringement could theoretically be both a civil and criminal offence; however, it is excessively burdensome for copyright owners to attempt to enforce their rights. The law offers little protection for pay-TV signals: penalties for signal theft are so minimal that they are ineffective, both as deterrent for potential defendants and as incentive for potential plaintiffs to enforce. A lack of government support for effective intellectual property enforcement in the pay-TV industry was reflected in its opposition to legislation proposed by the industry to increase penalties for (rampant) signal theft from analogue cable systems.

#### **Level playing field and convergence**

There is no level playing field, with different regulatory regimes applying to cable, satellite and IPTV operators respectively. There is as yet no clarity as to how mobile television might be regulated, nor whether the NCC will pursue a converged regulatory regime in the future.

In addition to direct regulatory constraints, the retail rate caps for cable systems and the cartelized wholesale content market continue to undermine the ability of any alternative distribution system to enter the market and obtain market share.

NCC has proposed replacing the current patchwork of 51 single-licensee cable TV districts with a system that might encourage cable operators to compete against one another in some areas. The effect of such a restructuring is difficult to foresee.

#### **Program distribution**

Downlinking permission is required for retransmission of foreign channels. Such permission is generally granted, though the NCC has rejected some applications on arbitrary grounds. Delays in approval for new channels have negatively affected availability of content for new platforms.

Advertising on premium cable channels cannot be re-transmitted. (There is no similar restriction on satellite or IPTV re-transmission.)

#### **Rate regulation**

Retail rates are unevenly regulated. Analogue cable rates are the subject of extensive - and politicised - regulation at both the central and local levels of government. Though lacking a legislative framework, the NCC has also forced IPTV rates under regulation, with the offer of a la carte rates being required. Digital cable rates and satellite rates are currently not regulated, although the NCC is considering regulation for digital tiers. Such unfounded expansions of its regulatory remit have unfortunately been a common feature of NCC decision-making.

Wholesale rates are not directly regulated, although there has been some government interference in wholesale content pricing in the past.

#### **Packaging of programming**

Cable operators are required to carry a prescribed basic package of approximately 100 channels. No tiering is allowed within this basic package. Beyond the basic package, operators must offer premium channels at a la carte rates, although some bundling is also permitted.

On the IPTV platform, each channel must be offered on an a la carte basis. In January 2011, the NCC announced that it would lighten the regulatory constraints on the IPTV operator to allow the operator to assemble and market bundles of content from several different program providers. Any packaging or bundling remains subject to NCC approval.

There is currently no regulatory requirement for satellite DTH packages.

#### **Advertising regulation**

Advertisements on satellite television channels or basic-tier cable television channels must not exceed one-sixth of a program's transmission time. The

regime for advertising on premium cable television channels remains unclear, though such ads are technically not permitted.

Programming on both cable and satellite television is required to be clearly distinguishable from advertising. These rules were recently tightened without warning. Despite the unclear scope of the rules, in late 2010 the NCC penalized several channels for breaches of the new "embedded advertising" prohibition, not only by imposing fines but also by declining to renew one channel's operating license following multiple breaches.

#### Content regulation

Cable operators must provide at least 20% local programming in their offering. In practice, this requirement is not burdensome. However, there is currently a legislative proposal to increase the quota for television dramas to 40%, and it is not clear how such a quota would operate or how burdensome it would be. Under current law there is no equivalent quota obligation for satellite or IPTV operators.

The industry is required to follow general requirements on content control. However, the NCC is becoming more involved in defining and enforcing content standards. In addition to the embedded advertising issue mentioned above, the NCC recently rejected the Next Media Group's application for a broadcasting license for news programming due to

Next Media's use of realistic (and frequently graphic) animation to illustrate news stories.

#### Program supply requirements

Other than the generally-applicable competition laws, there are no laws restricting exclusivity nor any "must provide" obligations.

Cable operators must carry the free-to-air channels without modification and include these channels in their basic tier. The NCC is considering amending the "must carry" requirement to take into account the availability of new free-to-air digital channels, allowing terrestrial operators the right to consent to retransmission of new channels. There is no equivalent requirement imposed on DTH or IPTV operators.

#### Media investment policy

As a matter of practice, deals involving cable and satellite broadcasting businesses are structured in order to nominally comply with legislative requirements, using various devices to achieve the investor's goals. For a period until recently, all three major cable MSOs were controlled by foreign interests, although this is now changing with the ownership of two passing into local hands.

In theory, foreign direct investment in a domestic cable television operator is limited to 20% of the operator's total issued shares and there is a 60% cap on total direct and indirect foreign investments.

Foreign direct investment in a domestic satellite broadcaster must be less than 50% of total issued shares, but this cap does not apply to "offshore" satellite broadcasters which have a branch office or local distributor in Taiwan.

There are also qualitative ownership restrictions. A foreign investment in cable television cannot have an adverse effect on "national security, public order or social morals". In addition, neither the Taiwanese government nor politicians/political parties are permitted to invest in cable or satellite broadcasting businesses. (The latter provision has no "de minimis" threshold, which has been a substantial obstacle to some non-governmental transactions.)

There are no ownership restrictions on the wholesale provision of pay television programming.

Although not strictly prohibited, cross-media ownership is discouraged.

Evaluation of Regulatory Effectiveness

|   | Max | Taiwan |
|---|-----|--------|
| Effective Regulatory Body                         | 10  | 2      |
| Effective Copyright & Protection of Content       | 10  | 4      |
| Level Playing Field for Competition & Convergence | 5   | 3      |
| Program Distribution                              | 5   | 3      |
| Rate Regulation                                   | 5   | 1      |
| Packaging of Programming                          | 5   | 1      |
| Advertising Regulation                            | 5   | 2      |
| Content Regulation                                | 5   | 4      |
| Program Supply Requirements                       | 5   | 5      |
| Media Investment Policy                           | 5   | 4      |
|   | 60  | 29     |

## Pay-TV Investment & Sector Values

| Base Indicators (Y/E Dec. 2010)  |                    | 2010           |
|--|--------------------|----------------|
| Population   | (mil.)             | 23.3           |
| National GDP   | (US\$ bil.)        | 424.5          |
| GDP Per Capita   | (US\$)             | 20,092.3       |
| TVHH   | (mil.)             | 7.1            |
| Pay-TV Subs  | (mil.)             | 6.7            |
| Pay-TV Penetration of TV Homes (includes customers that subscribe to multiple platforms) | (%)                | 89.8%          |
| ARPU/mo.   | (US\$)             | 15.0           |
| Annualized ARPU  | (US\$)             | 180.0          |
| ARPU/GDP Capita Ratio (%)  | (%)                | 0.9%           |
| Pay-TV Subscription Revenue  | (US\$ mil.)        | 1,192.9        |
| Pay-TV Advertising Revenue   | (US\$ mil.)        | 461.8          |
| Total Pay-TV Industry Revenue  | (US\$ mil.)        | 1,654.7        |
| Total Industry Revenue/HH  | (US\$)             | 245.5          |
| Pay-TV Revenue/GDP   | (%)                | 0.4%           |
| Average Annual Investment Levels over a 3-year period to Y/E Dec. 2010                   |                    |                |
| <b>Infrastructure &amp; Technology (IT)</b>  |                    |                |
| Total Average Annual IT Investment   | (US\$ mil.)        | 49.8           |
| Per Avg Pay TVHH (08-10)   | (US\$)             | 7.6            |
| <b>Programming &amp; Marketing</b>   |                    |                |
| Total Average Programming Investment   | (US\$ mil.)        | 398.2          |
| Per Avg Pay TVHH (08-10)   | (US\$)             | 60.7           |
| <b>Total Average Investment</b>  | <b>(US\$ mil.)</b> | <b>448.0</b>   |
| Per Avg Pay TVHH (08-10)   | (US\$)             | 68.3           |
| <b>% of GDP</b>  | <b>(%)</b>         | <b>0.1%</b>    |
| Average Annual Turnover Levels over 3-year period to Y/E Dec. 2010                       |                    |                |
| Video Subscription   | (US\$ mil.)        | 1,159.8        |
| Pay-TV Advertising   | (US\$ mil.)        | 435.1          |
| <b>Total Average Turnover</b>  | <b>(US\$ mil.)</b> | <b>1,594.9</b> |
| <b>Per Avg Pay TVHH (08-10)</b>  | <b>(US\$)</b>      | <b>243.1</b>   |
| <b>% of GDP</b>  | <b>(%)</b>         | <b>0.4%</b>    |

## 附件五：本會針對附件四之更正說明函

**From:** 何吉森(傳內)  
**Sent:** Wednesday, September 28, 2011 6:06 PM  
**To:** 'adela@casbaa.com'  
**Cc:** 'john@casbaa.com'  
**Subject:** Regulating for Growth 2011



National Communications Commission  
No.50, Sec. 1, Ren-ai Rd., Zhongzheng District, Taipei 10052, Taiwan (R.O.C.)  
www.ncc.gov.tw

Mr. Simon Twiston Davies  
CEO of CASBAA

802 Wilson House  
19-27 Wyndham Street  
Central, Hong Kong

28 September, 2011

Dear Mr. Davies,

The National Communications Commission acknowledges the efforts of CASBAA, especially those that provide the invaluable analysis of the Asian Pacific regulatory environment presented in the *Regulating for Growth 2011-A Regulatory Regime Index for Asia Pacific Multichannel Television* magazine.

Nevertheless, the NCC takes issue with some of the information presented in the article on Taiwan. We found, on numerous occasions, the text to be inaccurate, misleading, or in need of updating. In that light, I would like to highlight certain text in the report and offer some clarifications. Please find the information below. Overtly, we wish such text to be modified (or corrected) before final publication.

Incidentally, as I recall at our meeting in early September, we had much discussion on CATV market, licensing, digital switchover and content regulation. It helped broaden our knowledge of international development. We remain steadfastly committed to facilitating the progress in this new era and look forward to positive and constant interaction with CASBAA in the future.

Please do not hesitate to contact me if you have any questions regarding your text that we questioned.

Best regards,

Jason Ho  
Director  
Dept. of Broadcasting Content  
National Communications Commission

### Discrepancy

1. First, the "Frustration for Everyone" title and opening paragraph seem arbitrary. The terms "*sluggish*" and "*little development of the industry since... 2008*" are misleading.
  - Taiwan is fully committed to ushering in significant progress in regulatory development. Notably this paragraph fails to mention the Digital Convergence Policy Initiative that was implemented last year and runs through to 2014 in two stages. Currently, we are sparing no efforts in the promotion of the terrestrial television switchover in July 2012.
2. Turning to the second paragraph: the clauses "*the process of appointing commissioners is political, and the framework within which the regulator operates has a number of politically determined constraints*"



- Fact: In 2008, the National Communications Commission Organization Act was amended for the Commissioners nomination. According to the article fourth, *"The NCC Commissioners shall possess professional knowledge or practical experience in telecommunications, information, broadcasting, law or finance. The number of Commissioners from the same political party shall not be more than one-half (1/2) of the total number of Commissioners."*
  - Meanwhile, according to article seventh, *"the independent authority of the NCC as prescribed by law ensures NCC commissioners shall be above party politics and exercise their authority independently. During their tenure they shall scrupulously observe the principle of avoiding conflicts of interest, and may not participate in political party activities or hold a position within or act as consultant to a Government agency or Government-owned enterprise; furthermore, they may not hold any full-time or part-time position in a communications enterprise or group."*
  - In fact, all seven commissioners stand in total independence, forbidden from any political ties whatsoever.
3. Third paragraph: The NCC sees itself as the *"guardian of consumer interests"*; meanwhile, the term *"mistrust of market mechanisms, and a consistent bias toward intervention, which substitutes the regulator's directives for market mechanisms"* is subjective and misleading.
    - NCC strives to develop communications with both the public and industry interests. We fully respect market mechanisms and have implemented various measures to do so.
    - We hold dialogue with industry on numerous occasions and before amending the regulation or determining policy on tariffs we hold a public hearing.
  4. Fourth paragraph: *"Commissioners frequently have no business or media experience **but**(and) do not engage in dialogue....with stakeholders"*
    - Commissioners draw on their professional expertise in telecommunications, information, broadcasting, law, or finance.
    - Commissioners pay close attention to industry voice and attend numerous international conferences / activities to do so and exchange views on regulation. We always welcome all opinions or suggestions.
  5. The first paragraph on page 71: *"the process for granting and renewing licenses are controversial"* and the term *"misuse"*
    - Like many countries, NCC operates in accordance with the law. When renewing licenses, we set policy goals and review the operators' performance to help us determine whether a license should be renewed, rather than enforcing new requirements.
    - In Taiwan, CATV operation is franchised and utilizes certain public resources, such as public right-of-ways, ducts and poles. Operators should follow legal requirements to be issued with a license; as such they have to abide by the act above.
  6. Turning to the area of copyright infringement:
    - Please note that since this is both a civil and criminal offence it is not technically under the jurisdiction of the NCC. Nonetheless, NCC requires the operators to emphasize on the intellectual property issue and expect to reduce the signal theft after the digitization of CATV.
  7. With regards to section on content regulation:
    - NCC respects the editorial independence and freedom of expression, and actively promotes the self regulation mechanism in the industry.
    - NCC set up the "Consulting Meeting for Programs and Advertisement on Radio and TV" to review the content in the broadcasting. The meeting is composed by 19 counselors from the universities, representatives of public organizations and industry.
  8. Turning to product placements (page 72):
    - Similar to many countries, the distinction between programs and advertising is strongly required.
    - As there is no exactly article with product placement in current broadcasting acts, NCC has amended the Satellite Broadcasting Act to have adequate regulation. According to the draft, product placements are allowed on certain conditions, however, news and children's program are strictly prohibited to have any product placement for their nature.
  9. The Next Media Issue (page 72):

- Update: For your information, the news channel of Next Media Group was approved in July along with their voluntary commitments to establish a cross-media ethics committee within six months of launching broadcast and not use animation to portray stories involving sex, violence or nudity; discreet using of animation based on the factual details to represent the truth; no voice-overs for characters and limited percentage of animation in the content, etc.
  - We believe NCC's steadfast commitment resulted in ensuring Next Media accept more social responsibility.
10. The concluding paragraphs: *"Although not strictly prohibited, cross-media ownership is discouraged."*
- To ensure diversity of media and speech, NCC is meticulous to review applications for cross-media ownership.
  - As the corporations seek to expand, in both size and scope, NCC is concerned that over-merging may cause monopolies. Therefore, we take appropriate measures to prevent corporations from making centralization of opinions and to safeguard welfare