

## INTERNATIONAL SATELLITE TELEVISION

### A REPORT ON THE THIRD BIENNIAL COMMUNICATIONS LAW SYMPOSIUM SPONSORED BY THE UCLA SCHOOL OF LAW AND THE INTERNATIONAL BAR ASSOCIATION — By Martin Cooper \*

Even the aftermath of an extraordinary combination of tornados, earth and major flooding and storms could not entirely dampen the splendors of the Marina City Club at Marina del Rey, Los Angeles, which was the venue for the conference held on March 4th and 5th, 1983.

The conference attracted over 200 delegates including lawyers, administrators, satellite engineers and academics from Europe, United Kingdom, United States, Canada and Australia who heard papers delivered by a cross section of individuals representing similar interests.

A summary of the papers delivered follows (copies of the very expansive resources material given to all delegates, can be obtained from Charles M. Firestone, Director, Communications Law Program, UCLA, Los Angeles, California.):

#### PAPER 1 — THE STATE OF THE INDUSTRY — A PRIMER ON INTERNATIONAL SATELLITE TECHNOLOGY

Dr Joe Pelton, executive assistant to the Director General of Intelsat and with degrees in physics, international relations and political science, is one of those enthusiastic technocrats who is able both to be entertaining about his subject and to crystal ball gaze fascinatingly.

In summary his paper amounted to stating that the technology is there, all that is now required is for man's capacity to use it to catch up.

Pelton outlined the basic technology involved in satellite communications and talked of the new generation of satellites currently being prepared for launch which will carry about 30,000 telephone circuits, or 200 television channels, or transmit 3 billion bites of information per minute (i.e. the equivalent of about 20 sets of the Encyclopedia Britannica per minute).

#### PAPER 2 — THE SATELLITE TELEVISION MARKETPLACE

Three speakers addressed this subject: Mr Clay Whitehead, President of the Hughes Communication Services Inc. (the company manufacturing the proposed Australian communications satellite), Mr David Webster, Director — United States for the British Broadcasting Corporation and Dr Devendra Verma, Manager of Systems Interfaces for Intelsat — VI Spacecraft Program.

Mr Whitehead expressed the view that satellite television outside the United States will not parallel the development in the U.S. and what he

described as the "agonising" jump from over-the-air to cable television will not occur. He also expressed the view that direct broadcasting satellites will not be the future but only a part of it.

Mr Webster, adopting the view that BBC television is the best in the world, expressed considerable doubts about the value of satellite technology to broadcasting since it would permit greater diversity without necessarily greater choice. "Any country without a strong indigenous production industry will be swamped without legal and business barriers against international satellite technology" he proclaimed and expressed very real concern for the protection of artistic property rights. In essence, the BBC view appears to be that satellite technology is merely a new means of delivery and nothing more.

Dr Verma directed his attention to the special problems of the third world in relation to satellite technology. He pointed out the very grave problems that have befallen India because its first satellite launch failed and because of the special problem created by the multitude of languages and cultures contained within the Indian sub-continent.

However, third world countries see satellite technology as enabling them to make a quantum jump in communications technology without having to establish a massive terrestrial distribution network as a preliminary. His view is that the primary objective should be to create very cheap receiving stations since, from a global point of view, it is the cost of these stations in total which far exceed the cost of the satellites themselves.

#### KEYNOTE ADDRESS

By means of a satellite receiving dish of approximately 3 metres in diameter placed on a hotel forecourt immediately adjoining the room in which the symposium was being conducted, an address and then question-and-answer session involving Mr Mark Fowler (Chairman of the Federal Communication Commission) and two key advisers, speaking from Washington DC, was arranged.

Ranging over an array of topics, Fowler, firstly, expressed the view that to date we have not got international television since only a limited number of major events (such as the British Royal Wedding) and some news events have approached international programming. There is a question as to whether international programming can ever be a viable proposition.

Mr Fowler persistently reiterated the current administration's view that broadcasting should be deregulated and asked whether broadcasting policy should be a device to meet the needs of individual users or be subject to overriding national or political goals. In this respect, he particularly expressed the view that there should be no controls upon programming content as a matter of philosophy as well as in view of the First Amendment to the United States Constitution (the free speech provision of the U.S. Bill of Rights).

Looking to the future, he saw a greater use of satellite to satellite links which would reduce the need for ground stations and interchanges whilst emphasising the competition between satellites and fibre-optics. He sees the latter as having attraction to those governments which are seeking to have greater control over cross border transmissions.

On the subject of piracy of satellite transmissions, Mr Fowler saw self-protection by the transmitter of such signals as the only practical approach. He also spoke at some length on the problems of who is the broadcaster when a satellite transmission is occurring and at what point the act of broadcasting ceases and reception occurs. The FCC has ruled that domestic reception dishes are not a part of direct broadcasting satellite transmission. The question of where the transmission ends and the reception begins is a vital policy issue which constantly exercises the FCC regulator's minds. There is no clear cut or final demarcation point.

Mr Fowler expressed the interesting view that applicants for direct broadcasting satellite licences ought to be telling the FCC how they ought to be regulated rather than waiting for the FCC to tell them how they will be regulated.

(This report will conclude next issue).

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