

Mobile TV - The Hype and the Reality

Nick Abrahams and Glenda Stubbs look at legal and commercial issues raised by Mobile TV in Australia and internationally.

Introduction

Will Mobile TV be the "killer content application in 2006" as predicted by one of IDC Australia's analysts?¹ As the range of mobile content continues to expand and technology standards are now capable of delivering quality audio and video, the prediction has some merit especially given there are over two billion mobile phone users around the world.

This article will briefly examine the development of Mobile TV as well as identifying issues likely to be faced by regulators and content suppliers.

Background

The first Mobile TV service was launched in Korea in May 2005. That service now has 44,000 subscribers². Earlier this year Japan launched its first Mobile TV service. Mobile handsets available in Japan now not only provide access to the internet, the handsets also work as electronic program guides and TV remote controls.

Elsewhere in the world countries are running Mobile TV trials. In France the mobile telecommunications operator SFR undertook a 6 month trial testing of DVB-H mobile TV technology. The trial involved 500 users watching 14 TV channels on Nokia's 7710 DVB-H handsets. The content available during that trial was mostly live sports and news content.

Other countries trialling Mobile TV include United States, Britain, Sweden, Finland and Australia.

The following trials have already taken place in Australia:

- in July 2005 Bridge Networks and Telstra began a 12 month trial. The trial

content includes Foxtel channels, Nine Network Service, ABC2, SBS, CNNi and Sky Channel racing;

- during the Commonwealth Games Microsoft, Telstra and Broadcast Australia set up PDAs with access to 7 different programmes of Channel Nine's coverage of the Games; and;
- in Sydney earlier this year Broadcast Australia allowed about 1000 viewers to watch 15 TV channels on Nokia mobiles.

User feed back of those trials noted:

- transmission delays when receiving TV content via a mobile phone where the same content is being simultaneously delivered to television sets. This occurred during the Commonwealth Games Trial; and
- the enjoyment of being able to view live news and sports items at a time when users would otherwise be unable to view them.

How is Mobile TV technically possible?

Mobile phones can be fitted with a chip to pick up digital TV signals using a digital mobile TV standard. The trials in Australia are using the DVB-H standard. DVB-H is one of four competing digital mobile TV standards around the world. The DVB-H standard was formalised in August 2004 and allows simultaneous transmission of television, radio, audio and internet content to mobile devices including PCs. DVB-H technology differs from current 3G-type services in that the content is broadcast like free to air television rather than being streamed as a download through the mobile phone

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The Communications and Media Law Association is looking for a new co-editor for the Communications Law Bulletin for 2007. Please send expressions of interest and professional resumes to Page Henty at email; phenty@austar.com.au before 15 November 2006. We look forward to hearing from anyone who is interested.

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network. There is no limit to the number of devices that can receive such a transmission.

Revenue Models

It is not yet clear how revenue models are likely to operate with regards to Mobile TV. For example who will own the advertising rights and to what extent will forecasted usage play a part? By comparing the trials in Europe with the Mobile TV service operating in Korea, Mobile TV usage varies region by region. For instance UK usage tended to spike at lunchtime, whereas French usage peaked in early morning and in early evening. In Korea usage spiked during the morning peak hour. Certainly there is evidence to show mobile content is a revenue earner. Earlier this year the Vice President of NTT DoCoMo reported mobile content revenue being in the vicinity of \$7.22 billion³.

As a sign that mobile content is seen as an important dollar earner, television media rights have recently been offered in separate packages to split TV and radio broadcasting rights from rights relating to content that can be supplied via the internet or available on mobile telephony. For instance, Infront Media (exclusive marketing agency for the distribution of FIFA's broadcast rights) marketed the internet and mobile tv rights to the 2006 FIFA World Cup separately from the television and broadcast rights. In 2002 Infront allowed the first trial transmissions to mobile phones of the 2002 FIFA World Cup to one territory, Japan. Whereas for

the 2006 FIFA World Cup Infront negotiated media licenses with over 40 mobile operators and mobile content providers throughout the world, including Hutchison Telecommunications Group

Regulatory Issues

So far there is little guidance from Japan and Korea as to what regulatory issues are raised by Mobile TV. In Japan programming for Mobile TV is no different from ordinary TV shows available on television sets. There will be no special programming to cater to mobile devices until 2008.

In March 2006 the Australian Communications and Media Authority released a discussion paper⁴ calling for comment on the possible use of two 7 MHz television channels that remain unassigned after planning for digital television. The discussion paper raised the possibility of using that spare spectrum for Mobile TV services.

Over 30 submissions were received from a wide range of parties including broadcasters, telecommunications companies and content providers. Some of the regulatory issues flagged in the paper and submissions in regards to the use of the spectrum for Mobile TV services included the need to ensure that:

- mobile TV to be subject to the same end to end planning processes as other services operated in the Broadcasting Services Bands;

- consumers enjoy a Mobile TV experience and service consistent with existing expectations of TV broadcasting;
- services in adjacent bands are protected from interference;
- Mobile TV content include minimum levels of Australian content;
- Mobile TV suppliers hold broadcasting licences;
- content standards apply to content supplied via Mobile TV;
- free-to-air broadcasting rights currently enjoyed by free-to-air broadcasters are protected; and
- retransmission rights are obtained.

On 13 July 2006 the Minister for Communications, Information Technology and the Arts announced a comprehensive media reform package. As part of that package Senator Coonan announced the intention to redesign the datacasting spectrum so as to open up two reserved digital channels for new digital services such as mobile television. The Senator expects to announce later this year as to how the package will be implemented including what conditions might be imposed on those new digital licences.

During the press conference a concern was raised that mobile phone companies might try to acquire exclusive deals on content. In response Senator Coonan referred to recent

speeches by the competition regulator who has said the ACCC are interested in ensuring that mobile phone companies do not wrap up exclusive deals on content.

As the authors noted in their Communications Law Bulletin article earlier this year examining the regulatory issues surrounding IPTV⁵, the demarcation between content accessible via traditional means and through new technology is diminishing. Consequently traditional models of content regulation are constantly being challenged. Mobile TV is certainly inevitable. As to whether Mobile TV content suppliers will be required to comply with the same regulatory obligations as the free-to-air broadcasters, will no doubt be a hot topic in the lead up to any spectrum auction.

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1. "Mobile Model Mania", Jennifer Dudley, The Courier Mail, 5 April 2006.
2. "Its an on-off start for TV on the move", Agence French Presse, 9 April 2006.
3. "Mobile TV is on the Move", Brian Buchanan, The Australian, 18 April 2006.
4. The discussion paper related to "Future use of unassigned television channels"
5. "Legal Issues Arising from IPTV", Communications Law Bulletin, December 2005.

MOBILE COUCH POTATO



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Do Not Call Register: Telemarketers Beware

Matthew McMillan analyses the Federal Government's new legislation on the establishment of a national Do Not Call Register and minimum contact standards for the telemarketing industry.

Introduction

On 30 June 2006, the *Do Not Call Register Act 2006* and *Do Not Call Register (Consequential Amendments) Act 2006* (the **Acts**) received Royal Assent. The Acts will see the establishment and maintenance of a national Do Not Call Register (**Register**) under which telemarketers will be prohibited from contacting telephone numbers listed on the Register, subject to certain exemptions.

The Acts follow the announcement by the Minister for Communications, Information Technology and the Arts, Senator the Hon Helen Coonan, on 4 April 2006, that

Australia would see the introduction of a do not call register as a means to address intrusive telemarketing practices. The announcement, in turn, follows a discussion paper released by the government in October 2005 considering an Australian model in light of already existing international models in the United Kingdom and United States¹.

The Government has pledged \$33.1 million over the next 4 years for the establishment and maintenance of the Register².

The legislation comes as a relief to consumers who are subject to an estimated 1 billion telemarketing calls a year – an average

of almost 3 per week for each Australian household³. The government is predicting at least 1 million registrations in the first week of the Register's operation and 4 million in its first year⁴.

Such predictions have caused angst amongst the 250,000-person strong telemarketing industry in Australia, with concerns raised that the reforms will stifle legitimate direct marketing business practices, result in regional call centres closing down (bringing about higher unemployment in areas where unemployment is already high) and leave telemarketing companies with little choice but to relocate to low-cost offshore locations such as India⁵.

This article reviews the new legislation and what it means for telemarketers, with emphasis on the key areas of contention within the industry.