

19 April 2011, Hong Kong

BY EMAIL

Ms. Eileen Ang
Head (Competition & Market Access)
Media Development Authority
2 Fusionopolis Way
#16-22 Symbiosis
Singapore 138633

email: ruth_wong@mda.gov.sg

Dear Ms. Ang,

Enclosed please find the submission of News Corporation in response to Media Development Authority's (MDA's) Third Consultation on "Implementation of the Cross-Carriage Measure in the Pay-TV Market" dated 23 March 2011.

Sincerely,



Joe Welch
Senior Vice President
Government Relations, Asia
News Corporation

Requested contact information:
News Corporation (Asia) Ltd
12th Floor, One Harbourfront
18 Tak Fung Street, Hunghom
Kowloon, Hong Kong
Telephone: (852) 6407 8784
Email: jwelch@newscorp.com



**Comments in Response to Implementation of the
Cross Carriage Measure in the Pay TV Market**

**Media Development Authority
Third Consultation
Issued on: 23 March 2011**

Statement of Interest

News Corporation¹, a global media and entertainment company with operations in a number of industry segments, is pleased to provide these comments to the Media Development Authority (MDA or “the Authority”).

In Singapore, News Corporation has a substantial presence in the pay television industry, with wholly and partially owned subsidiaries providing channels to the market under the **Fox, National Geographic Channel** and **STAR** brands. This includes more than 20 channels in all, with one or more channel from all of the various programming genres: educational, children, news, general entertainment, sports and music.

In addition, News Corporation is a 50:50 joint venture partner with Walt Disney in **ESPN STAR Sports**.

Of further relevance is that News Corporation is the parent company of **Twentieth Century Fox**, one of the six major Hollywood producers and distributors of films, home video and television programs.

News Corporation is a committed partner of each of the two major pay TV platform operators in Singapore and the millions of viewers that watch our content. We have provided comment to the MDA in its two earlier consultations (dated 12 March and 1 September 2010, respectively) and are pleased to again provide comment in this proceeding.

¹ For more information, please refer to <http://www.newscorp.com>

Submission

Introduction

Singapore to its great credit has employed balanced, market friendly policies while building itself into a regional and global hub for media content.

The cross-carriage intervention, unfortunately, remains a wrong turn in Singapore's policymaking in our view.

In accordance with the MDA's request, in these comments we will refrain from re-stating here our detailed concerns with the cross carriage policy. We have, however, reviewed the submissions of the MPA and CASBAA in this consultation and we affirm that we agree with the contents of those submissions. We hope that the MDA will give them credence in its deliberations.

Specific comments

We support the comments of the MPA and CASBAA, as mentioned, and summarize our agreement with these associations on three fronts as follows.

1. *We continue to consider the cross carriage measure as incompatible with copyright law and contrary to Singapore's treaty obligations.*
2. *We are concerned the MDA's third consultation envisions an increased degree of intrusion in the commercial affairs of industry players.*

A signal that the MDA's approach may be overly interventionist is the relatively low threshold ("likely to restrict") at which MDA may "deem" content de facto exclusive. Such a de facto 'deeming' of exclusivity would then subject the content owner to either (a) cross supply against its will; or (b) to re-negotiate its agreement with its platform partner to remove itself from the MDA's finding of de facto exclusivity. Either way, this is an example (but one) of the kind of on-going and uncomfortably interventionist market participation by the MDA.

3. *We support the MDA's alternative solution, mandatory open access.*

The MDA's consultation paper makes reference to a system akin to those in use in several European countries and Australia. For the reasons explained in the CASBAA and MPA submission, we view this system as a preferable alternative to a mandatory cross carriage regime.

Conclusion

We continue to have significant concerns with cross carriage for the reasons mentioned here and explained in the more comprehensive submissions by the MPA and CASBAA. We appreciate this opportunity to provide comment and remain at the MDA's disposal to provide further input or information.