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**Motion Picture Association Submission in response to  
Singapore Media Development Authority Consultant on the  
Policy and Regulatory Framework for Mobile Broadcasting Services in Singapore  
January 11, 2008**

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The Motion Picture Association (MPA) is a trade association representing six international producers and distributors of theatrical motion pictures, home video entertainment, and television programming. MPA Member Companies include:

Buena Vista International, Inc.

Paramount Pictures Corporation

Sony Pictures Releasing International

Twentieth Century Fox International Corporation

Universal International Films, Inc.

Warner Bros. Pictures International, a division of Warner Bros. Pictures Inc.

The MPA works on behalf of its Member Companies to eliminate unfair and restrictive trade practices and non-tariff barriers in the international marketplace. The MPA also directs active anti-piracy programs to protect its Member Companies' copyrighted content through the enforcement of copyright and other laws in 70 territories throughout the world. The MPA writing on behalf of its member companies appreciates the opportunity to respond to the Media Development Authority ("MDA") Public Consultation on the Policy and Regulation Framework for Mobile Broadcasting Services in Singapore issued on November 21, 2007.

### **Introduction**

New technologies are changing the way television is created, distributed, and experienced internationally. In order to promote and protect this rapid progression to innovative digital

technologies, it is important to understand the importance of constructing a regulatory environment that fosters healthy competition while protecting copyright holders and benefiting consumers.

As a trade association representing “content providers” of filmed entertainment and television programming for different markets around the world, the MPA would like to provide the following comments for your consideration.

### **Technology issues**

On technology related issues, MPA would like to limit our comments to the following:

- 1) Content that is distributed over the networks must be protected against unauthorized use.
- 2) Operators should be able to encrypt content during transmission as part of the protection system.
- 3) To support operators that choose not to encrypt content during transmission, the MDA needs to require content protection systems that include the following components:
  - a. Published standard(s) for Free To Air (FTA) signaling to prohibit unauthorized redistribution of the associated content.
  - b. The option for operators to include such signaling in FTA content.
  - c. The requirement that receivers of such content must be able to recognize and respond to the FTA signaling in a manner that protects the content against unauthorized redistribution, which includes encryption of all digital interfaces and digital storage after the initial reception of such content.

Mobility is a key element in the digital future. Mobile distribution technologies provide a valuable platform that allows content to be accessed and enjoyed in new ways by consumers. However, these technologies could also present a threat of unauthorized redistribution of content. In order for mobile TV to be a viable and sustainable business, mobile content must be protected.

Any new distribution technology brings with it both benefits and threats to the content industry. MPA members’ losses from Internet piracy alone amount to approximately USD\$7.1 billion in 2005. While content is normally broadcasted 1-way, it can now be returned, or retransmitted (2-way) using any one of the newer communication protocols such as Wifi, 802.11g/b, Wimax, 802.16e, mobile network technologies such as EDGE, CDMA, or other. Specifically, mobile

platforms are inherently 2-way platforms with built-in outbound communication capabilities. This dual (2-way) capability could potentially allow users to retransmit Free-to-Air (FTA) broadcast content from mobile handsets, creating significant problems for the FTA business which is supported by advertisers.

Broadcast mobile TV may be either unencrypted FTA (aka “Clear To Air”), encrypted FTA or encrypted subscription (aka “Pay TV”). In all cases content protection must be adopted to ensure the viability of mobile TV into the future.

### **Securing the Content**

In the traditional Pay TV industry, content is protected with a Conditional Access (CA) system. The CA system regulates access to content and limits it to subscribers. Typically, a CA system incorporates encryption, and uses a smart card or chip that embeds security requirements and identifies the user. The service is also protected so that content cannot then be inappropriately copied to other devices. Finally, the CA system provides mechanisms to carry information about authorized usages of such content.

For mobile TV, a similar framework must be made available to operators and service providers that wish to encrypt their content. Standards for securing content have already been developed by the Digital Video Broadcast (DVB), FLO Forum and Open Mobile Alliance (OMA) organization, for example.

In some cases, FTA service providers do not wish to encrypt their content. It still, however, must be protected against unauthorized use, e.g., redistribution or retransmission. To support these service providers, the MDA needs to:

1. Adopt a Free To Air (FTA) signaling specification that allows for the prohibition of unauthorized redistribution of the associated FTA.
2. Allow service providers to include such signaling in their FTA content.
3. Require that receivers of such content be able to recognize and respond to the FTA signaling in a manner that protects the content against unauthorized redistribution, including encryption of all digital interfaces and digital storage after the initial reception of such content.

As such, we request that MDA allow for the use of encryption during transmission which allows service operators in turn to implement end-to-end protection. Additionally, we request that the

MDA develop regulations to protect unencrypted FTA transmissions as outlined herein, requiring device manufacturers to implement technologies to prevent unauthorized use of mobile content.

### **Licensing framework**

To promote a healthy and robust television industry, it is best to rely on industry-led and market-driven approaches. Although the MPA will refrain from offering specific comments on the types of licensing to be offered, we would like to emphasize that as the mobile broadcast industry is still in its nascent stage and players are still testing out different business models, a licensing framework that is transparent, market-friendly and pro-enterprise would best guarantee the success of the industry.

As the international television industry is addressing various technological challenges, existing regulations must constantly be re-evaluated to make sure they are relevant to the new realities of television today. While the MPA is not opposed to mobile TV services (MTVS) licenses being subject to the current Broadcasting Act it is important for MDA to ensure that the Broadcast Act and other related laws are updated and consistent with international laws and best practices including the requirement that copyright compliance be included as a key component in MTVS licensing condition.

### **Market Structure Issues**

MPA will refrain from offering specific comments on market structure issues but would like to express its full support for MDA's proposal not to apply a cap on the share of revenues earned from advertising by mobile TV subscription service providers. We believe such provisions should also be applied to other subscription based TV services.

### **Content and advertising regulation**

MPA supports the proposal to apply a consistent content regulation policy across all platforms under MDA's existing Programming Codes, although we still believe industry self-regulation remains a fundamentally better approach.

MPA also supports the proposal to apply the current advertising regulations to MTVS. However, given the early stage of development we hope that advertising limitations can be further relaxed

to allow MTVS operators and content providers to test out different business models to provide consumers the quality content they demand.

In addition, the MPA supports the proposal not to impose must-carry obligations on MTVS as content delivered to MTVS platform is considered “new media”, and hence falls outside the “traditional media” window. As such, licensing rights for “traditional media” and “new media” are different and should be separate.

### **Conclusion**

MPA appreciates the opportunity to provide the above comments for your consideration. Please do not hesitate to contact us if there are any questions of if we can provide further clarification.

Respectfully yours,



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