



NBTC OTT Competition Regulation

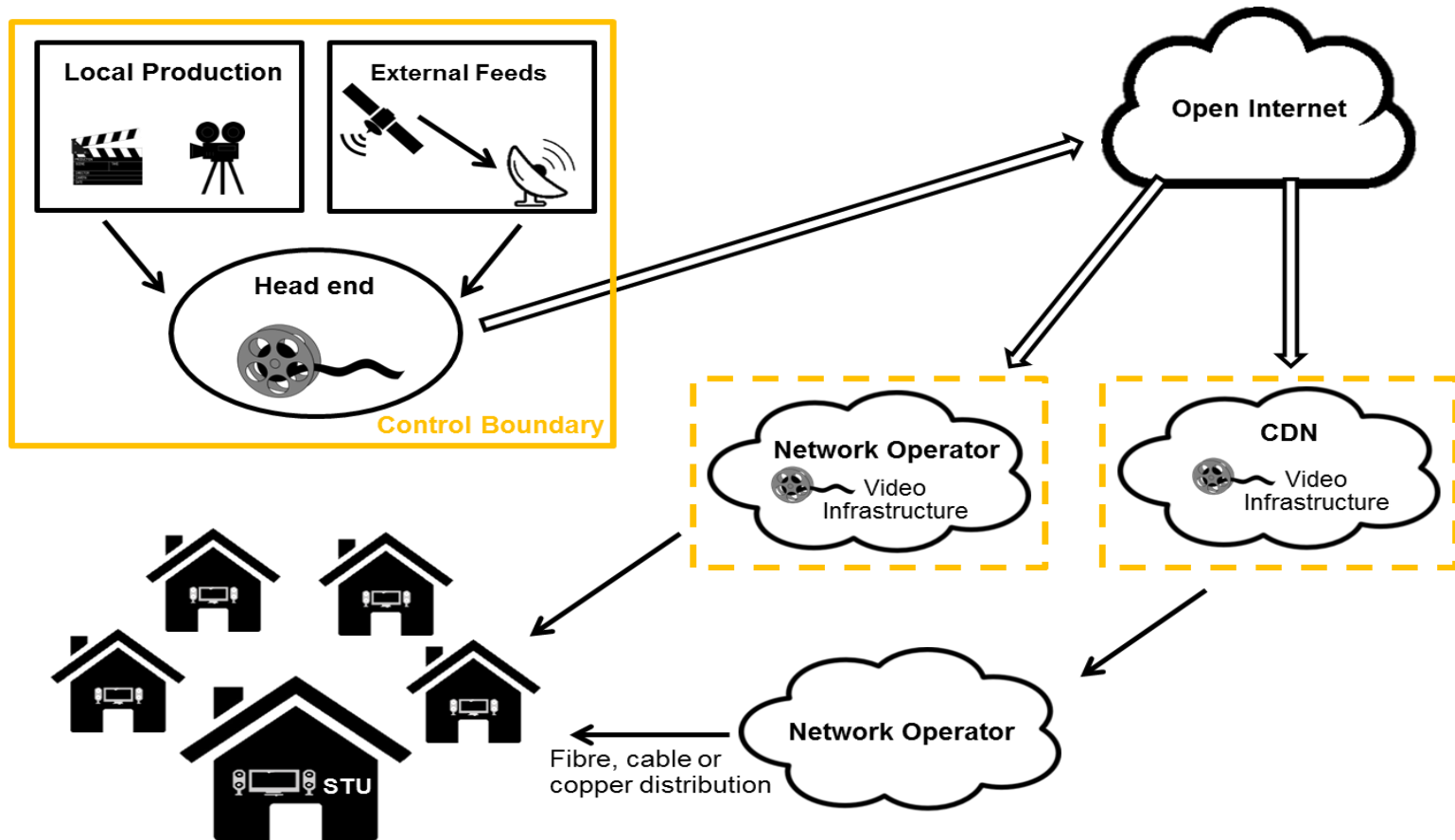
Public Conference, 11 January 2017

Content

- 1** Introduction of OTT TV
- 2** Global Trends of Consumer Behavior
- 3** Current Thai Market Situation
- 4** International Case Study
- 5** Policy Gap Analysis
- 6** Final Policy Recommendation

Unlike other broadcast network infrastructure, OTT TV provider has its control boundary only at the studio. Transmission links to homes are provided by 3rd party.

OTT TV Infrastructure



Source: Ovum

OTT TV Providers, serving mass, niched or UGC content, can be categorized into 6 groups according to their origins whether they are relevant to the existing players.

Categories of OTT TV Provider and Content

OTT TV Provider

Independent OTT TV Provider

Newly established OTT TV providers who are not related to any existing players



OTT TV from Pay TV Provider

Established by Pay TV providers to provide as an add-on feature to existing satellite, cable and IPTV customers.



OTT TV from Content Producer

Established by movie or TV producers. They have a valuable content to start with



OTT TV from Telco Providers

Established by Telco providers who are benefit from utilizing their own network and subscriber base.



OTT TV from Free TV Provider

Established by Free TV broadcasters to be an alternative distribution channel



OTT TV from Collaborated Providers

Established by a collaboration between similar or different types of existing providers



Content

1) Mass Content



- Content which is in the interest of the public or reflects the mainstream culture
- Available in the dominant language or foreign languages with subtitle

2) Niche Content



- Content produced to serve a specific group of people
- E.g. sports, cartoons and cooking shows

3) User Generated Content

- Content produced by a single or group of independent users in the video sharing platforms

OTT TV operators monetize in 3 main models advertising, freemium (e.g. in purchase, additional features) and subscription/transaction-based.

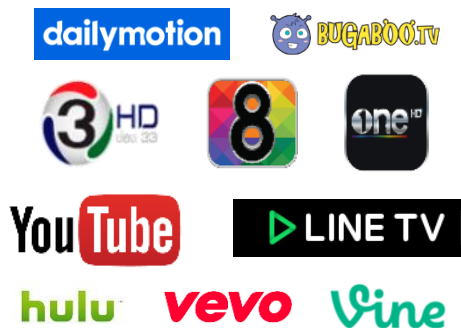
Categories of OTT TV Monetization Model

Free Platform

Advertising-driven (AVoD) and OTT TV as a Feature

AVoD offers free-view platform with pop-up ad banners and ad video played at the start and/or periodically throughout the video.

While pay TV uses OTT TV as a feature to retain its customers.



Freemium

A hybrid model offering a combination of free, advertising-driven content, transactional and/or subscription-based VoD.

Customers can choose to enjoy advertising-driven videos for free, or subscribe to watch ad-free videos.



Premium/Paid Platform

Subscription (SVoD) and Transactional (TVoD)

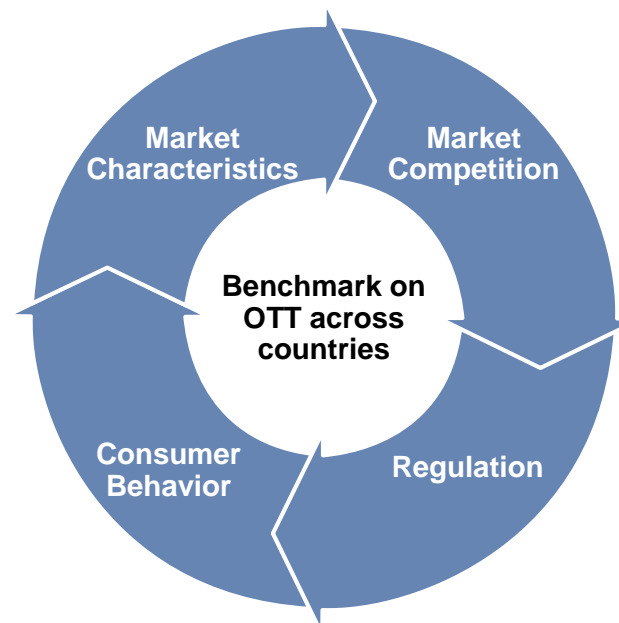
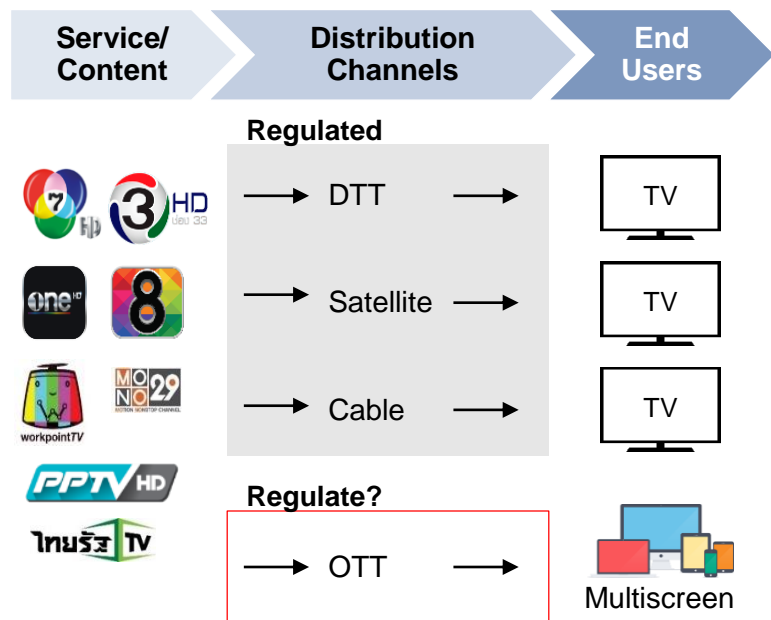
For SVoD, customers gain unlimited access to the digital content by making monthly/annually, recurring subscription to the operators.

For TVoD, customers pay each individual VoD program and watch in limited time (PPV) or anytime they want (DTO)



**The newly emerged OTT TV changes consumer behavior and industry environment.
NBTC must understand impact of it and conclude whether to intervene/ foster OTT TV.**

Project Background and Objectives



- OTT is a newly invented distribution channel which is able to deliver video contents to end-users on any device.
- It operates where broadcasting and telecommunication are converged
- All other distribution channels, i.e. DTT, satellite and cable, are regulated by ONBTC

OTT regulation/ foster policy in Thailand

There are 3 types of OTT TV receiving devices which include fixed and complimentary devices for consuming OTT TV at home and portable devices for on-the-go activities.

OTT TV Receiving Devices

OTT TV Receiving Devices

Fixed Devices



**Personal
Computer: PC**



Smart TV

Portable Devices



Smartphone



Tablet



Laptop

Complimentary Devices



Set-top-box



USB Dongle Stick



Blu-ray Player



Game Console



**Digital Video
Recorder**

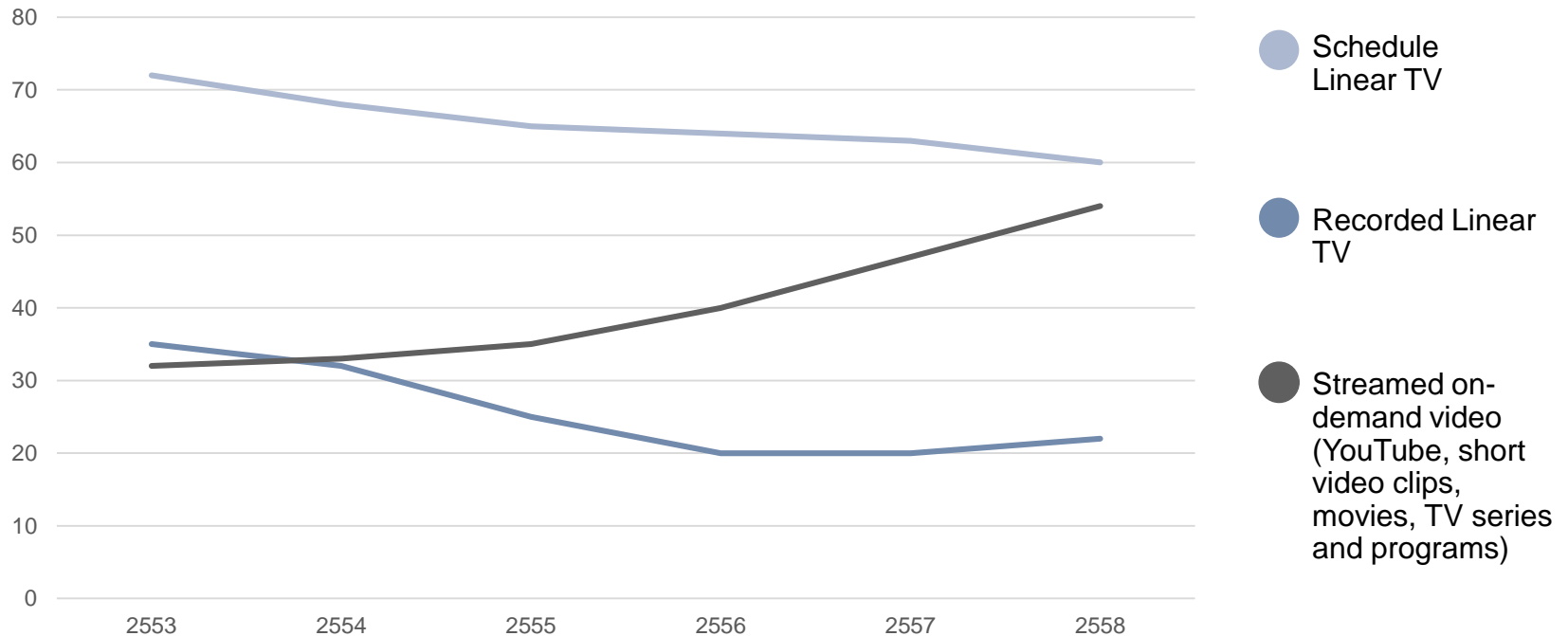
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Consumption of on-demand is dramatically increased since B.E. 2553. The recorded linear TV consumption drops till B.E. 2556 and remain its position since then.

Percentage of People Watching Different Media Types at least Once per Day

Percentage



Source: Ericsson ConsumerLab, TV and Media, B.E. 2558

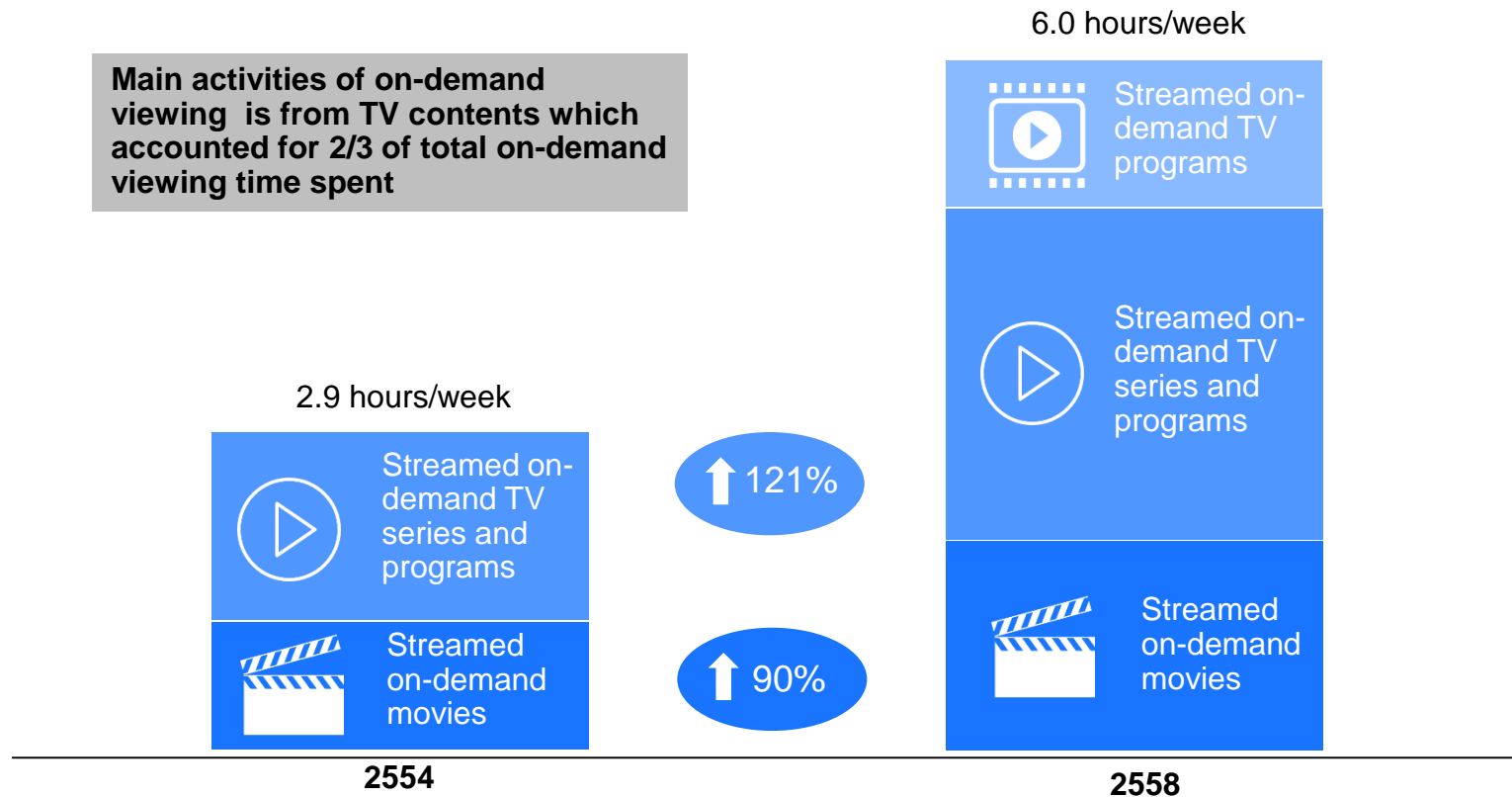
Base: At least weekly viewers of video/TV with broadband at home, aged 16–59. in Brazil*, China, Germany, Spain. South Korea*, Sweden, Taiwan, UK, US

*excluded in B.E.2553 figure

Over the past 5 years, global consumption of on-demand content significantly increased. Main driver is the contents from TV (Series & Programs).

The Increase in Watching On-demand TV Series and Movies

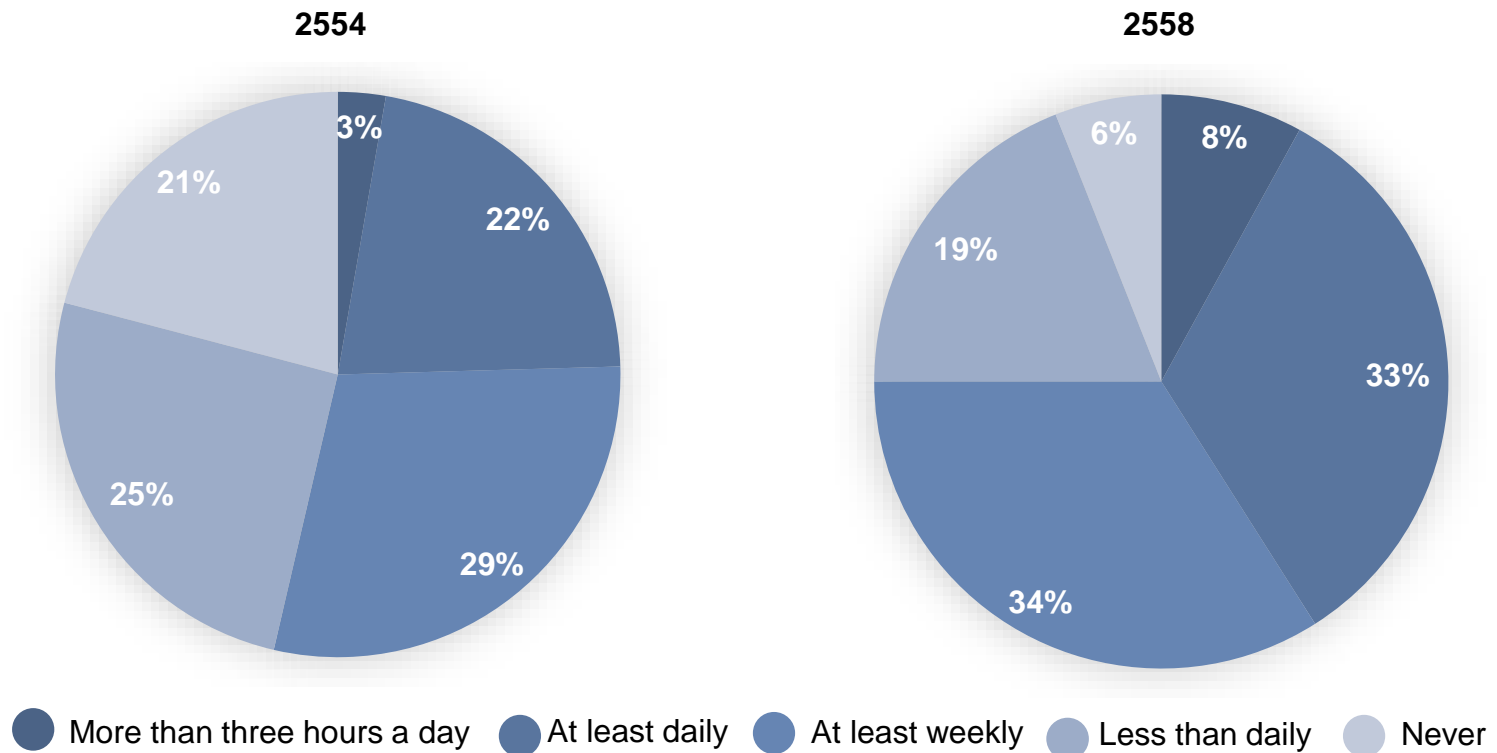
Main activities of on-demand viewing is from TV contents which accounted for 2/3 of total on-demand viewing time spent



Source: Ericsson ConsumerLab, TV and Media B.E. 2554 and B.E. 2558
Base: At least weekly viewers of video/TV with broadband at home, aged 16–59

YouTube is a UGC sharing platform. As you can see the content is becoming more important. There are only 6% of people who have never watch YouTube in B.E. 2558

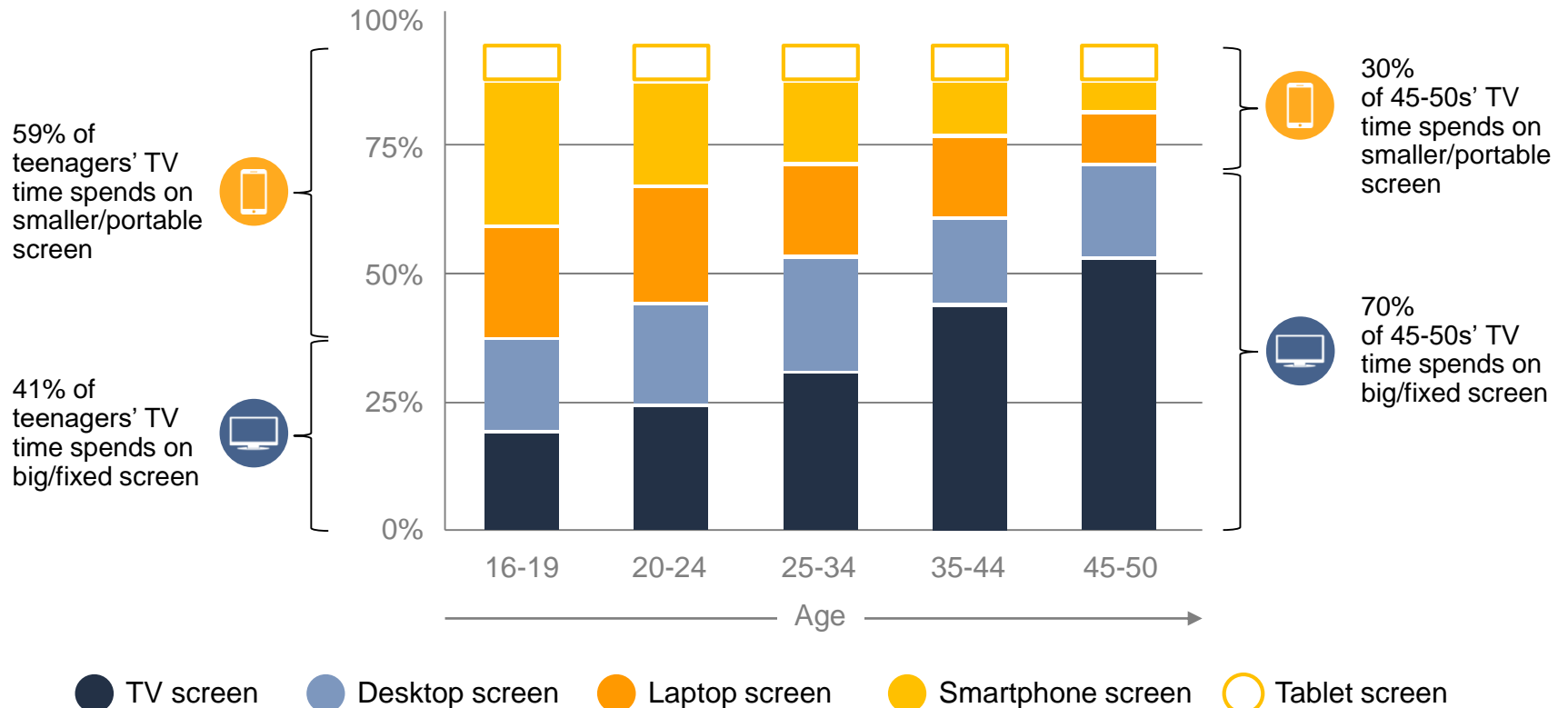
Percentage of consumers watching YouTube with different frequency



Source: Ericsson ConsumerLab, TV and Media B.E. 2554 and B.E. 2558 Base: At least weekly viewers of video/TV with broadband at home, aged 16–59. in 9 markets

Size of screen preferred is positively correlated with consumer's age. Teenagers spend most of their TV time on smaller screen, while 40-50s preferred TV screens.

Share of Total TV Time by Age Group

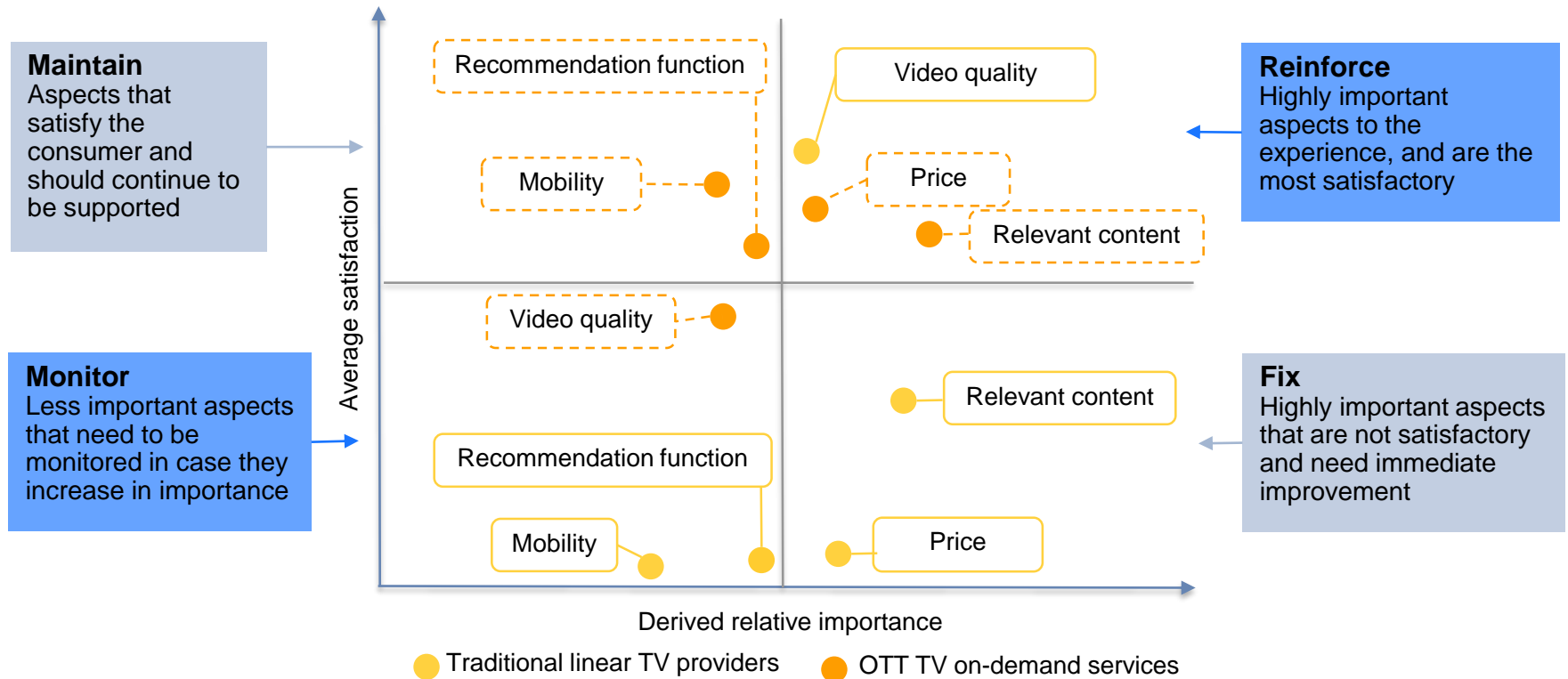


Source: Ericsson ConsumerLab, TV and Media, B.E. 2558

Base: At least weekly viewers of video/TV with broadband at home, aged 16–59, in 20 markets

OTT TV are scored very high in its price, content, mobility and recommendation function. While linear pay TV needs to improve everything except its video quality.

Consumer Evaluation of Content Providers



Source: Ericsson ConsumerLab, TV and Media, B.E. 2558

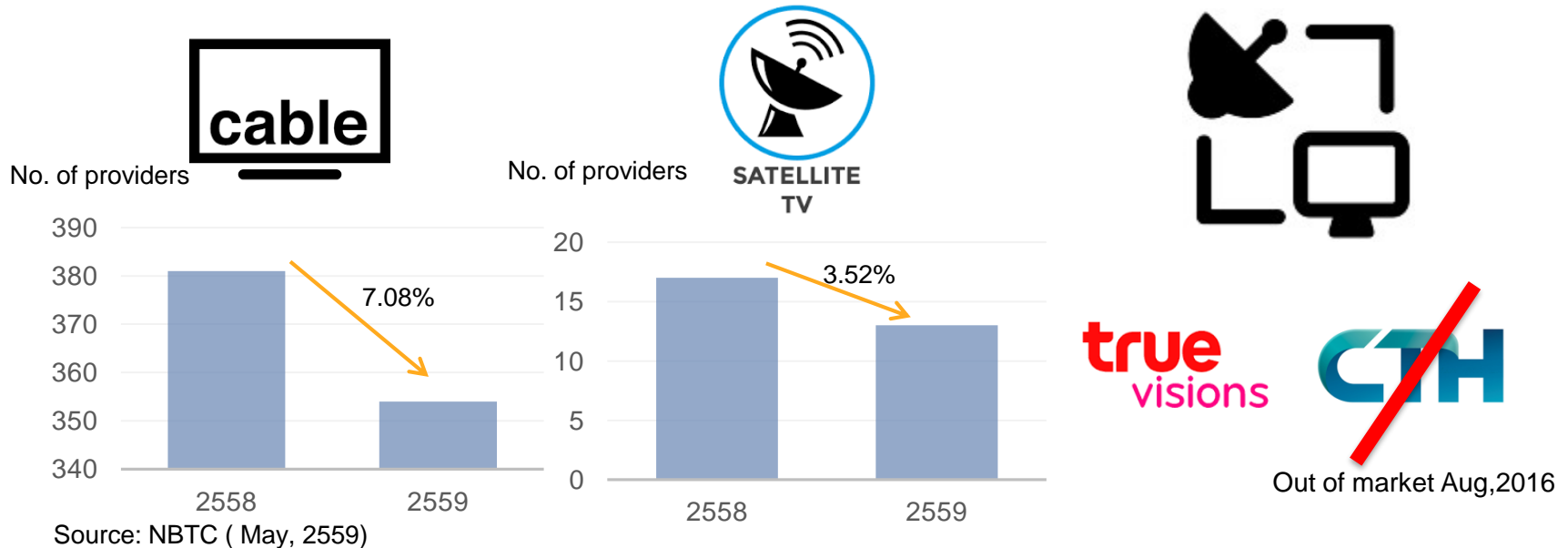
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Number of players in Pay TV market has been declined due to regulation, bottleneck infrastructure, high cost of acquiring contents and competition with other platforms

Current situation in Pay TV market



The exit from the market caused by many factors;

- Uncertainty of broadcasting regulation
 - o Must carry regulation: cable and satellite TV providers must pack all 36 terrestrial-based digital channels together.
 - o Rearrange the digital-TV channel numbers on cable and satellite in an attempt to set a single standard across all platforms.
- Bottleneck Infrastructure in particular in apartment and condominium.
- High cost of acquiring contents in order to secure right to broadcast and attract more customers i.e. sport and live events.
- Competition with among Pay TV providers and other platforms .

Three types of OTT TV players can be found in Thai market. Majority are the independent OTT TV provider. Some get revenue from SVoD, others get from AVoD.

OTT TV Players in Thailand

Independent OTT TV Provider:

Local OTT TV



Regional/Global OTT TV



OTT TV from Free TV Provider:

CH7

Web & application:



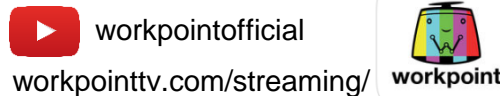
CH3

Application:



Workpoint

Application:



Mono

Web & application:



One



CH8

Application:



OTT TV from Telco Providers:



OTT TV from Pay TV Provider:



- No OTT TV provider from Content provider or collaborated providers

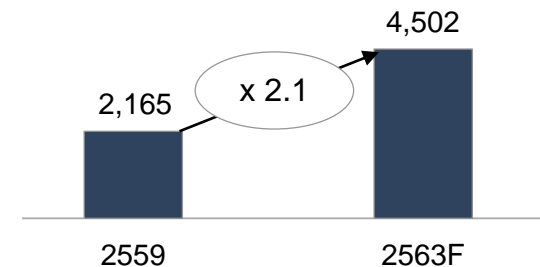
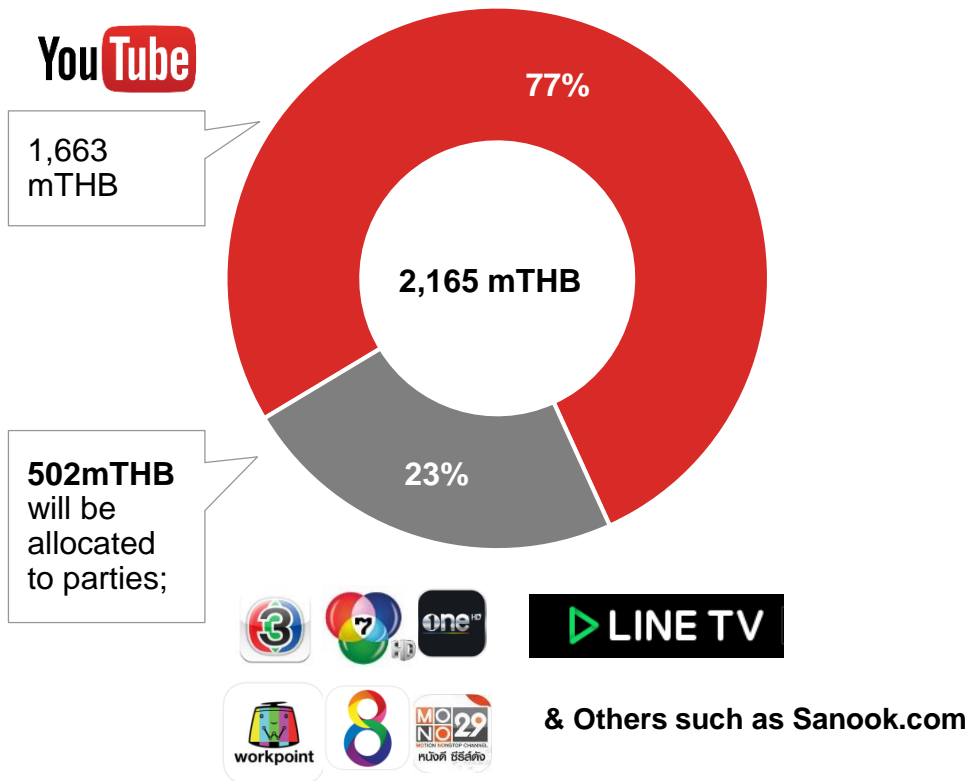
YouTube earns highest market share in AVoD OTT TV market. Digital video ad. continuing grows aided by cheaper devices and burgeoning telecom infrastructure.

AVoD OTT TV in Thailand

Digital Video Advertising Revenue 2559*

Digital Video Advertising

mTHB



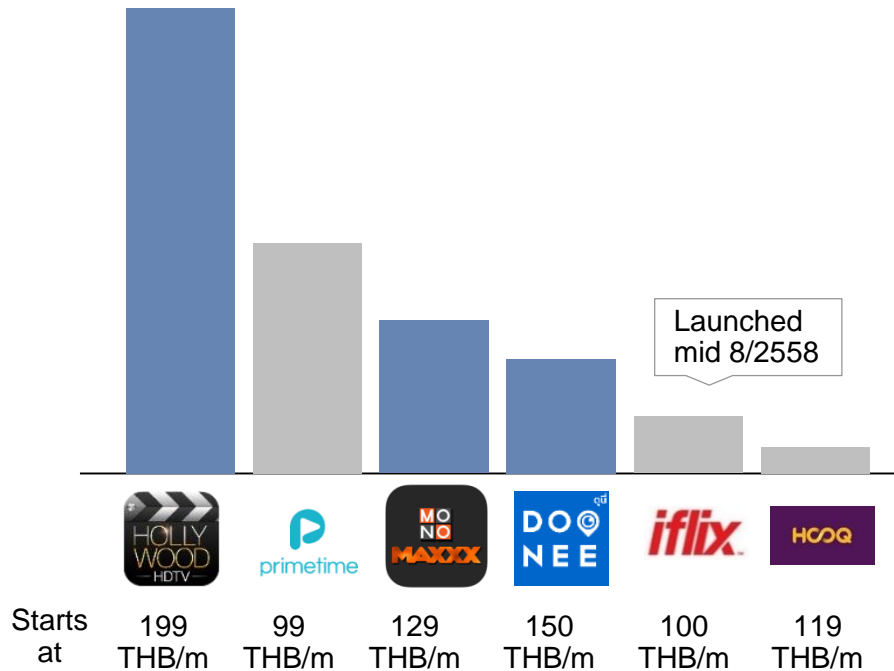
- Digital video advertising is expected to grow from 1,599 mTHB last year (2558) to 2,165 mTHB this year (an increase of 26%)
- Currently, video advertising dominates by the spending on YouTube
- The increasing number of platforms and the changing of consumer behavior toward on-the-go TV will be key driver of digital video advertising in the near future.

Source: TNS, DAAT, Thailand Digital Advertising, mid year 2559, TIME estimations

Hollywood HD is the very first SVoD provider in the market and has highest revenue among independent providers. Price offering ranges from 99 to 199 THB/month.

SVoD OTT TV in Thailand

2558 OTT TV Revenue in Thailand (THB)



Note: * Forecast number

Source: DBD 9/2559, Mono Technology, TIME database



Netflix:

- Started in Thailand in Jan 2559
- Netflix could become a dominant player in Thai SVoD market in the future because of its reputation and economy of scale.



AIS Play:

- As a feature for AIS Playbox customers
- Offer exclusive contents i.e. GMM Bravo, Kik-Doo Taa Ngao Seang
- Act as an application portal for HOOQ, Doonee, etc.

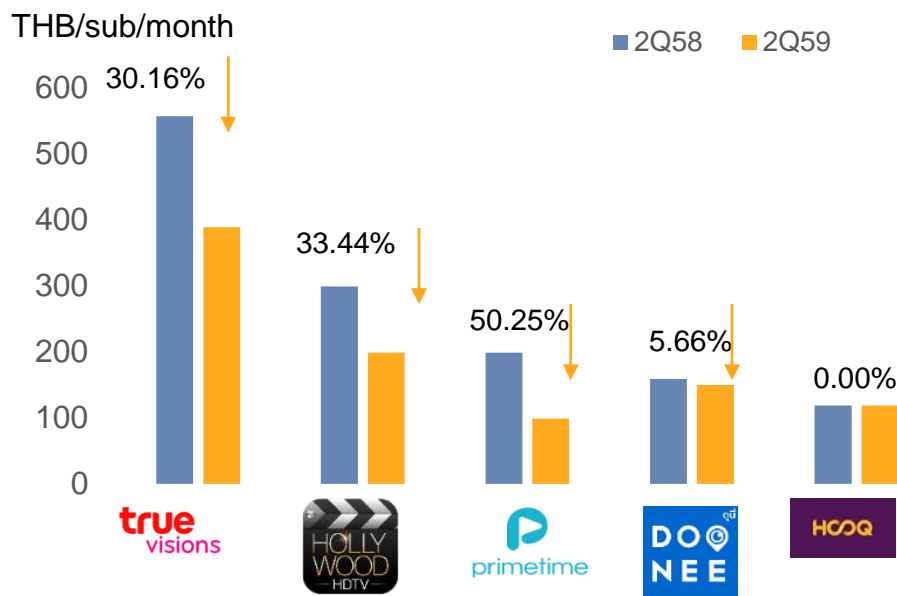


True Visions Anywhere:

- Launched as a feature for TrueVisions customer in 2556
- Currently added SVoD (starts at 100THB/m) and TVoD packages for customers who want to watch only via the application

A declining trend of SVoD pricing is presented YoY. Addition technologies like live broadcasting, DRM and compressor for improving service will be needed.

Price Trends and Technologies

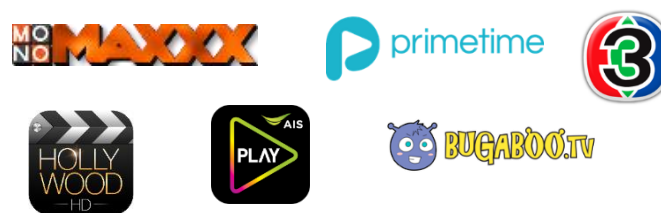


-The decreasing in price reflects the competition in the market, in particular for truevisions.

-truevisions has occupied the mass segment, but it lower the price in order to offset with more subscription base they gained.

-SVoD pricing of independent providers is lower than 200 THB/m

Self Developed Platform



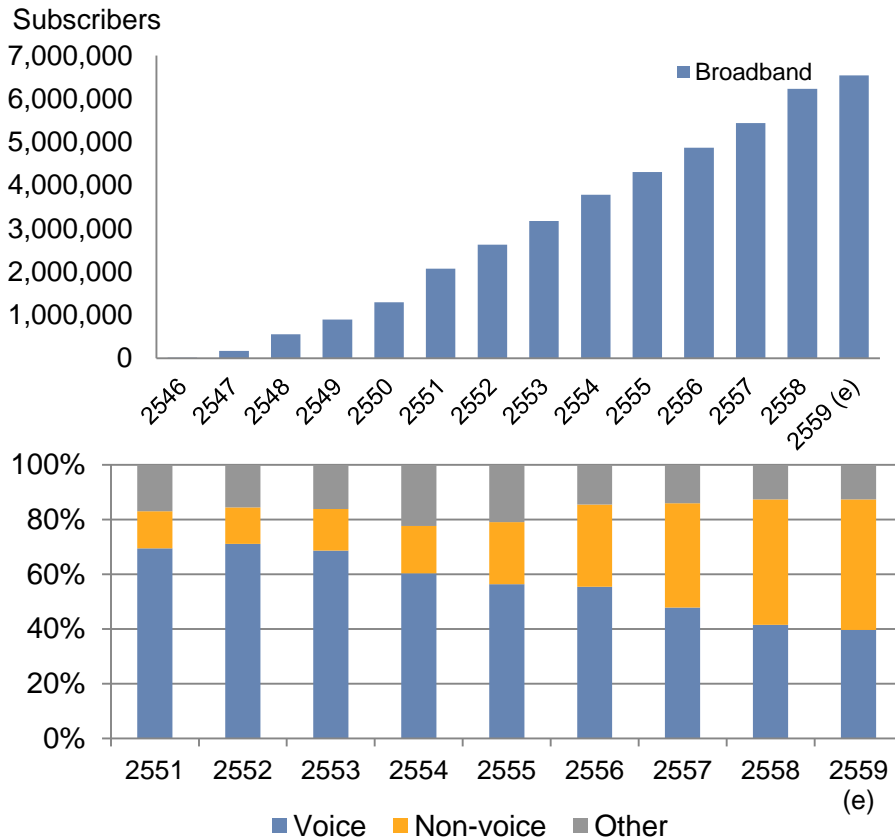
Short run technologies needed:

- Video compression- 4K, HEVC
- Digital right management (DRM encryption scheme for securely licensing distributing
- Multiscreen personalization
- Service or equipment to improve user experience (UX)
- Technology for live broadcasting i.e. virtual reality and 360° video

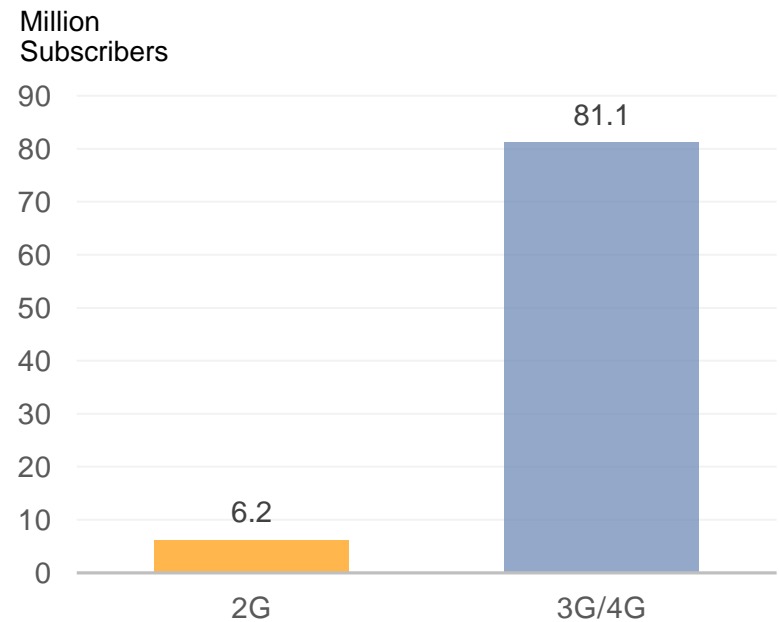
Source: TIME database, Digital TV Europe(2016)

Broadband is important infrastructure for stimulating OTT TV service. Mobile data consumption increased significantly . Migration of 2G subscribers is a major driver.

Growth in broadband adoption in Thailand



Source: NBTC database, 2558



Source: Annual report of Advance, True and TAC, 2558

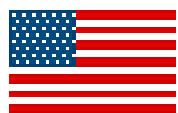
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We chose 6 countries to be benchmarks in areas of OTT TV business characteristics, impacts and regulations.

International Benchmarks

Regulate on OTT TV



No/less regulation on OTT TV



OTT TV Business Characteristics

- Linear and non-linear landscape and competition
- OTT TV business model and trends
- OTT TV monetization model
- Cooperation among OTT TV players, Telcos, pay TV operators and broadcasters

Impacts of OTT TV

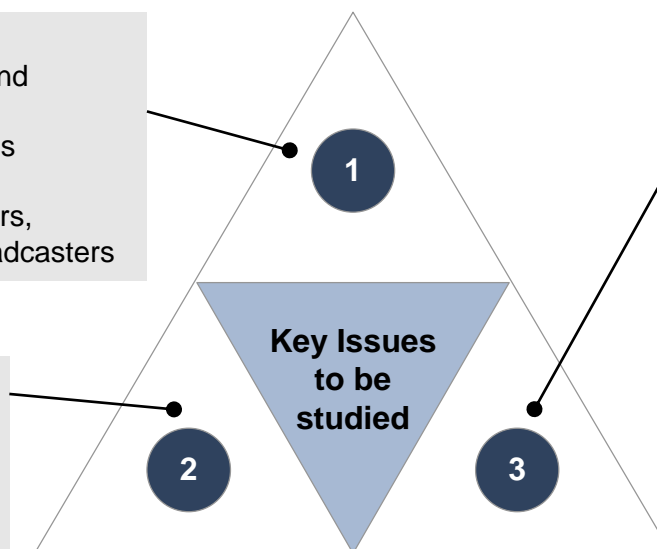
- Impacts of OTT TV in different aspects e.g. competition with other platforms, price levels and consumer

OTT TV Regulation

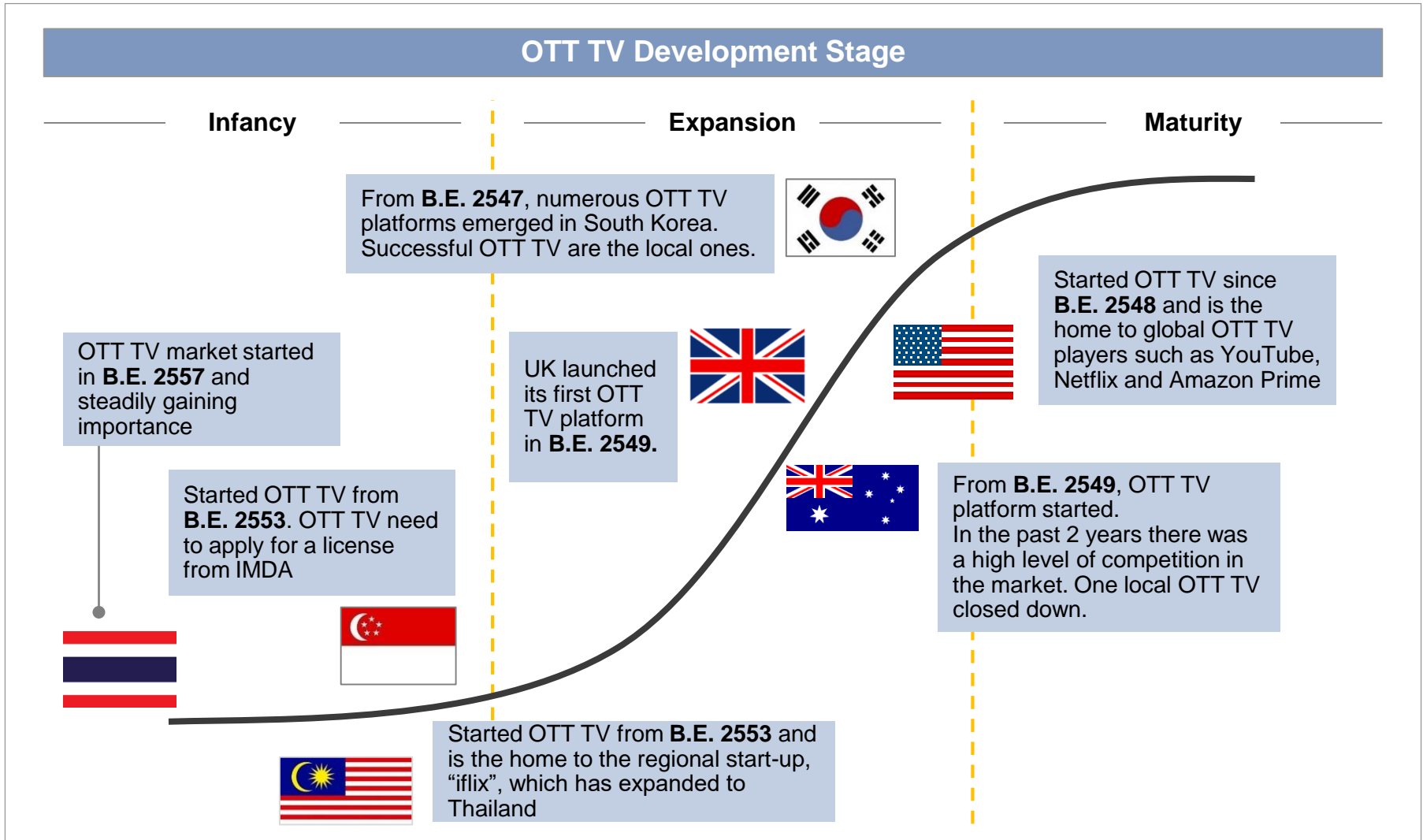
- OTT TV market definition and scope of regulation e.g. network regulation, licensing, online content regulation
- Other relevant policies e.g. government support on tech start ups

Consumer behavior

- Global trend of consumer behavior towards video content consumptions

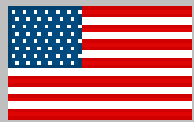


OTT TV market in Thailand is in an early stage where we can learn about the market competitions, regulations, and effects of OTT TV from more advanced markets.



Big players in US and UK are global independent OTT TVs, with a few TV incumbents' platforms. While in S. Korea all the major ones are the local incumbents' OTT TVs.

Dominant Players



The US



- Dominate by Independent OTT TV player like YouTube, Netflix and Amazon prime



The UK



*BBC iPlayer viewers must pay TV license fee

- US's players has most of the SVoD market share
- UK enjoys Free contents from Traditional TV players



South Korea



- All of the big players are backed by Traditional broadcasters and pay TV providers.

Advertising Based (AVoD)

Subscription Based (SVoD)

OTT TV As a Feature

Freemium

Free platforms, esp. YouTube, dominate Asia-Pacific OTT TV markets. The popular local OTT TVs in these countries owned by the traditional TV players.

Dominant Players



Australia



- Australian choose Netflix over local ones to stream movies and series
- Popular local OTT TV are from traditional TV players



Singapore



- YouTube is the go-to choice for catch-up TV rather than Toggle (Content Owner)
- Popular local OTT TV are from traditional TV players



Malaysia



- Free OTT TV platforms dominates Malaysian OTT TV market.
- Popular local OTT TV are from traditional TV players



Thailand



- Thai prefer free platform for online video contents
- Independent OTT TV players dominates SVoD OTT in Thailand



Advertising Based (AVoD)



Subscription Based (SVoD)

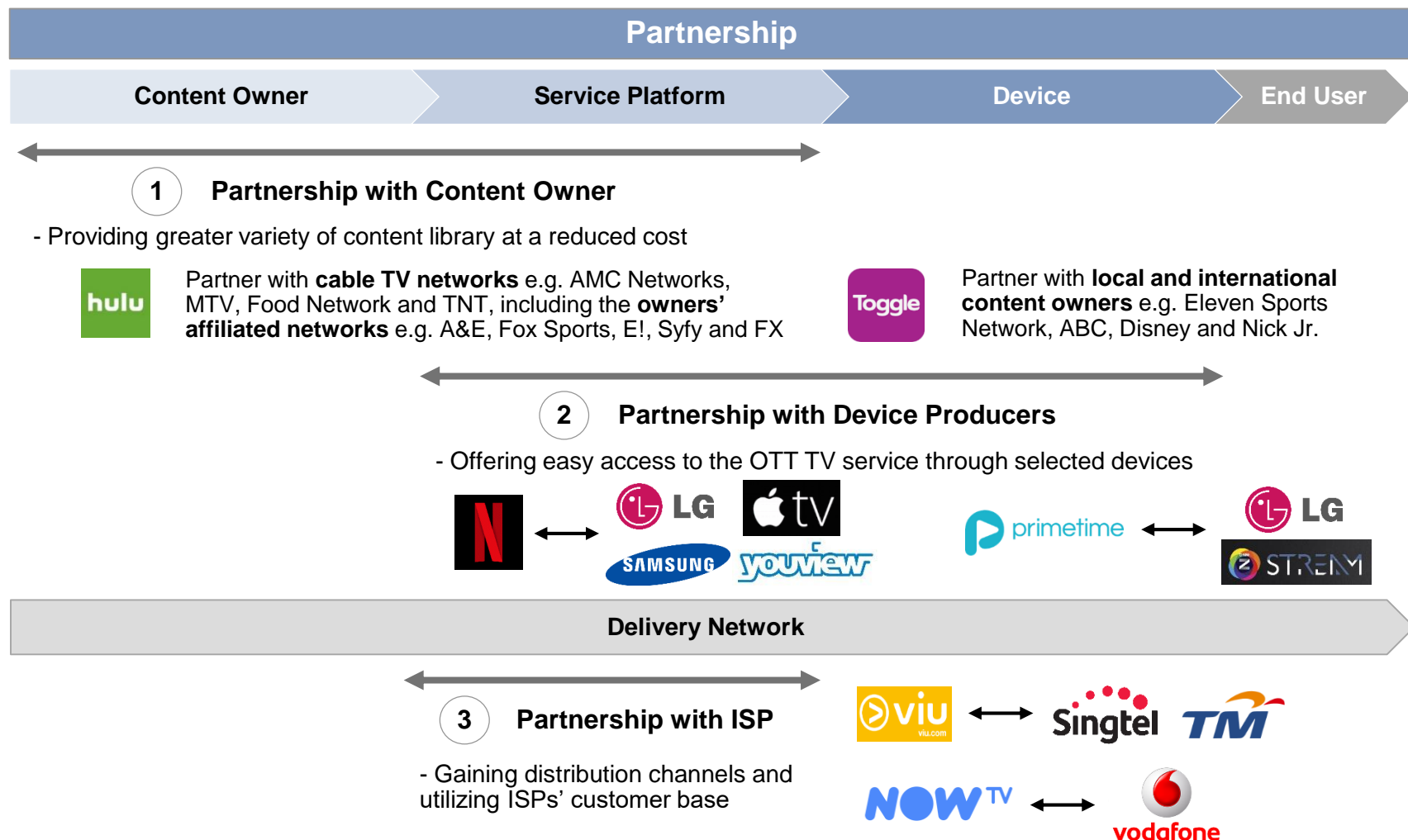


OTT TV As a Feature



Freemium

There are 3 forms of partnership created by OTT TV providers: content partnership, device partnership and distribution partnership. The last form is the most popular.



OTT TV affects each market in different ways. The US is the only country that negatively affected by OTT TV. Other markets don't show negative sign yet.

Effect of OTT TV

Infancy Phase – Newly Adopt OTT TV Market



- **Pay TV:** Use OTT TV as a customer retention tool
- **FTA:** Expand its distribution Channels
- **Telco:** Partner with OTT TV

Expansion Phase – Convergence Operators Dominate



- **Pay TV:** Subscriptions and Ad-revenue increase
- **FTA:** Expand its distribution Channels
- **Telco:** Complementary to OTT TV

Expansion Phase – Independent OTT TV Invasion



- **Pay TV:** Cord-cutting effect, Use OTT TV as a customer retention tool
- **FTA:** Launch its OTT TV service to cope with changing consumer behavior
- **Telco:** Traffic increased so it put data/ speed cap on consumer usage

Expansion Phase – Complementary Services



- **Pay TV:** Use OTT TV as a customer retention tool, and creation of new revenue streams
- **FTA:** Expand its distribution Channels
- **Telco:** In Australia, Traffic dramatically increased, result in overhauling of wholesale broadband prices

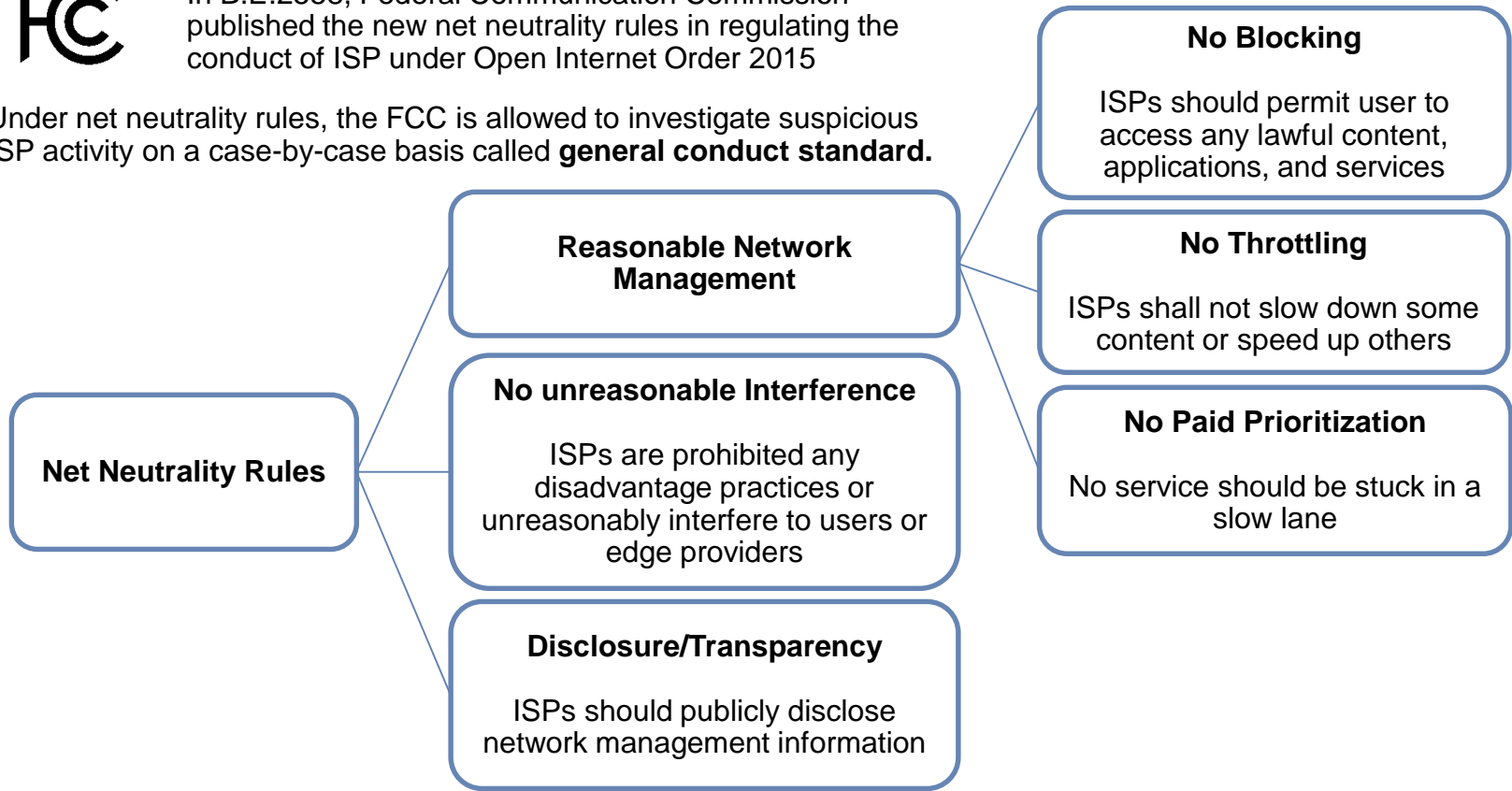
FCC regulate ISPs as an open platform such that they cannot use their position in the marketplace to unfairly treat content providers and users, and intervene competition.

Net Neutrality Rules



In B.E.2558, Federal Communication Commission published the new net neutrality rules in regulating the conduct of ISP under Open Internet Order 2015

Under net neutrality rules, the FCC is allowed to investigate suspicious ISP activity on a case-by-case basis called **general conduct standard**.



Source: Congressional Research Service (B.E. 2558), Getting the Deal Through (B.E. 2559)

FCC now have concerns on zero rating plan that might violate net neutrality rules on throttling and providing unfairly advantages to incumbent content providers.

Net Neutrality Cases – Zero Rating

Zero-rating plans: ISPs create a framework for exempting certain apps from counting against users' data usage limit and monthly charges.

FCC hasn't taken action or a ban on zero-rating yet. It has authority to stop this implementation through a case-by-case review.



- Binge On service allows T-Mobile subscribers to **stream video from selected OTT TV at a capped quality** without counting against the data usage.
- No charges applied to third parties

FCC's concerns: Binge On would make selected OTT TV apps more attractive than others.



- Comcast **exempts monthly data charges on Xfinity Stream TV**, its own IPTV streaming service that works only in the customers' home.

FCC's concerns: Directly favors its own content over competitors



- AT&T sponsored data program **charges third parties for the right to deliver data without counting mobile data usage** against customers.

FCC's concerns: Sponsored data program unfairly advantages OTT TV providers who pay for such program.



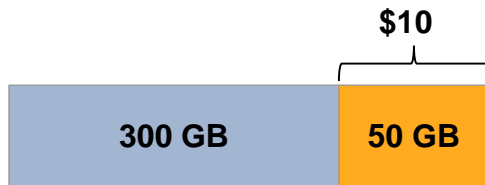
- Verizon allows its subscribers to **stream Go90 and AOL**, its own services, **without consuming data**.
- It also **charges third parties** in exchange for subscribers' ability to stream content without counting against their data usage.

As the OTT TV service like Netflix becomes popular, it causes cord-cutting and largely increases the data traffic on ISP network.

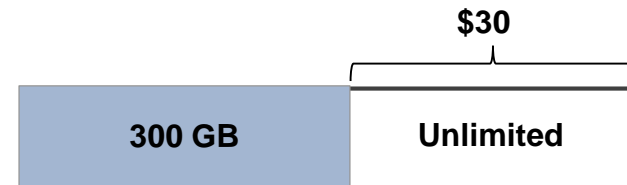
Case: Comcast's Usage-based Pricing



- ▶ Face a **declining trend in the number of pay TV subscribers** due to the growing popularity of OTT TV services e.g. Netflix, YouTube, Hulu.
- ▶ The consumption of OTT TV services **largely increases the data traffic** on Comcast's network. To avoid the traffic congestion problem, it will need to **expand the network capacity** to handle the data traffic.
- ▶ Starting from Oct 2015, Comcast imposed a **300 GB limit on monthly data usage** through its home broadband service.



- Each home broadband subscriber has 300 GB limit on their monthly plan.
- After exceeding the data cap, customers will be **charged \$10 for each 50 GB they exceed**.










- Alternatively, customers can choose to pay **\$30 to get the unlimited data usage**.

Source: Cinemablend and Bloomberg (B.E. 2558), Comcast (B.E. 2558)

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There are many dimensions of OTT TV content regulation. Every countries regulates contents to some extent.

1	Content Regulation on OTT TV						
							
Prohibit Content	✓ Computer Act	✓	✓	✓	✓	✓	General rules applied
Online content rating	None	✓	✓	✓	✓	✓	✓
Youth Protection	None	None	None	None	✓	✓	✓
Local Content Quota	None	None	None	None	None - Considering	✓	None
Advertising Regulation	Consumer protection Act	General rules applied	General rules applied	General rules applied	General rules applied	General rules applied	General rules applied
Disables rights to access Content	None	None	None	None	✓	None	None

OTT TV licensing is a tool for NRA. It helps alleviate regulatory gap between traditional TV and OTT TV players. It comes with costs of budget and barrier to market entry.

2

OTT TV Licensing







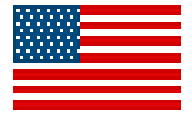
- OTT TV providers are **“Internet Content Providers”**. They are subject to **Broadcasting (Class License) Notification (N1)** and need to pay fee to IMDA
- OTT TV who **broadcast in or from Singapore** need to apply for the licence



- OTT TV in South Korea refers to **“Internet multimedia broadcast service providers”** and **“internet multimedia broadcast content providers”** which need to obtain **permission from MSIP**.



- OTT TV providers are considered as **“On Demand Program Service”** providers
- They need to **give notifications to Ofcom** for intention to provide/ make significant change/ cease an ODPS
- The rules apply to OTT TV who **has head office and/or decision making in EU member states**

Benchmark Countries			
	none	Considering	✓ Class license
			
	none	✓ Notifications	✓ Service Specific
			none

- Pro:
- NRAs have the information of OTT TV providers in the countries
 - Easier to impose regulations when needed
 - Leveled playing field** between traditional TV and OTT TV

- Con:
- High regulatory cost**
 - May obstruct OTT TV providers** to establish their OTT TV business because OTT TV is a relatively new-comers to the market.








Some NRAs adopt Net Neutrality Rules on ISPs such that they treat all traffic in the open internet fairly. This promotes competition among OTT TVs.

3

Net Neutrality

Objectives and Principal

- End-Users shall have the **right to access** and distribute **information and content**
- all **traffic in the open internet must be treated equally** by service providers, subject to strict and clearly defined public interest
- exceptions including the blocking of unlawful content or content containing viruses or malware

Benchmark Countries	 none	 none	 ✓
 none	 ✓	 ✓	 ✓

No Blocking

No Throttling

No Paid
Prioritization

Fair competition/
no unreasonable
interference

Transparency on
traffic
management

- Pro:
- End-Users able **to access** and distribute **information and content in the open internet freely**
 - Support competition among OTT TV services
- Con:
- **ISP operators must bear costs of network infrastructure** expansion and may not have the incentive to invest
 - ISP operators are **responsible for quality of services of OTT TV services**

There are no specific supports for OTT TV industries from any Government. Yet, OTT TV can benefit from support on good content creation, startups and infrastructure.

4

Relevant Government Supports

No Specific Supports for OTT TV Services Providers

Good/ Local Contents

Funding:



Content Support Center:



Fee Discount incentives when
broadcasters broadcast *Good Content*

Startups/ Innovation Benefits



Infrastructure

National Broadband:



5G Roll Out:



**Support National Broadband
Infrastructure** by DE Ministry

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Good and creative local content support fund would be positive impacts to operators and consumers and empower local content to compete with international content

1

Good/ Local Content Supports

Justification

- To support and stimulate good and creative local content producers in Thailand
- To empower local content to compete with international content
- To diversify media content in Thailand to meet consumers' demands

Implementation

- Implemented by NBTC and funding by BTFP



- Content Support Fund in Thailand should be imposed in the early stage of OTT TV

Impact



Operators:

- Operator would purchase local content in lower price than international content
- Creative and interesting content would attract more subscribers and more revenue



Consumers:

- Diversity of content would meet needs and wants of consumers
- Local people would be interested and easily access local content



Regulator:

- Regulator has to consider and evaluate good and creative content
- After funding support content, regulator have to follow up feed back of producers and consumers

OTT TV registration in early stage will give basic info to public by not creating high barrier to entry. Full license afterward will level regulatory burden to all TV provider.

2

Applying Licensing Framework

Justification

- **Registration of OTT TV players to ONBTC in early stage:** 1) to collect information such as the company names, owners and the office address to ensure the existence of the company and 2) to give provision of information to the customers
- **Apply same licensing framework as traditional TV to OTT TV providers:** apply to OTT TV when the market is ready to leveled playing field to traditional TV operators.

Implementation

- **In Early Stage of OTT TV market.** NBTC should limit intervention to the market because it can create barrier to entry.
- ONBTC should rather **collect only necessary information** from OTT TV players which provide service **in or from Thailand**.
- When OTT TV market is able to compete with other TV platforms, it should be under same licensing framework with other.

Impact



Operators:

- Relatively less burden to OTT TV operator to register the service to ONBTC in early stage
- Subjected to further regulation by the NBTC



Consumers:

- Notice basic information of OTT TV services they are using
- Have contact/address of OTT TV services and able to provide feedbacks or complains to the service providers.



Regulator:

- Has to announce "Notification" to public regarding the implementation of OTT TV license
- Has regulatory burden to regularly investigate OTT TV market and bill the licensees for license fee

Content regulation can benefits consumers which may come with costs to OTT TV providers. Local content quotas will help Thai OTT TV & content production industry.

3

Imposing Content Regulation

Justification

- Every benchmark government regulates OTT TV content to a certain extent.
- **Online content rating** will be on the same rules as traditional TV content rating rules and is a foundation to **youth protection policy**.
- **Local content quotas** will support local content production. Thus, will create jobs for Thai people.
- **Disables rights to access content** will promote equal rights to Thai people

Implementation

- Need to register or give license to OTT TV providers before imposing specific content regulation to OTT TV contents
- This policy should impose after OTT TV early stage in order to avoid creating barrier to entry of the market.

Impact



Operators:

- May costs OTT TV provider to comply to NBTC rules especially content rating and disable rights rules
- Local content quotas will profit the OTT TV player who own content production in Thailand



Consumers:

- Noticed on content ratings
- Youth are protected from harmful contents
- Disable rights to access contents are secured



Regulator:

- Has to announce “Notification” to public regarding the implementation of content regulation on OTT TV licensees
- Has regulatory burden to regularly investigate and monitor OTT TV contents

Once the network infrastructure has enough coverage and the broadband market is competitive, the NBTC should consider issuing the net neutrality as its ex-posed tool.

4

Regulate ISP via Net Neutrality

Justification

- Once the OTT TV market reaches **the growth stage**, it inevitably leads to the substantial increase in the data traffic on telco and ISP's network.
- Telco and ISP's congest network management will start to **severely block or throttle the legal OTT TV and other video services** such that it greatly affects consumers and content service providers.
- Telco and ISP might unfairly treat the traffic of other OTT TV services, while **privilege its own OTT TV service**.

Implementation

- Finalize on the co-regulation model between broadcast and telco departments of the NBTC as net neutrality is a cross-sector issue.
- Issue the NBTC Notification regarding the net neutrality, empowering the NBTC to perform **case-by-case investigation** after receiving complaints.
- However, the net neutrality should be implemented when **the network infrastructure is ready and the broadband market is highly competitive**.

Impact



Operators:

- Burden on the telco and ISP to expand the network capacity.
- OTT TV and other service providers have a high-quality internet to deliver their services at their best effort.



Consumers:

- Ability to access the lawful content and services on the internet without any unreasonable interference from telco and ISP.



Regulator:

- Has to announce "Notification" to public regarding the implementation of net neutrality principles.
- Has regulatory burden to investigate the complaint regarding the internet traffic treatment of telco and ISP

For NTBC to work closely together with the other regulators who have an authorization in dealing with copyright infringement issue and taxation issue.

5

Additional recommendation

Concerns from existing player and OTT TV players

Issues

- **Copyright infringement**

Most existing players and OTT TV players agree that the copyright infringement is a critical harm to their level of competitiveness .

- **Taxation**

The international players are more likely to dominate the market and collect most of the revenues → Able to avoid paying taxation as their revenues are sent back to their country.

NTBC asks for a cooperation and works closely to deal with the concerning issues with other regulators who have an authorization to do it.



Each OTT TV regulation should be imposed according to OTT TV market stage. We recommend supporting OTT TV with very light touch of regulation in the first period.

