



THE AUTHORITY FOR TELEVISION **ON DEMAND**

Minutes of the fifth meeting of the ATVOD/Industry Forum Fees Working Party held at the offices of Filmflex, Wednesday 16 May 2012, 1.30pm

Present:

ATVOD:

Pete Johnson (mins)

Industry Forum

Janet Greco – Consultant, Broadcast Projects, representing Microsoft (by phone)

Martin Stott – Channel 5

Steve Middleton – IP Vision (by phone)

Gidon Freeman – NBC Universal

Hayden Punter - Filmflex

1. Apologies

1.1 Apologies were received from Derek Nelson (Classical TV) and Tony Ghee (SBS Broadcasting).

2. Minutes

2.1 Minutes of the last meeting were approved as an accurate record.

3. Matters arising

3.1 There were no matters arising.

4. Membership of the working party

4.1 Following discussion at the January Industry Forum, Hayden Punter and Tony Ghee had agreed to join the working party. Daniel Cass (United for Local TV) was not able to join the working party but had offered to attend a single meeting to share his views. Following consultation with the Chair of the Industry Forum and members of the working party, Daniel Cass had been invited to submit a paper, but had declined to do so.

5. Feedback on third party commercial audience measurement options

5.1 PJ gave feedback on his discussion with BARB, ComScore, Nielsen and the Broadband Measurement Working Group. It was **AGREED** that there appeared to be significant gaps in the data that would be available to verify any audience data provided by service providers. Such gaps included:

- Lack of data for services which are not provided entirely through (a) a website or (b) a major UK set top box
- Lack of data for web based services with fewer than 15,000 unique users per month
- Lack of ability to distinguish between multiple services which operate through a single website
- Lack of ability to distinguish between video content which comprises the On Demand Programme Service (“ODPS”) and other video content on a website which may sit outside the ODPS
- Lack of ability to distinguish between time shifted PVR viewing and viewing of VOD content

5.2 The meeting discussed the extent to which gaps in the capacity to verify might be a problem in a fee tariff based on audience size, especially if it was assumed that providers would pay the top rate unless able to provide evidence that their audience was sufficiently low to qualify for a lower rate. However it was noted that providers of mixed services (e.g. featuring video on demand content and games, or featuring regulated and unregulated video on demand content on the same website) may find it very difficult to disaggregate such audience data. It was also suggested that a third party arbitration process might be established in the event of a dispute.

5.3 It was **AGREED** that, even if issues around self-certification and verification could be satisfactorily resolved, the absence of comprehensive third party audience data for on-demand programme services (“ODPS”) meant that further work (e.g. the construction of a possible tariff) would require the collection of audience data from all service providers in relation to each service they provide.

5.4 It was noted that, while ATVOD had the power to demand such information under section 368O of the Communications Act 2003, such a demand would place significant burdens on service providers. The working party **AGREED** that it would not be appropriate for ATVOD to impose such a burden at this time without widespread industry support. It was therefore **AGREED** that the matter would be put to the next meeting of the Industry Forum (scheduled for 23 May 2012). It was further **AGREED** that the Industry Forum should be asked to consider the following two options, with no recommendation being offered by the working party:

- Option 1: The Working Party is suspended until a broader system, or set of

systems, for independently measuring VOD audiences has emerged

- Option 2: ATVOD proceeds to issue a demand for information to each provider of a notified service requiring audience data for each ODPS provided

6. AOB

6.1 There being no other business, the meeting closed at 2.30pm