The regulation of video-on-demand: consumer views on what makes audiovisual services "TV-Like" – a qualitative research report

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1 Executive summary

Research background and objectives

This research was carried out in anticipation of the implementation of the European Audiovisual Media Services Directive ("AVMS Directive")[1].

From 19 December 2009 (the date of implementation), regulation will be extended to certain types of on-demand audiovisual services which are "television-like" in that they share the same key characteristics as traditional television services and compete for the same audiences. The new regulations that implement the requirements of the AVMS Directive into UK law ("the Regulations")[2] set out a series of legal criteria to define whether a service is an On-Demand Programme Service (as defined in section 368A (1) of the Communications Act 2003 (as amended) ('the Act') and therefore subject to the new regime.

One of the criteria included in the new section 368A(1)(a) of the Act is that the principal purpose of the service is "the provision of programmes the form and content of which are comparable to the form and content of programmes normally included in television programme services". In other words, that the service is "television-like". This latter phrase is used in one of the recitals to the AVMS Directive which says that "it is a characteristic of on-demand audiovisual services that they compete for the same audience as television broadcasts, and the nature and the means of access to the service would lead the user reasonably to expect regulatory protection within the scope of this Directive" [3].

In light of the use of the phrase "TV-like" in the AVMS Directive, Ofcom commissioned and carried out this qualitative research study in order to gain an understanding of what consumers consider to be "TV-like" material and what their expectations are in terms of the key characteristics of such material.

In this research study participants were shown short clips from a wide range of video-on-demand (VOD) services, including some services that are likely to be on-demand services and therefore subject to regulation, and others that either will not be, or are unlikely to be in this category. This was in order to provide a spectrum to help participants articulate their views on what makes something "TV-like". "VOD" is used throughout this report in the generic sense described above.

[1] Directive 2007/65/EC of 11 December 2007 amending Council Directive 89/552/EC.
[2] The Audiovisual Media Services Regulations 2009 SI 2009/2979.
[3] See Recital 17.

Disclaimer

Consumers' views were obtained on the basis of various short clips of audiovisual material shown to them.

In using these clips for the purposes of this research, it should be made clear that no representations were made or views taken by Ofcom (or by any person on Ofcom's behalf including those conducting the research) as to whether any of the services from which the clips were taken, amounted to 'On-Demand Programme Services' (as defined under section 368A (1) of the Act) and therefore fell within the scope of regulation.

Decisions as to whether individual audiovisual services fall within the scope of regulation of On-Demand Programme Services under Part 4A of the Act will be taken by Ofcom's co-regulator, the Association for Television On Demand (ATVOD) once it has been designated and, if appropriate, by Ofcom in accordance with the powers given to them under the Act.

No part of this report is intended, nor should it be interpreted as replacing in any way the powers properly exercisable by Ofcom and its co-regulator, in determining whether or not any particular service falls within the scope of regulation under section 368A of the Act.

The research objective was:

To understand the drivers of "TV-like" for VOD users and non-users and their expectations of VOD services' regulation

The research sought to explore and identify consumer understanding and expectation of what is and is not "TV-like" in relation to a range of VOD services[4]. Alongside this, the research set out to explore participants' current expectations in terms of the regulation of VOD services, provided via television, computer and mobile platforms.

The scope of the study was limited to VOD services on TV and online platforms, including mobile devices. Findings from this research relate to a specific point in time and reflect current experience and understanding of VOD among consumers at the time of research fieldwork.

Note: Towards the end of the research sessions there was a broader discussion with the participants about their views and expectations of audiovisual content regulation in the future. These discussions were

[4] For a description of how VOD was presented to participants, please see Appendix D.

separate from the main body of the research, which focused on the objective outlined above.

The key points of this separate discussion are published in Section 7 of this report.

Research approach

Twelve 3.5 hour research sessions were conducted across the UK in October 2009, including groups in Scotland, Northern Ireland and Wales. Each group comprised 7-8 research participants. Across the sample, participants represented a range of life-stages, ethnic backgrounds, age groups, socio-economic groupings, TV viewing behaviour and usage of existing VOD services. Participants included light and heavy VOD users and also non-VOD users in order to seek views from the public as a whole. VOD users included a mix of individuals accessing content online via a PC or mobile handset and via a traditional TV screen.

A full sample breakdown is provided in the Methodology and Sample section of this report.

The research sessions consisted of a combination of spontaneous debate, response to stimulus and information about video-on-demand (VOD) services.

Summary of key findings

Attitudes towards TV

In order to set the context of what "TV-like" meant to participants, the research explored spontaneous views on what television was.

- The traditional TV viewing experience was widely associated with ease, passivity and familiarity. The most common viewing context was watching TV programmes via a traditional TV screen in the living room, from the comfort of the sofa. This was the scenario most participants had grown up with, although it was recognised that viewing behaviour was increasingly changing over time due to multiple screen households and the rise of internet-based programme services.

- Participants thought that TV represented societal shared values and reflected generally acceptable behaviour. TV was felt to provide news and information, offer entertainment and keep people in touch with the wider world. It was also a comforting presence in the household, frequently being switched on even when no one was watching.

- The rising popularity of time-shifting TV viewing was recognised as bringing a greater degree of control and flexibility into households, and VOD services were considered to be part of this shift towards more personally tailored viewing schedules.

Awareness of and attitudes towards VOD services

- Awareness and usage of online VOD services was largely restricted to the major broadcaster catch-up services, such as BBC iPlayer, ITV Player and 4oD. This was the case even among heavier VOD users. BBC iPlayer was the most commonly known service, and most non-VOD users were also aware of this. Those from Virgin Media households were more accustomed to accessing VOD content on their TV set via their TV remote control. Many VOD users accessed other VOD services online, such as YouTube, though generally they did not classify these as falling in the same category as BBC iPlayer and other similar services.

- On the whole, VOD in general terms was regarded by participants as simply another option for managing TV viewing, together with Personal Video Recorder (PVR) services and +1 channels. In those households where a PVR was available, VOD tended to be a back-up option, a safety net for those programmes a user had forgotten to proactively record in advance.

The drivers of "TV-like" from a consumer perspective

- The core aim of the research was to establish which factors contributed to various examples of VOD services being "TV-like" or not, in consumers' minds. To this end, participants were presented with a range of different stimulus[5] from VOD online and TV services and, for each example, were asked to discuss to what extent it was "TV-like" or not and why they thought this.

[5] The stimulus was presented via a range of video clips which demonstrated how to access the different VOD services (i.e. navigation), as well as the device used to access the content (e.g. PC, mobile phone, TV set). This was in order to provide a consistent means of demonstrating a range of VOD services to both VOD users and non-VOD users. For a full list of the stimulus shown see Section 5.

- In order to arrive at the drivers of "TV-like" outlined below, participants were asked to place the different VOD examples on a spectrum according to how "TV-like" they were considered to be. The research study found that broadly, any example that had been previously broadcast via a linear TV schedule was thought to be "TV-like". The example of *Dr Who* shown via Virgin Media on a TV platform was consistently regarded as the most "TV-like" of the examples shown. In contrast, the examples of user-generated content on the YouTube website and a promotional video located on the Audi TV website were considered the least "TV-like".

Drivers of "TV-like": general observations

- The drivers of whether a service was considered "TV-like" were numerous, complex and often interlocking. The most important drivers tended to relate to **content**; however, the manner in which content was **packaged** (i.e. service provider and content presentation) was also a significant theme. These are outlined in detail in later paragraphs in this section.

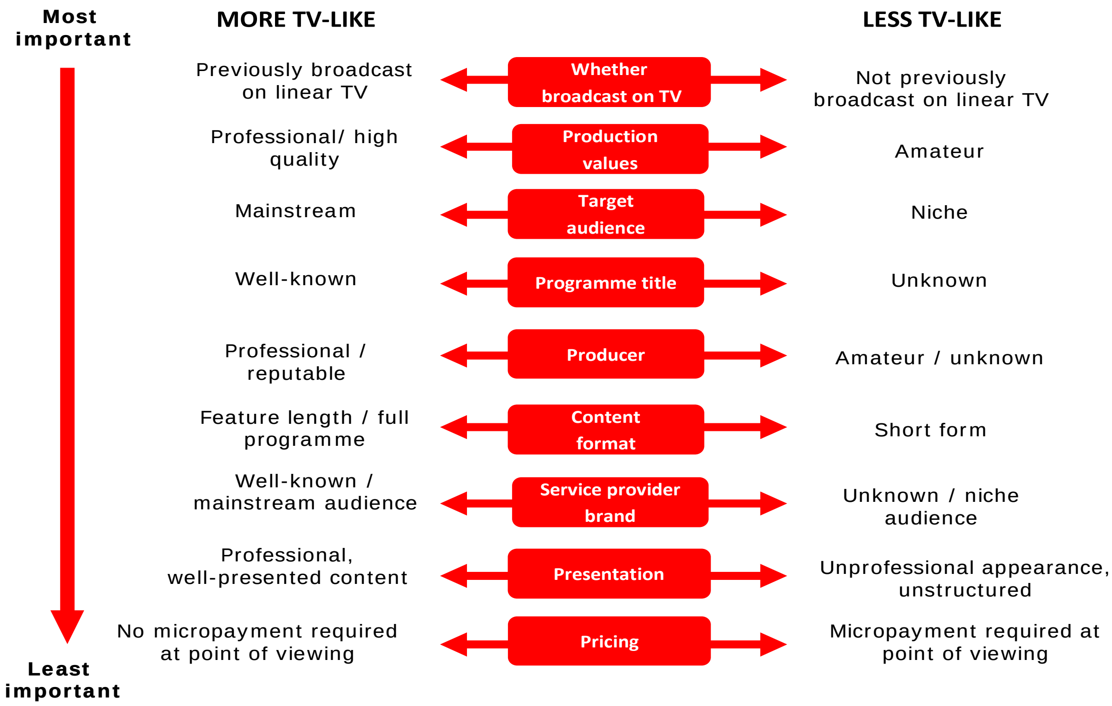
- In terms of platform, the example of a TV-based service shown in the research (Virgin Media on-demand) was unanimously considered to be "TV-like" by participants because it was accessed and viewed via a TV set. However, there were differences of opinion when it came to other **platforms** (i.e. online via a PC/laptop or mobile device). For some participants, platform was a key determinant of whether they perceived content to be "TV-like". Participants who were less accustomed to viewing audiovisual content online tended to regard platform as a more significant obstacle to it being perceived as "TV-like". This was a view held by many among the light as well as non-VOD user groups. However, younger, heavier VOD users were inclined to argue that platform was irrelevant in the modern media age, and that viewing content on a PC/laptop was simply a natural extension of the traditional TV viewing experience on a TV set. With regard to the mobile platform, most participants argued that this was too far removed from the traditional viewing experience to be considered "TV-like", while others maintained it was no different to accessing content via a portable TV.

- **Familiarity** was an important area in consumers' descriptions of what was "TV-like". Familiarity was closely associated with the concept of the mainstream, e.g. well known broadcasters and TV programme titles. The idea of familiarity and 'mainstream' viewing also related to the level of trust that viewers held in certain broadcasters, and their expectations of the kind of content they provided. The more familiar the content or packaging were, the more "TV-like" the example was felt to be.

Drivers of "TV-like": specific factors

- The following chart illustrates the overall hierarchy of drivers identified by participants and how they thought these might contribute to whether something is "TV-like" or not:

Key drivers of "TV-like"*



Other features which were not considered significant: purpose of programme, genre, whether downloaded or streamed

*Due to the varied consumer views on the role of online and mobile platforms, platform *as a whole* was not incorporated in this broad ranking of drivers identified by consumers. All participants however agreed that the TV platform was a key driver for "TV-like". See section above for more details on platform.

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Drivers of "TV-like": content-related factors

- As noted, drivers relating to content tended to be considered among the most important. The main content-related drivers identified by participants were:
    - Whether broadcast on TV before;
    - Production values;
    - Target audience;
    - Programme title;
    - Producer;
    - Format.
- All content produced by the major TV broadcasters was seen to be "TV-like". For example, an episode from a TV comedy series could be provided in a less familiar environment (e.g. the Joost website) and still be considered largely "TV-like". The familiarity of a programme title was significant, as was whether the content was professionally produced, and followed a recognisable feature-length format as opposed to short form content.

Drivers of "TV-like": factors relating to packaging of content

- The main drivers of "TV-like" related to the packaging or presentation of content were seen to be:
    - Service provider brand;
    - Presentation of content;
    - Pricing.
- The manner in which content was packaged was also considered to be a significant driver in determining whether an offering was perceived as "TV-like" or not. This pertained to both the familiarity / reputation of the service provider and the way in which content was presented within the service. If a service was felt to appear professional and present content in a readily accessible manner, it was considered more "TV-like" than content accessed via more amateur-appearing carriers, where specific content was more difficult to identify.

- The theme of familiarity again emerged here, since reputable, well-known carriers tended to be regarded as more “TV-like” than those which were relatively unknown.

Drivers of “TV-like”: other factors

- Participants were also asked about the following other potential drivers: programme purpose, programme genre, and whether the content was downloaded or streamed. Each of these was considered less important in terms of contributing to whether a service was perceived to be “TV-like” or not.

Regulatory expectations - what participants believed the present environment to be

- Most participants were aware of some form of regulation for television and expected all programming accessed via a TV platform to be regulated. TV VOD services, e.g. Virgin Media, were widely considered to come under this regulation. It was broadly expected that all content which had previously been broadcast via a linear TV service would be regulated, even if accessed via an online catch-up service, such as BBC iPlayer. Most participants were not aware that broadcaster online catch-up services could show content that had not already been broadcast. Taking this into account, there was a general assumption that all content on such services was already subject to regulation.

- Participants were less sure about the regulation of content which had not previously been shown on TV. Most said that they had assumed that such online video content was unregulated, along with most other forms of internet content.

- Participants voiced concerns about online content provided by independent or amateur production companies, and user-generated content (UGC) video. This was because, unlike the major broadcasters, they were relatively unknown, and were believed not to have to subscribe to any code of conduct in terms of their output.

- It was explained to participants that none of the VOD services discussed in the research were currently subject to regulation – but that some would be in December 2009. This was welcomed by participants. However, some participants felt that regulation restricted to “TV-like services” might not reach far enough, and that regulatory attention might be better extended to cover other, less familiar online services.

Note: as mentioned above, the findings from the discussion at the end of the sessions on the future of content regulation in a converged media landscape can be found in Section 7.

As already stated at the beginning of this Executive summary, this research set out to explore consumers' views on what is "TV-like". It does not represent Ofcom's views. No part of this report is intended, nor should it be interpreted as replacing in any way the powers properly exerciseable by Ofcom and its co-regulator, in determining whether or not any particular service falls within the scope of regulation.

2 Background and objectives

Research background and objectives

This research was carried out in anticipation of the implementation of the European Audiovisual Media Services Directive ("AVMS Directive")[6].

From 19 December 2009 (the date of implementation), regulation will be extended to certain types of on-demand audiovisual services which are "television-like" in that they share the same key characteristics as traditional television services and compete for the same audiences. The new regulations that implement the requirements of the AVMS Directive into UK law ("the Regulations")[7] set out a series of legal criteria to define whether a service is an On-Demand Programme Service (as defined in section 368A (1) of the Communications Act 2003 (as amended) ('the Act') and therefore subject to the new regime.

One of the criteria included in the new section 368A(1)(a) of the Act is that the principal purpose of the service is "the provision of programmes the form and content of which are comparable to the form and content of programmes normally included in television programme services". In other words, that the service is "television-like". This latter phrase is used in one of the recitals to the AVMS Directive which says that "it is a characteristic of on-demand audiovisual services that they compete for the same audience as television broadcasts, and the nature and the means of access to the service would lead the user reasonably to expect regulatory protection within the scope of this Directive" [8].

In light of the use of the phrase "TV-like" in the AVMS Directive, Ofcom commissioned and carried out this qualitative research study in order to gain an understanding of what consumers consider to be "TV-like" material and what their expectations are in terms of the key characteristics of such material.

In this research study participants were shown short clips from a wide range of video-on-demand (VOD) services including some services that are likely to be on-demand services and therefore subject to regulation and others that either will not be, or are unlikely to be in this category. This was in order to provide a spectrum to help participants articulate their views on what makes something "TV-like". VOD" is used throughout this report in the generic sense described above.

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Decisions as to whether individual audiovisual services fall within the scope of regulation of On-Demand Programme Services under Part 4A of the Act will be taken by Ofcom's co-regulator, the Association for Television On Demand (ATVOD) once it has been designated, and, if appropriate, by Ofcom in accordance with the powers given to them under the Act.

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The research objective was:

To understand the drivers of "TV-like" for VOD users and non-users and their expectations of VOD services' regulation

The research sought to explore and identify consumer understanding and expectation of what is and is not "TV-like" in relation to a range of VOD services[9]. Alongside this, the research set out to explore participants' current expectations in terms of the regulation of VOD services, provided via television, computer and mobile platforms.

The scope of the study was limited to VOD services on TV and online platforms, including mobile devices. Findings from this research relate to a specific point in time and reflect current experience and understanding of VOD among consumers at the time of research fieldwork.

[9] For a description of how VOD was presented to participants, please see Appendix D.

Note: Towards the end of the research sessions there was a broader discussion with the participants about their views and expectations of audiovisual content regulation in the future. These discussions were separate from the main body of the research, which focused on the objective outlined above. The key points of this separate discussion are published in Section 7 of this report.

Research scope

It is important to note the following:

- Where identification of the drivers of "TV-like" was concerned, the main focus of this research was video on-demand, and <u>not</u> the wider internet, or all video content in the online environment.

- The focus of the research was concerned with *editorial content* as opposed to advertising.

- The scope of the study was limited to an indicative range of VOD services on TV and online platforms, including mobile devices.

- All examples of VOD services referred to throughout this document were presented to participants as indicative examples of wider service types, and were not singled out for scrutiny on an individual basis as to whether they would amount to On-Demand Programme services within the meaning of the AVMS Directive or the Act.

- In a rapidly changing media landscape, it is important to note that the findings from this research relate to a specific point in time and reflect current experience and understanding of VOD among consumers at the time of research fieldwork.

3 Methodology and sample

The research was qualitative in nature, in order to fully explore the range of views among the research audience.

Methodology

The main body of the research comprised twelve 3.5 hour focus group sessions, conducted across the UK between 7th and 15th October 2009. Each group comprised 7-8 participants of mixed gender.

The sessions consisted of a combination of spontaneous debate, response to stimulus and information about VOD services.

Sample

Groups were segmented in terms of VOD usership, age and geographical location.

The sample structure for the research is shown below:

	Location	VOD usage	Age
G1	London	Heavy	18-24yrs
G2	London	Non	35-49yrs
G3	Birmingham	Heavy	25-39yrs
G4	Birmingham	Light	25-39yrs
G5	Newcastle	Non	50-65yrs
G6	Newcastle	Light	40-55yrs
G7	Glasgow	Heavy	18-24yrs
G8	Glasgow	Non	35-49yrs
G9	Belfast	Light	25-39yrs
G10	Belfast	Non	50-65yrs
G11	Cardiff	Heavy	25-39yrs
G12	Cardiff	Light	40-55yrs

VOD usership

Groups were segmented by their VOD usership and behaviour in order to facilitate discussion around the subject.

Degree of VOD usership was defined as follows:

- Heavy VOD usage - to have used a VOD service at least once a week;
- Light VOD usage - to have used a VOD service 1-2 times in the past month;
- Non-VOD usage - to have never used a VOD service.

Each light and heavy usership group comprised a mix of those accessing VOD via TV and online platforms.

Age segmentation across groups was designed to broadly reflect the profile of VOD users. Heavy VOD users were younger (18-39 years) and non VOD users were older (35-65 years).

TV viewing behaviour

A mix of light to heavy television viewing behaviour was also included across the sample, defined as follows:

- Light viewing- 1 hour per day;
- Medium viewing - 2-3 hours per day;
- Heavy viewing - 4+ hours per day.

Internet familiarity

All participants were internet users who were comfortable in the online environment, even if not currently using VOD services.

Discussion flow

The flow of the discussion was consistent across groups, and was as follows:

Introduction

↓

Spontaneous associations with TV and video on demand

↓

Introduction to VOD
(Explanatory video and text provided)

↓

Mapping the drivers of TV-like
(11 examples of VOD services demonstrated)

↓

Spontaneous expectations of existing VOD regulatory scope

↓

Introduction to Ofcom's regulatory remit, the planned introduction of VOD regulation and the criterion "TV-like" & response to this
(Explanatory text provided)

↓

The future of content regulation

4 TV and VOD - associations

In this section, we explore participants' responses to the question of what TV meant to them, and their associations with it. We also explore participants' associations with VOD, and awareness of and use of VOD services.

This was to set the context for the later discussion about what participants considered to be the factors which contributed to a service being considered "TV-like" or not.

TV associations - overview

Participants regarded television as part of the fabric of everyday life. Most had multiple TV sets in their homes, with a central 'main' TV set in their living room. It was notable that immediate associations with TV viewing still centred around the traditional scenario of viewing from the sofa in the living room, with the TV set physically positioned in the social hub of the household. This was the case among all VOD user groups. Many participants said that they also had additional TV sets in bedrooms and/or the kitchen, and many were accustomed to having several TV screens on at the same time in order to satisfy the varying needs of the household.

Associations with TV were wide-ranging, yet at the same time relatively consistent across groups. At a basic level, TV was primarily associated with providing entertainment, news and information, a means of keeping in touch with the rest of the world. For many participants, it provided a comforting background presence, frequently left switched on even when no one in the household was watching, as a means of reassurance:

"It's the first thing I switch on when I come in after work... I feel it's company for me because I'm on my own. It's like having people in your living room."
Newcastle, 40-55yrs, light VOD

"It's our little friend, always there in the background.... It makes the house seem less creepy if you're there on your own."
London, 18-24yrs, heavy VOD

"If I come in and the telly's not on there's usually something wrong in the house."
Birmingham, 25-40yrs, light VOD

TV was widely regarded as a passive source of stimulation; something which was easy, familiar and required little effort on the part of the viewer. TV content reached its audience without much active thought or action required on the part of the consumer; even finding out about new TV content was considered largely a passive experience:

"It's effortless. You can be occupied without doing anything."
Newcastle, 40-55yrs, light VOD

Participants viewed TV as a ubiquitous presence in their households, something all participants had grown up with and felt comfortable around. In contrast to the internet, it was regarded as something that everyone could do; a mainstream activity requiring nothing more than the most basic understanding and ability to access:

"It's mass communication. Everyone's got a TV. Not everyone's got a computer."
Birmingham, 25-40yrs, light VOD

Relating to this, TV was also associated with mass audience targeting, providing content that was designed to attract mainstream rather than niche audiences. Some participants observed that with the increasing proliferation of channels, some areas of TV were becoming increasingly niche in their targeting, citing examples such as QVC or Men & Motors. Broadly, however, the medium was associated with content intended for consumption on a large scale. In contrast, the internet was regarded as being a much more tailored experience, where an individual could find highly niche content:

"The internet is a personal experience; whereas TV is more general."
Belfast, 25-39yrs, light VOD

Its mainstream targeting meant that TV was widely regarded as a mirror of societal behaviour and values; a vehicle through which acceptable and unacceptable behaviour could be shared, gauged and debated:

"TV is the stuff that goes on in real life in a box."
London, 18-24yrs, heavy VOD

"It presents us with situations we can comment on – whereas the internet doesn't challenge our moral code."
Belfast, 50-65yrs, non-VOD

"TV is a window on the world."
London, 25-39yrs, non-VOD

For this reason, it was felt to be a particularly powerful influence, and a core driving factor in shaping the morality of the nation, either through normalisation of behaviour or through exposing it to condemnation. Reality TV and soap operas were felt to be particular drivers of this kind of influence and debate.

Participant views on TV were often contradictory. It was felt to unite families and friends and stimulate conversation; yet at the same time participants said it could cause division within the home, with family members arguing over control of programme content and often watching their preferred choice in a separate area of the house:

"I feel like sometimes we are all sitting in different rooms, because my kids like completely different things."
Newcastle, 50-65yrs, non-VOD

"Our telly broke two months ago. We ended up doing more things like board games and reading as a family. I didn't miss it that much. There aren't that many programmes you can watch as a family."
London, 25-39yrs, non-VOD

It was seen as a force for good, imparting knowledge, bringing people together and keeping people in touch with the wider world – yet was also regarded as a 'dumbing-down' influence, which could kill conversation and prevent people from doing other more 'useful' things. There were widespread feelings of guilt over television watching habits, with a seemingly ingrained perception that TV was a guilty pleasure and individuals would do something more productive with their time if it did not exist:

"Laziness. You veg in front of it. You'd get more done without it."
Cardiff, 25-39yrs, heavy VOD

The particular power of TV to influence individuals emotionally and practically was recognised across groups. Notably, however, it tended not to be spontaneously viewed as a vehicle with potential to cause damage to individuals. On the whole, participants placed a considerable degree of trust in TV, particularly in contrast to the internet. Regulatory structures such as the watershed and pre-programme warnings were felt to go some way towards protecting the young from unsuitable content, although some participants voiced concerns about pre-watershed content becoming increasingly 'adult-like'. TV was considered a relatively safe zone, where parents could leave their children to be entertained without fear of their stumbling across something they should not:

"TV is safe. If my four year old daughter wants to watch TV at seven in the morning I know it's OK to let her do that – she'll punch in 614 for Cbeebies and I don't have to be there. But it's not OK to let her go on the internet alone – she could put in 'fairies' or something and all manner of stuff might come up."
Birmingham, 25-40yrs, light VOD

All participants recognised that TV had changed dramatically in recent years and that it was likely to continue to do so. Larger, better quality TV screens, the introduction of time-shifting services such as PVRs (e.g. Sky Plus) and the increase in choice of channels were cited as being among the major drivers of change.

Participants viewed VOD services in general terms as part of this overall shift in viewing patterns.

Video-on-demand associations

Associations with VOD services varied across groups, according to participants' experience of using such services. (As noted previously, groups were recruited on the basis of their VOD usage and there were variances in familiarity and awareness by group.)

Understanding and awareness of VOD

VOD was not a widely-used term in the day-to-day lives of most participants. This was not merely a semantic issue; on-demand *as a concept* was not necessarily something that was regarded as distinct in its nature from other means of timeshifting, such as PVR recording, or services such as Sky Box Office. This was particularly true among those solely using TV VOD via Virgin Media; accessing VOD content via a TV platform heightened the perceived similarity between VOD and other forms of TV time-shifting. For most of these participants VOD was simply another way to access TV content:

"It's shows when you want them – simple as that."
Cardiff, 25-39yrs, heavy VOD

Among those who were familiar with the concept, VOD was firmly associated with the major UK broadcasters. There was a tendency to think of VOD services as primarily limited to TV services (among Virgin Media customers) and the main online broadcast catch-up services, such as BBC iPlayer, ITV Player, 4oD and Demand Five. Few participants were familiar with other services such as Joost, and these tended to be among the 18-24 year old heavy VOD users.

Services such as YouTube were not spontaneously recognised as examples of VOD.

The impact of VOD

Partly because of the perceived mainstream nature of VOD services, associations with on-demand content were largely positive. Their convenience and flexibility were especially appealing. VOD was widely thought to bring a degree of control into homes by enabling individuals to devote their attention to their favourite content at a time which suited their needs:

"It alleviates stress in your life as you can take control over what you view."
Belfast, 25-39yrs, light VOD

Online VOD services in general terms were widely recognised as influencing where programme content was consumed, with many VOD user participants saying that it offered increased flexibility to watch in physical spaces other than the living room, and watching on laptops or on their desktop PC. In these instances, viewers were often prioritising convenience over viewing comfort:

"I do find I sit alone to watch programmes; however, there is no fighting anymore over which programmes to watch."
Belfast, 25-39yrs, light VOD

"I tend not to watch an awful lot of catch-up, but I do tend to watch more on the PC when the little one's gone to bed. I'll just bring the computer upstairs and watch it in bed."
Birmingham, 25-40yrs, light VOD

For those VOD users with PVRs, VOD tended to be regarded as a back-up option; a means of catching up in those instances where they had forgotten to proactively record content in advance, or where watching via +1 services was not an option. Since all those VOD users without Virgin Media primarily associated VOD with online viewing, it was widely regarded as the less preferred option – the safety net. This was because the environment in which TV content was consumed was very important; the traditional TV viewing space typically comprised the sofa and the large screen at the hub of the household - usually the living room.

VOD and the impact of viewing platform

For most participants, the viewing environment was highly important to the overall viewing experience. The act of viewing television on a computer screen was universally regarded as less satisfying than on a TV set, owing to factors such as screen size, sound quality and the physical placement of the computer in the household. This was perceived to influence the degree of social interaction around the content, the extent to which the experience could be described as relaxing and even the length of programme some participants were willing to watch. Online VOD users said that screen size in particular meant that online VOD tended to be a more solitary experience rather than one which could be shared with other members of the household.

Concerns about VOD

Spontaneous concerns about VOD tended to relate primarily to poorer quality perceptions for online viewing rather than fears about unsuitable content. Online VOD was widely associated with poorer quality owing to buffering and varying broadband speeds, and this was felt to be one of the major differentiators between the TV and online viewing experience.

There was some evidence of concern about the 'anytime' nature of on-demand content, particularly in relation to younger audiences. Fears related to younger individuals being able to access content at any time of day which might not be suitable. The absence of a watershed for on-demand services emerged spontaneously in a small number of groups, though it was not a major issue. This was because on-demand essentially comprised the major TV broadcasters in the minds of the majority, which were not associated with particularly controversial content.

It is noteworthy that VOD was not associated with any particular programme genre; but instead was seen to provide access to 'the latest popular content' across genres.

Attitudinal variations

Age and technological experience

There were variations by age and technological experience. Participants who were low internet users, (tended to be older, often female) and less exposed to VOD in general (including those from light and non-VOD user groups), tended to regard the idea of online viewing as relatively alien or unsatisfying. They associated it primarily with physical discomfort. In contrast, younger heavy VOD users, who used the internet more frequently and watched online VOD tended to feel that this was a more acceptable viewing environment. This group was more likely to have laptop computers and talked of watching VOD online comfortably either on their sofa or in the bedroom. Some of this group argued that online viewing was the future of television, with a minority accustomed to watching TV content primarily through their computer screens rather than on a traditional TV set. For this group, the convenience of time-shifting to some extent over-rode the importance of the quality of the viewing experience itself:

"I'm choosing convenience over the quality, unfortunately. I know it's jumpy and it judders sometimes. But I'm choosing convenience."
Birmingham, 25-40yrs, light VOD

VOD usage

Our **heavy VOD users** were among the youngest of our sample (aged 18-39 years). It is perhaps to be expected that many among this group were more accustomed to watching TV through a variety of devices, including on computers and (in the case of a minority) also on their mobile phone. This audience were more likely to be familiar with VOD services beyond those provided by the main five broadcasters / Virgin Media, though they said that their core usage also tended to centre around these providers.

Light VOD user groups were similar to the heavier user groups in terms of the range of VOD services they accessed. As noted above, VOD consumption among heavier users tended to centre around the main broadcast services rather than less well-known services. The main difference between these two groups was that the proportion of TV viewing which comprised VOD content was smaller among light users, with participants saying that scheduled TV and PVR time-shifted viewing were their preferred forms of viewing content.

Non-VOD users said that they watched all their TV content through their television set, and were often sceptical about the suggestion of watching TV through a computer, imagining this to be uncomfortable and less immersive as an experience. This audience comprised older individuals in our sample (aged 35-65 years) and tended to hold more ingrained views as to what a 'real' TV experience was. These participants were often concerned about the idea of accessing content via a smaller screen size on a computer. Though several participants said that they accessed PVR services, such as Sky Plus, most were disinclined to access VOD via the internet. Several participants had Virgin Media but said that they had not accessed its VOD services, saying they had no need.

5 Mapping the drivers of "TV-like"

Identifying the drivers of "TV-like": the research process

All participants were first provided with a written description of what VOD services in general were, and shown an accompanying information video which demonstrated the various ways in which VOD services could be accessed, including via TV, the internet and via a mobile phone. The purpose of this was to establish a common basis of awareness and understanding across all participants (regardless of previous experience). The video script and accompanying VOD description can be found Appendices C and D of this report.

All participants were then presented with a series of eleven indicative examples of different types of VOD services, including examples from TV, online and mobile platforms.

A wide range of clips were shown, including some services which are not subject to regulation, in order to help participants to articulate their views of what makes something "TV-like" or not. The stimulus was presented via a range of pre-prepared video clips that demonstrated how to access the content and the device used to access it (e.g. TV set, mobile phone or computer). This approach was used in order to provide a consistent means of demonstrating a range of VOD services to both VOD users and non-VOD users.

The order in which these clips were shown was rotated across the groups. Participants were asked to place each example along a spectrum according to how far they felt each was "TV-like" or not. This exercise was then followed by an in-depth exploration of what the drivers of "TV-like" viewing included for participants.

The purpose of this exercise was to identify the drivers of what "TV-like" meant overall to participants. The question of regulatory scope was not raised at this stage of the session, in order to avoid it influencing participant perceptions of what "TV-like" meant to them.

It is important to note that the clips were used only as indicative examples, in each case, of a type of VOD service, and with a view to exploring participants' views as to what contributes to a service being "TV-like". The clips were *not* used as a means to establish which specific examples should fall in or out of the scope of the regulations.

The eleven examples of VOD services included in the exercise were as follows:

Service	Service example	Nature of content	Means of access	Clip	Research name
TV broadcaster's Service	ITV Player	TV programme	PC	Emmerdale	Internet-based TV catch-up service
TV broadcaster's VOD service	Virgin Media VOD	TV programme	TV	Dr Who	TV on-demand service on TV
TV broadcaster's VOD service	BBC iPlayer	TV programme	Mobile phone	The Choir	TV on-demand service via mobile
Non broadcaster	Joost	TV programme	PC	Peep Show – Episode 1	Independent online video service
Independent TV content producer	Jellycast/ iTunes	Vodcast	PC	Ricky Gervais	Internet-based Vodcast
Independent producer	Online drama	Webisode	PC	LoL – teen web series	Video not broadcast on TV
Non broadcaster film	iTunes	Film	PC	Revolutionary Road	Online movie service provided by an independent provider
Non broadcaster website	Muzu.TV	Music video	PC	Pixie Lott video	Internet-based music video service
Non broadcaster website	Telegraph TV	News	PC	Barack Obama clip	Internet-based news report video
Advertiser website	Audi TV	Clip relating to products	PC	Frankfurt Motorshow	Internet-based promotional video
UGC site	YouTube	User Generated Content	PC	Singing girl	Home-produced content

The drivers of "TV-like": general observations

With the exception of platform, participants were largely in agreement as to which factors contributed to what was "TV-like". This section examines the perceived consumer drivers of "TV-like", both at a general level and through the examples of VOD services explored in the research.

Familiarity

The question of familiarity underpinned much of the discussion around what was considered to be "TV-like". It was a recurring theme which related to most of the more specific drivers of "TV-like" identified. As such, it is examined here at a general level.

As noted earlier, the concept of "TV-like" was associated primarily with ease, familiarity and passivity. It was clear that the degree to which an example was felt to be familiar influenced how "TV-like" it was perceived to be. Familiarity related to both the nature of the viewing platform (see below) and also the content, and the way in which the content was packaged. It seemed that at least some aspect of the experience needed to be considered familiar in order to be viewed as "TV-like", whether this was the platform, the content provider or the content itself. For example, a familiar programme title presented in an unfamiliar environment (e.g. via an unfamiliar website) might still be considered "TV-like" to some extent.

Familiarity was closely associated with being mainstream. Familiar content was considered mainstream content, and is perhaps best described as being intended for a mainstream target audience - such as the clips for *Dr Who*, or *Peep Show*. Content such as the Audi TV or LoL examples was less familiar, and felt to be targeted at a more niche segment of the viewing population. These examples were therefore considered less "TV-like".

Platform

Most participants felt that platform was significant in determining how "TV-like" an example was - even among heavy VOD user groups. Content accessed via a TV set was considered the most "TV-like", and for this reason the Virgin Media *Dr Who* video, which was the only example in the research accessed via a television set, consistently emerged across all groups as representing the most "TV-like" example.

For most participants, online video content was associated with a number of distinctly un-"TV-like" characteristics, such as buffering issues which impacted the quality of the viewing experience. Screen size and the physical space in which the content could be accessed (e.g. desktop computer versus laptop) were also factors here.

Older female participants were most likely to argue that online viewing of content was un-“TV-like” because it was an alien experience for them. They tended to associate TV with ease, and watching content online remained a relatively complex activity.

A few participants (tending to be male, light or heavy VOD users) spontaneously raised the matter of IPTV in the context of this debate. They were familiar with the concept and understood that this was the likely direction of future television. They were inclined to argue that, ultimately, almost all the content examples shown in the mapping exercise could be considered “TV-like” because of the likely future fusion of TV and online platforms. They pointed out that even examples such as YouTube were ultimately a source of entertainment shared by a mass audience, which rendered them “TV-like”. These participants felt that the lines between what was “TV-like” and what was web-like were becoming increasingly blurred. As far as they were concerned, IPTV was the next stage in the development of television, and this rendered debate around the impact of platform null and void:

“TV is moving towards the internet, so that makes the idea of “TV-like” hard to define.”
Belfast, 25-39yrs, light VOD

“I look at YouTube all the time – I would love it if I could access it via my TV on a remote.”
Newcastle, 40-55yrs, light VOD

This audience said that they were very comfortable watching content via their computer screens, and many among the 18-24 year old heavy VOD user groups did so on a regular basis. For these participants, platform was a far less significant factor in determining whether an experience was “TV-like” or not, because consuming content online was a familiar activity for them:

“No matter how you get to it, you are watching a TV programme. It doesn’t matter how I access it – it’s all about the content.”
Birmingham, 25-39yrs, heavy VOD

Accessing content via a mobile phone tended to be even more polarising, with many arguing that it was too far removed from the traditional viewing experience to be “TV-like”, while a significant minority across groups maintained that it was no different to accessing content via a portable TV.

Given the lack of consensus across groups on the role of online and mobile platforms in describing what is "TV-like" or not, for the purpose of this report platform *as a whole* has not been included among the set of core specific drivers of "TV-like", which are outlined below. (All participants, however, agreed that the TV platform was a key driver for "TV-like".)

The specific drivers of "TV-like"

The research identified and established a set of core drivers in the view of participants, grouped here under the themes of **content** and **packaging**:

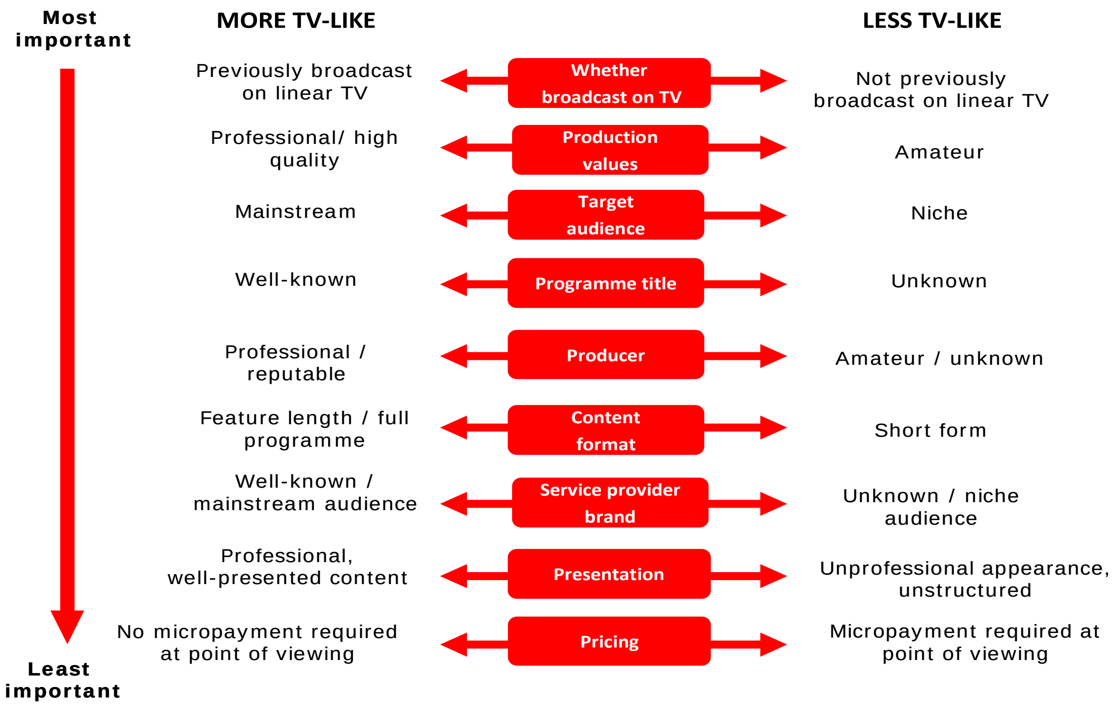
Content
The key factors relating to content were felt to be:
- Whether broadcast on TV before;
- Production values;
- The target audience;
- Programme title;
- Producer (quality);
- Content format.

Packaging
The main drivers relating to packaging were felt to be:
- Service provider/brand;
- Presentation of VOD content;
- Pricing: whether free / subscription-based.

The following chart illustrates the perceived importance of each of these factors according to participants, together with an indication of which characteristics were felt to be more and less "TV-like":

ESSENTIAL

Key drivers of "TV-like"*



Other features which were not considered significant:
purpose of programme, genre, whether downloaded or streamed

**Due to the varied views on the role of platform as a whole, this was not included in the broad ranking above. See the separate section on Platform above for participants' views on this.*

The way in which these factors each contributed to an overall sense of what is "TV-like" is explored later in this section in the examples of VOD services. They are explored here at a more general level.

Content

Broadly, participants tended to consider drivers relating to content to be among the most important factors. For example, the familiarity of the *Peep Show* example meant that this was placed relatively close to the "TV-like" end of the spectrum, even though very few participants had heard of its provider, Joost. However, where content was less familiar to participants (the *YouTube / Audi / LoL / Gervais* examples), these tended to be placed at the other end of the spectrum as less "TV-like". (Note: the iPhone example was also felt to be "TV-like" for many, on the grounds that the content (BBC's *The Choir*) was familiar. However, as noted above, the unfamiliarity of the means of access made it seem less "TV-like" to others.)

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The specific drivers that relate to content are outlined below:

Whether on TV before

For all participants, this was a key determinant of whether a service was considered “TV-like”. If content had previously been broadcast as part of a linear TV schedule, it was considered inherently “TV-like”. Content previously broadcast on TV was felt to automatically subscribe to the other content drivers of “TV-like” outlined below.

Producer / production quality

For most participants the content producer was associated with quality. Professionally-produced content was felt to adhere to certain production values which amateur content did not. Quality was a key driver of a “TV-like” viewing experience.

“I think it’s about standards. ITV and BBC produce high quality programmes, compared to things like YouTube where Joe Punter could make anything and it could be rubbish.”
Glasgow, 35-49yrs, non-VOD

TV content that was overtly amateur in nature was felt to be un-”TV-like” (unless housed within a professionally produced programme such as *You’ve Been Framed* or *RudeTube).* Participants thought that pure amateur content was out of place in the TV environment, and was considered very much the domain of the internet.

Intended target audience

As noted above, the idea of content for the mainstream was very closely aligned with perceptions of whether a service was “TV-like”. Mainstream content was perceived to be destined for a wide audience (*Dr Who, Peep Show* or *The Choir examples*) and was deemed more “TV-like”. More specialist content was seen to be destined for smaller, more niche audiences (e.g. *Audi TV, LoL* examples) and was therefore considered less “TV-like”:

“I think some of the extremes would make it less “TV-like”. Mainstream genres are for television, but you get more extreme genres on the internet like ‘Crazy Stunts’, people breaking legs and stuff - things you’d never see on TV.”
Glasgow, 35-49yrs, non-VOD

The concept of the mainstream target audience also related to some extent to the means of accessing the content; for example, whereas BBC iPlayer was well-known to participants, it was felt that it would be very difficult to find *LoL,* unless via personal recommendation.

Programme title

Programmes which were familiar to participants (e.g. *Emmerdale, Peep Show, Dr Who examples*) tended to be regarded as more "TV-like" than unknown content (e.g. *LoL* and the *Ricky Gervais* vodcast).

Content format

Broadly speaking, full-length programmes tended to be considered "TV-like" whereas short form content and clips were not. However, the debate over the different examples of short from content shown to respondents revealed other, interlocking drivers at play. On the one hand, music videos – for example on Muzu – were felt to be "TV-like" on account of their familiar and professionally-produced *content*. On the other, short form user-generated content – for example on YouTube – was felt to be less "TV-like" on account of its low production values.

A further nuance emerged in the case of music videos, revealing another driver at play. From a format point of view, the fact that users were required to click and select on a song-by-song basis made this type of *service* seem less "TV-like".

<u>Packaging</u>

The drivers relating to the packaging of VOD content are outlined below:

Service provider brand

Participants regarded certain carriers of VOD content as more "TV-like" than others. This was again largely a question of familiarity as well as broader associations with television; the major broadcaster catch-up sites were familiar and therefore considered to offer a more "TV-like" experience than those which were unknown.

Presentation / ease of navigation

Layout and presentation of content within a provider service was important; content which was presented in a clear, professional and easily identifiable format was more likely to be considered "TV-like". For this reason, the Joost *Peep Show* example was seen to be relatively "TV-like", even though Joost was not a well-known carrier of VOD content for participants. Its on-demand content was thought to be structured and presented in an easily accessible manner, reminiscent of more well-known services, such as BBC iPlayer and ITV Player. In contrast, the example of the Jellycast site was felt to appear qualitatively different and less easy to navigate:

“Service provider is important as I equate this with quality.”
Belfast, 25-39yrs, light VOD

“Unless it were recommended, you wouldn’t ever come across some of this online content – whereas you are likely to know about things that are on TV.”
Newcastle, 40-55yrs, light VOD

The means of accessing the content was an important factor in how “TV-like” an experience was. TV navigation was largely associated with easy flicking, but also with a sense of safety, signposting and structure. The Virgin Media on-demand example was associated with these characteristics because of its clear menu presentation and well-signposted content sections. These associations of safety, signposting and structure tended to be regarded as less true of the online environment outside of the main broadcaster providers. This was particularly the case where safety was concerned, since it was felt that even the most innocuous online search terms could yield surprising and sometimes shocking results.

Pricing

All participants acknowledged that they paid for TV content on an on-going basis via their licence fee and, for some, via subscriptions to providers, such as Sky or Virgin Media. However, the concept of micro, on-the-spot payments for accessing content tended to mean a service was viewed as less “TV-like” – even though some participants were accustomed to paying for certain on-demand programmes via their remote control on Virgin Media. As noted, TV was widely considered to be about ease and passivity, and each step requiring action on the part of the consumer tended to make the experience seem less “TV-like”.

Other drivers

Participants were asked their views on a number of other potential drivers, which were: programme purpose, programme genre and whether the content was downloaded or streamed. Participants considered these factors to be less important in deciding whether a service was “TV-like” or not.

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Responses to examples of VOD services

In this section, we explore participant views on the range of different examples of VOD services. Participants were shown eleven indicative examples of VOD services using pre-prepared video demonstration clips. The means of accessing each service and its content was illustrated in the video, together with an accompanying script read aloud by the moderator. Participants then discussed each clip in order to place it on a spectrum ranging from more to less "TV-like".

Disclaimer
Consumers' views were obtained on the basis of various short clips of audiovisual material shown to them.

In using these clips for the purposes of this research, it should be made clear that no representations were made or views taken by Ofcom (or by any person on Ofcom's behalf including those conducting the research) as to whether any of the services from which the clips were taken, amounted to 'On-Demand Programme Services' (as defined under section 368A (1) of the Act) and therefore fell within the scope of regulation.

Decisions as to whether individual audiovisual services fall within the scope of regulation of On-Demand Programme Services under Part 4A of the Act will be taken by Ofcom's co-regulator, the Association for Television On Demand (ATVOD) once it has been designated and, if appropriate, by Ofcom in accordance with the powers given to them under the Act.

No part of this report is intended, nor should it be interpreted as replacing in any way the powers properly exercisable by Ofcom and its co-regulator, in determining whether or not any particular service falls within the scope of regulation under section 368A of the Act.

Participants' responses

The chart below shows the overall mapping of 10 of the 11 examples of VOD services shown in the research in terms of how "TV-like" they were considered to be by participants. (The example of *The Choir,* accessed on BBC iPlayer via a mobile platform, is not included in this chart, because participants' views differed too greatly about the impact of the mobile platform, and they could not agree where it should sit. For details of participants' views on this clip, see the end of this section.)

Participants' responses to the examples of VOD services are presented here in the order of *decreasing* perceived "TV-like"-ness, beginning with the example which was considered most "TV-like": Virgin Media *Dr Who*.

TV on-demand service – TV platform (Virgin Media, Dr Who)

This example was universally considered to be the most "TV-like" across the examples shown in the study, principally because it was accessed via a traditional television set and accessed by remote control, like the rest of the Electronic Programme Guide (EPG). The content was therefore perceived to be easy for anyone to find. The content itself was considered "TV-like" because it was produced by a well-known broadcaster (the BBC) and was seen to be professionally produced with high production values. The content (*Dr Who*) was well known, and the programme was believed to be intended for a mass audience. It had also previously been shown on TV (BBC One), and both Virgin and the BBC were well-known brands. In short, there was little if anything which rendered this example un-"TV-like":

"That's exactly like TV. Except it's not scheduled."
Newcastle, 40-55yrs, light VOD

"That's the TV of today."
London, 18-24yrs, heavy VOD

"That is TV. It's like TiVo – 5 years ago people wouldn't have said that was really TV but now it very much is. Things change so quickly."
Birmingham, 25-39yrs, heavy VOD

Internet based TV catch-up service – online platform (ITV Player, Emmerdale)

The principal consideration here was the familiarity of the content and the content provider. ITV was well-known across the groups, as was the example of *Emmerdale*. The content was seen to be produced by a professional source, had already been broadcast on TV, and was targeted at a mass audience. It was therefore considered overall to be “TV-like”:

“It’s very like TV, because I’m familiar with the content.”
Belfast, 25-39yrs, light VOD

“It is a TV programme.”
Newcastle, 50-65yrs, non-VOD

There were some factors which made this example seem less “TV-like”. These included the fact that it was accessed via an online platform. For some participants, the interface felt less “TV-like” than the Virgin Media example, i.e. the need to click through several options to access the content, which was perceived to require more effort than watching TV. For some, the fact that the content was restricted to ITV only also made the experience seem less “TV-like”, as there was only the choice of programmes from ITV rather than a range of channels.

Independent VOD service – online platform (Joost, Peep Show)[10]

This example was considered to be broadly as “TV-like” as either the ITV Player or BBC iPlayer examples, owing principally to its format (series/full programme rather than a clip). The content (*Peep Show*) was professionally produced and had already been broadcast on TV. As a carrier, Joost comprised mainstream content from mainstream channels – content which was perceived to be destined for a wide target audience:

“It’s the same as iPlayer, only it’s less restrictive.”
Belfast, 25-39yrs, light VOD

“That’s like TV because it’s already been broadcast.”
Newcastle, 40-55yrs light VOD

Joost was, however, less familiar to participants than ITV Player/BBC iPlayer as a service provider, which made the experience seem less “TV-like”. This was partly because its relative unfamiliarity led some participants to conclude that it was not designed for a mainstream target

[10] The UK subsidiary of Joost went into liquidation in October 2009 as the fieldwork for this research was being carried out.

audience. Several participants wondered how the average TV viewer would know the website existed. As with ITV Player, there was also a degree of active selection involved in the process which made it seem less “TV-like” and more of a web navigation process.

Online movie service by an independent provider - online platform (iTunes, Revolutionary Road film)

The perceived “TV-like”ness of this example was driven largely by its content. This was perceived as a professionally produced, well-known, feature-length film of the kind which many would expect to see on TV because of its mainstream target audience:

“That’s just like watching a film on TV.”
Newcastle, 50-65yrs, non-VOD

Films of this kind were widely believed to be certified and regulated by ‘a film regulatory body’, and this ‘safety net’ aspect made the example seem more “TV-like”. As a carrier, the iTunes brand was also well-known and trusted, and the service felt professional and was perceived to be easily navigable:

“I think the structure of it makes it more “TV-like”, giving you choices of what to look at.”
Glasgow, 35-49yrs, non-VOD

There were some factors which meant this example was considered less “TV-like”. First this was because of its online-only platform, but also because of the requirement to pay at the point of consumption. Although a handful of participants had experienced pay-per-view on either Virgin or Sky, the fact that this content was paid for (above and beyond subscription / TV licence) made it seem less “TV-like”, and more like an online film rental service:

“It’s like Blockbusters or Sky Box Office – just a movie rental service.”
Newcastle, 40-55yrs, light VOD

Although the iTunes brand was well-known, it was primarily associated with music downloads, not broadcasting. This relatively unusual ‘housing’ of the content made it seem less “TV-like” for many (unlike ITV player or BBC iPlayer, for example, which were associated with television broadcasting).

“I associate iTunes with music, not TV.”
Belfast, 25-39yrs, light VOD

Internet-based music video service – online platform (Muzu, Pixi Lott video)

The consumer factors that led to this example being considered "TV-like" included the following: the content consisted of professionally-produced videos, it was housed within a site which, like iTunes and ITV Player, it felt professional and it was felt to be oriented towards a mainstream audience. Many participants were reminded of MTV and other content-specific TV channels, while a minority across the groups were familiar with the website:

"It's all stuff you could get on TV."
London, 18-24yrs, heavy VOD

The factors that led to this example being considered less "TV-like" included its online-only access, and also the fact that most participants were unfamiliar with the Muzu brand. The need to actively select separate clips rather than being presented with an ongoing flow of content was also a key differentiator between Muzu and MTV, and this made it less "TV-like". Some wondered whether the videos were originally destined for TV, e.g. via MTV; if so, this rendered the experience more "TV-like" in their eyes:

"It's like YouTube but a specialist on music. It filters out the crap."
London, 18-24yrs, heavy VOD

"It's a five minute burst of something – you are not actually sitting down to watch... You watch clips on your PC – TV is about programmes, soaps, dramas, series... Clicking back and forth is not "TV-like"."
Newcastle, 40-55yrs, light VOD

"It's like TV, but more interactive. Like a Jukebox."
Cardiff, 25-39yrs, heavy VOD

Internet-based news report video – online platform (Telegraph TV, Barack Obama video)

This example was, on the whole, considered less "TV-like" because the video content was regarded first and foremost as an enhancement of a wider news website – the site being primarily concerned with written articles, not video content:

"That's more like a website, like Skynews.com on your PC."
Newcastle, 40-55yrs, light VOD

"It's like the BBC website, so not very "TV-like"
Cardiff, 25-39yrs, heavy VOD

"That's not TV – that's like a visual newspaper."
Newcastle, 40-55yrs, light VOD

Although the *Telegraph* brand was well-known to participants, it was also widely associated, first and foremost, with print publications, and its role as a provider of video content was less familiar.

In spite of this example being overwhelmingly considered un-"TV-like" because of its housing and packaging, it did to some extent remind participants of TV news video watched on mainstream news programmes – content which was also associated with using video clips. The content was felt to be professionally made and to be destined for TV (or indeed originate from TV). There was also a high degree of familiarity with the *Telegraph* brand and, although it was not associated specifically with TV, the reassurance made the experience seem more "TV-like" in contrast to less well-known providers such as Jellycast. It could also be readily compared with similar services that *were* associated with TV, such as *BBC News* or *Sky News*:

"This is like Sky News, only it's interactive and you choose what you want to watch."
Belfast, 25-39yrs, light VOD

However, as noted, in this instance, the perceived role of the video content as an enhancement to a text-based website rendered it less "TV-like" overall.

Independent producer website showing a video not broadcast on TV– online platform (LoL)

The *LoL* example was considered less "TV-like" by participants or a number of reasons. The content was unfamiliar to all the participants. The housing of the content was also unfamiliar; it was not delivered via a known provider, and several questioned how they would ever know it existed:

"How would you find these things? You'd have to really search for it."
Newcastle, 40-55yrs, light VOD

It was considered to be targeted at a niche teenage audience. Several commented on the production quality. This, combined with the relatively brief 10-minute format, made it seem "un-TV-like", and potentially out of place on a TV screen:

"This is not mainstream TV. The length of time is very short, I wouldn't watch a ten minute programme."
Belfast, 25-39yrs, light VOD

"It's just an upmarket YouTube - it's more professional, but it's not an official TV programme. It's not known…. It's like someone just started that website and got their friends together and said, 'Let's make a TV programme."
Glasgow, 18-24yrs, heavy VOD

Some factors made the *LoL* example seem "TV-like"; these related to content. The episode format felt "TV-like", and reminded some participants of TV programmes such as *Hollyoaks* or *Byker Grove*:

"It's a bit like telly because it's a series. It's like watching a soap I suppose."
Birmingham, 25-40yrs, light VOD

Overall, however, these factors were outweighed by the issues of production quality, a perceived niche target audience and housing and packaging.

Independent producer internet-based vodcast – online platform (Jellycast / iTunes, Ricky Gervais vodcast)

This example was considered not "TV-like" by participants because of the production style and overall presentation (regardless of the presence of Ricky Gervais, who was well known to participants). Several commented that it seemed more like YouTube or a blog in terms of the overall feel of service:

"It's similar to YouTube – it's a form of promotion or fame-seeking… It's not a TV experience, it's rather a website you might stumble upon."
Belfast, 25-39yrs, light VOD

"You would be disappointed because this is not like what he does on TV."
Newcastle, 40-55yrs, light VOD

"That's not TV – that's a blog… A video Twitter."
London, 18-24yrs, heavy VOD

"It's like LoL and YouTube – though the episodes element makes it feel more like something "TV-like"."
Birmingham, 25-39yrs, light VOD

ESSENTIAL

The means of access was unfamiliar to all participants; the example had to be accessed via an unknown podcast / vodcast hosting website called Jellycast. It was considered difficult to find and consequently perceived to be not destined to target a mass audience. It was also perceived to be less "TV-like" because of the presentation of content within the site, as this appeared qualitatively different and the service was more difficult to navigate than sites such as ITV Player:

"Everyone's used to TV having structure, and you could see ITV Player had some structure to it, whereas that seems very ad-hoc. It's something you could sit and make in your living room."
Glasgow, 35-49yrs, non-VOD

Also, the example felt highly promotional in its nature rather than being a TV series in its own right. Participants thought it was more a supporting, promotional tool for Ricky Gervais fans. As with all other online examples, the web-only access also made it seem less "TV-like".

The only perceived "TV-like" factors in this example were format - it was a full- length programme (approximately 25-30 minutes) and part of a series - and the presence of Ricky Gervais. However, these factors did not override the overall sense that this was ultimately seen to be not "TV-like".

User generated content – online platform (YouTube)

In this example the only "TV-like" factor for most participants was driven by a general perception that this kind of content was in some ways a TV genre already (it reminded some participants of E4's *Rudetube or* ITV's *You've been Framed*) and would therefore not be out of place on a TV screen:

"Isn't it just like a mini You've Been Framed?"
London, 18-24yrs, heavy VOD

This YouTube example was, nonetheless, regarded as distinctly un-"TV-like" because of the amateur production values and non-professional origins of the content. The clip format was felt to be un-"TV-like". There was also a widespread sense of uncertainty about what an individual might stumble upon in the YouTube environment; something which was not felt to be the case with TV:

"You don't know what you're going to view when you go on this website ... There are no quality standards – anyone can produce this."
Belfast, 25-39yrs, light VOD

"You don't know what you're going to get. It's not structured – this isn't TV as we know it."
Newcastle, 40-55yrs, light VOD

Individual user generated content clips were not felt to be intended/produced for large/broad audiences – even if some clips were viewed by millions. The housing of the clips online and the need to search for them within YouTube also rendered the experience un-"TV-like". The clips were not perceived to be destined for TV, had never been shown on TV, and were unlikely to be shown on TV:

"You don't get user-generated programmes on TV."
Birmingham, 25-39yrs, heavy VOD

It was widely agreed that this format was overall un-"TV-like".

Internet-based promotional video on advertiser website – online platform (Audi TV, Frankfurt Motor Show 2009)

This example was universally considered by participants to be among the least "TV-like" of the examples shown in the study. The only aspects which made it seem at all "TV-like" were, first, the fact that advertising generally was regarded as being part and parcel of the TV experience (some participants also mentioned commercially-driven channels, e.g. QVC or MUTV) and, second, the production seemed to be good quality.

The Audi TV example was not considered "TV-like" because it was accessed solely online, was considered to be targeted at a niche interest group and was purely promotional rather than being perceived to be designed to entertain or inform:

"It's only targeted at those who like Audi or who maybe work for the company… It's not produced like a programme – it's not relaxing and not for a mass audience."
Belfast, 25-39yrs, light VOD

"If you were going to buy an Audi you'd search for it."
Newcastle, 50-65yrs, non-VOD

"That has a different purpose to TV – it's purely about advertising."
Cardiff, 25-39yrs, heavy VOD

"It's very specialised. TV is more general."
Belfast, 50-65yrs, non-VOD

Participants thought that content of this kind would need to be actively sought out, and was perceived to be part of a wider website first and foremost, rather than being the main purpose of the site.

TV catch-up service - mobile platform (BBC iPlayer, The Choir)

This was the most polarising example across the groups on the grounds of the mobile platform. As such, many participants struggled to agree where to place it on the spectrum of "TV-like". As noted, there was some variation across groups as to how far platform affected whether a VOD service was perceived as "TV-like", which depended on participant familiarity with the platform;

"If you are computer-savvy, then accessing all of this is easy and much like a TV experience. However, if you are not in touch with technology then it can be more difficult to feel this is TV."
Birmingham, 25-39yrs, light VOD

Few participants said that they regularly accessed audiovisual content via their mobile, giving a range of reasons including inappropriate handsets, unfavourable tariff deals for data downloads and problems with download speeds. Reluctance to access VOD services via mobile was also linked to a widely-held perception that accessing content in this way would be an unsatisfying experience because of the screen size. For many participants, the small screen size and relative unfamiliarity of the experience (and hence perceived complexity of accessing content via a mobile phone) rendered this example distinctly un-"TV-like". It was also associated with accessing content on-the-go rather than from the sofa – the traditional TV consumption 'space'.

For a significant minority, however, the idea of accessing content on a mobile phone was in principle no different to accessing it via a portable TV:

"That's very "TV-like". It reminds me of the portable TV you used to get years ago."
Belfast, 50-65yrs, non-VOD

"That's exactly like TV, but on a smaller screen – you access it in a different way."
Newcastle, 50-65yrs, non-VOD

Others argued that the mobile phone was simply a miniature computer, so the platform itself made it no more or less "TV-like" than any of the online examples shown:

"That's the same as iPlayer on your computer. Just a different device."
London, 18-24yrs, heavy VOD

It was the content itself which primarily drove the argument for this example being "TV-like". As with the Virgin Media example, this was a familiar programme title (*The Choir*) produced by a well-known broadcaster (BBC), which had previously been shown on TV. From the point of view of content, this was considered unmistakably "TV-like":

"That is quite like TV because of the quality of the programme."
Cardiff, 25-39yrs, heavy VOD

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6. Current regulatory expectations

Having completed the mapping exercise and established the drivers of "TV-like", participants were asked to comment on which examples they believed were *already* subject to regulation. Following this, a brief summary of the impending regulation of on-demand content was provided to participants and then discussed.

Content previously broadcast on TV

The vast majority of participants felt that *all* content which had previously been shown on TV was subject to regulation, though few spontaneously cited the TV Broadcasting Code specifically. This meant that all BBC iPlayer, ITV player, 4oD, Demand Five content was assumed to be subject to existing regulation, as were all the examples accessed via Joost and Virgin Media.

Understanding of television regulation tended to be limited to the application of the watershed and a perceived general supervision of all broadcast material. It was thought that this general supervisory role was largely responsible for dealing with incidents such as the Russell Brand / Jonathan Ross controversy.

There was also a great deal of faith placed in the major broadcasters to ensure that nothing unsuitable or offensive was made available via their websites. For participants, the terminology of 'unsuitable' or 'offensive' tended to relate to extreme examples of violence or porn, or shocking content such as the hanging of Saddam Hussein. Audiences were more concerned with the regulation and control of this kind of content that was seen to be available on the internet in general, than with the possibility of post-watershed TV content being made available at any time of day:

"I guess we naturally assume that large broadcasters will not deceive the consumer; therefore we trust them to regulate what's on their website."
Belfast, 25-39yrs, light VOD

"I would expect anything the BBC or ITV does would be follow the same rules as TV."
London, 18-24yrs, non-VOD

"The mainstream ones, like iPlayer, I would expect them to be regulated."
Glasgow, 35-49yrs, non-VOD

"I think the ones that are linked with "TV-like" your BBC iPlayer and ITV are probably all regulated. Is it Ofcom? It probably covers them on the telly and on the internet."
Birmingham, 25-40yrs, light VOD

Content broadcast solely online

There was less certainty surrounding the regulation of content that was produced for consumption on the web *only* (i.e. not previously broadcast via a linear TV schedule). Although most *believed* it was unregulated they were unsure, and a minority thought that there might be a web-based body whose task was to monitor internet content generally - though they could not comment on who they thought this might be. For the vast majority of participants, however, online on-demand services were widely believed to be unregulated at present (in line with general expectations of all web-based content);

"I thought nothing on the internet would be regulated, because it would take too much man power."
Belfast, 50-65yrs, non-VOD

It was clear even at this stage of the discussions - before any mention of Ofcom's regulatory remit was introduced - that there were latent concerns about the nature of video content available on the internet which was perceived to be not subject to any regulation and which was freely available. This was most commonly observed in relation to the *LoL* and YouTube examples, which were felt to represent some of the concerns parents have about the internet in general. Unknown, potentially risqué or damaging content was a clear area of concern, and many felt powerless to protect their children from accessing unsuitable content of this kind:

"LoL quite shocked me because I've got a daughter and I'm concerned that there's that kind of thing out there for them to view. It's aimed at a young audience and it seems quite racy. I thought, surely that's not regulated?"
Birmingham, 25-40yrs, light VOD

"The independent nature of these sites is dangerous. Anybody could upload anything."
Birmingham, 25-39yrs, heavy VOD

"Online needs more regulation because there's user generated content on it and kids are always on it."
London, 18-24yrs, non-VOD

"When we were younger and there were only four channels we trusted those channels. Nowadays there are no limits, we cannot be sure of what we are watching."
Birmingham, 25-39yrs, heavy VOD

It was believed that a degree of self-regulation was necessary for the vast majority of mainstream website brands, such as BBC iPlayer, Audi TV, or even YouTube. Many argued that major brands were forced to self-regulate and screen out or manage the distribution of unsuitable material in the interests of preserving their brand:

"Bigger brands can't really misbehave because we know who they are and they can get into trouble."
London, 25-39yrs, non-VOD

YouTube was a notable cause for debate in this respect; many felt that it must be self-regulated; otherwise it would be possible to access 'much worse' content. Others felt it would be an impossible task because members of the public from across the world could upload content at any time.

Response to the impending regulation of VOD services

Further to spontaneous debate surrounding the perceived regulation of the examples shown, a brief summary of the impending regulation of on-demand content was provided to participants. This gave a brief summary of Ofcom's existing remit in relation to TV broadcasting, and explained the new rules to regulate some video on-demand services. It also explained that, although the rules for on-demand services were not as strict as those governing TV, they did prohibit VOD services in two areas:

- *They prohibit material that is likely to incite hatred based on race, sex, religion or nationality.*
- *The rules also require the services to have controls in place to ensure under eighteens cannot watch material that may harm them, such as strong sexual material.*

It was explained that these rules would apply to some video-on-demand services and would help to ensure that the providers of TV and VOD services operated on a level playing field. Finally, participants were informed that the more like television a service was, the more likely it would be to fall under the new rules for VOD.

Note: The full version of this summary can be found in the Appendices section of this report.

The introduction of this new information tended to result in some confusion among participants, in particular the revelation that programmes needed to be considered “TV-like” in order to fall within regulatory scope. As seen, the concept of “TV-like” was widely associated with safety and familiarity in terms of either platform, content or ‘housing’ of content. It was widely believed that the more “TV-like” VOD services were already regulated, whereas the less “TV-like” examples were not. This meant that, invariably, those examples which had been identified as being the *least* “TV-like” in the mapping exercise were those which the research audience was most concerned about. They were disappointed that, according to the criteria of being “TV-like”, this kind of content may not fall under the new regulatory remit:

“I’m not happy with this, because the examples we haven’t identified as being “TV-like” are the ones I feel should be regulated... Youngsters are more likely to go to the ones at the furthest end of the spectrum.”
Belfast, 50-65yrs, non-VOD

“The BBC and ITV won’t put certain things on because they’re ‘family’ companies. If the BBC put on something shocking it might mean X number of people stop watching. It’s the smaller, independent companies you need to watch.”
Birmingham, 25-40yrs, light VOD

This sense of frustration led a number of participants to seek to re-shape their definition of what “TV-like” content meant:

“What’s the definition of television? It’s that you’ve got a moving picture and some audio content. So it’s all “TV-like”.”
Birmingham, 25-40yrs, light VOD

This response was, to some extent, a research effect, because, in the interests of establishing the drivers of “TV-like”, the research audience had been exposed to examples such as YouTube, which were far outside the scope of the regulation. Audience concerns about the regulation of online on-demand services were closely aligned with more general fears about the accessibility of content on the internet. As noted, there was a general sense of helplessness among parents when it came to the question of how to protect their children from potentially damaging content online. It was widely felt that there was a need for some degree of regulatory control here that did not currently exist:

"I was watching True Blood *last night and that was the first time I saw it on my computer and it asked me, 'Are you over 18?' I was thinking, anyone could click that box."*
Glasgow, 18-24yrs, heavy VOD

Conversely, participants regarded the regulation of on-demand "TV-like" content as unnecessary duplication, since, in their eyes, content of this kind would have already been regulated under the TV Broadcasting Code. For example, if *Dr Who* was broadcast on BBC One at a scheduled hour in a regulated media environment, and the same programme was then made available via BBC iPlayer, it seemed that further regulation at this stage would be unnecessary:

"So are we saying that we're going to re-regulate stuff that's already been regulated? I don't understand - what's the point?"
Birmingham, heavy VOD

A minority were also concerned that only UK broadcast content would be regulated. It was widely suggested that much of the content which might be considered potentially damaging would be likely to originate from overseas, in which case a UK-based regulatory body would have no jurisdiction over it.

Although there was clear evidence of concern across groups about the nature of video content online, these fears were to some extent mitigated by a widely-held view that one of the things people value most about the internet is precisely its freedom, its lack of boundaries and – to an extent – the requirement to self-regulate one's behaviour when navigating it This, among other issues, will be explored in the next section.

7 The future of regulation

In addition to asking participants about what they understood to be "TV-like", we ended the sessions with a discussion about the future of regulation. This section details the findings from an open discussion at the end of each research session about the challenges facing regulators in a world where online and television content are increasingly converged, and where individuals can access content via a variety of devices, including mobile phones.

Background

The research also set out to gain an understanding of what the general public thinks about the future of audiovisual content regulation, and specifically what participants see to be needed in terms of regulation of audiovisual services delivered on television, mobile phones and PCs via broadcast or internet platforms. The future of regulation was explored in order to gauge public perceptions on the challenges facing TV and VOD regulators in a converged media landscape.

The research explored:

- what regulation audiences felt was needed in the future and why it was needed;
- who it should protect; and
- whether the platform or device affected attitudes to this.

Overview of responses

Debate surrounding the future of audiovisual content regulation and concerns around how this might be managed in a converged media landscape began to surface as soon as the discussion turned to the matter of regulation. This was because it raised the question of the regulation of *online video content*, which was a widespread concern across the research sample, particularly among parents. The matter of regulating content in the future was universally recognised as a challenging issue, which would necessitate either the simple solution of censorship, or a much more complex approach which would protect the much valued freedom of access on the web.

Through the course of this section of the discussion, participants debated a range of complex issues, most notably:

- the desire to protect versus the practicality of doing so;
- the question of who needed to be protected;
- the question of who should take responsibility for protection; and
- how far regulation should be applied.

As noted, a number of participants were already aware of the growing movement towards TV and web convergence, and most welcomed this as an opportunity to enjoy even more on-demand content through their preferred platform of choice: the TV. For them, this would bring together convenience, flexibility and quality of the viewing experience. There were, however, also a small number of individuals who felt a degree of anxiety at the prospect of this development. These tended to be female and were usually those who were less familiar with the concept of IPTV in general:

"If that's the way it's going, then I want no part of it."
Birmingham, 25-39yrs, light VOD

The concerns of these individuals tended to centre around the protection of their children. The idea of internet video content being available through the previously 'safe' platform of the family TV screen felt intuitively uncomfortable; an invasion of a designated household safety zone. Their view was that if this was indeed to be the future of television, then *all* video content would need to be regulated to the same standards currently in place through the TV Broadcasting Code:

"I can't see why standards should change just because it is not scheduled viewing – why wouldn't it be regulated in the same way?"
Belfast, 25-39yrs, light VOD

For a minority, the need to regulate or control material depended to some extent on how easy it was to access certain kinds of content. These individuals subscribed to the notion that accessing on-demand material was effectively an active personal choice and therefore 'stumbling across' unsuitable content was unlikely:

"Things like vodcasts are harder to find, so it's less necessary to regulate them… You shouldn't find bad stuff if you're not looking for it."
London 18-24yrs, heavy VOD

However, most remained concerned that teenagers in particular would a) be likely to seek out unsuitable content, and, b) be more likely to know where to find it, even if relatively obscure. It was argued that with search engines, such as Google, potentially damaging content would always be only a click away and was readily accessible. It was thought that some measures of controlling access to it would therefore be necessary.

Who should be protected

As noted, there was an almost universal consensus across groups that some degree of protection in a converged media landscape was necessary. Main concerns surrounded the protection of children, and especially teenagers. As noted, teenagers were felt to be a particularly vulnerable group, being naturally inclined to seek out illicit content, but not necessarily having the maturity to be emotionally prepared for what they might unearth:

"The idea is to protect kids and the vulnerable, so I don't think we can rely on individuals to (self-regulate)… Some may not have the emotional maturity to know their own boundaries when they go online."
Belfast, 25-39yrs, light VOD

Many parents of teenagers claimed to feel increasingly unable to protect their children, being unable to monitor what they chose to access on the internet. This fear was heightened by the increasing popularity of web-enabled mobile phones, which were seen to make it easier for children privately to access unsuitable content. There was a sense that if parents allowed their children access to a laptop, personal computer or mobile phone, they effectively had to rely on their children to self-regulate:

"We have got to accept that our children will seek out information."
Belfast, 25-39yrs, light VOD

"Maybe certain kinds of handset should only be available to children over 16yrs?"
Belfast, 50-65yrs, non-VOD

Concerns were not limited to children and teenagers, however. There was a recognised need to protect vulnerable adults who might be less capable of making judgments about what they should and should not access, and might be influenced by harmful content. More broadly, it was felt that to some extent, *everyone* needed protecting from inadvertently stumbling across content they would not wish to see:

"We all need protection from offensive images."
Belfast, 50-65yrs, non-VOD

Although, as noted, the very nature of on-demand content suggests that it is actively sought out, several participants mentioned that they had happened across mildly pornographic or otherwise unsuitable content on YouTube without intending to do so; and they were concerned that this kind of material might appear in front of their children. Again, for some respondents, this led to a sense that all video content should be subject to as tight a degree of regulation as scheduled TV, and that in a converging landscape, in which the internet would increasingly feature on TV screens with no constraints on *when* content could be accessed, a greater rather than a lesser degree of regulation would be required.

Protection of minors

Protection of vulnerable adults

From actively choosing to access potentially damaging content

Protection of everyone

From accidentally stumbling across offensive material

Desire to regulate versus practicalities

The difficulty of regulating online content was universally acknowledged. The web was very much regarded as a 'wild west' landscape, with little or no control over what people access. For many, this was one of the things they valued most about it. Respondents felt that the vast array of contributors, the wide range of content providers and the ever-changing nature of the landscape would make regulation of online content an impossibly complex task – and the general concensus was that the most controversial content would prove to be the most difficult to regulate:

"It should all be regulated in some form – it's the practicalities of it."
Newcastle, 40-55yrs, light VOD

In particular, content produced by smaller, independent providers would be difficult to control:

"It's a noble aim, but it's never going to happen because most of the dodgy stuff is not broadcast from Britain."
Cardiff, 25-39yrs, heavy VOD

Many believed that there was no way to prevent individuals from accessing content if they were determined to view it – regardless of any regulatory measures or processes put in place. Some felt that internet content had already been around for too long in its current form to impose regulation now – there was a widespread sense of attempting to shut the barn door after the horse had bolted. The notion of attempting to impose some kind of all-encompassing regulation on online video content seemed too complex and demanding to be viable:

"You're not going to be able to stop people downloading, streaming – whatever they want to watch they'll get hold of it somehow. Why go to the effort of implementing regulation when it's already gone too far?"
Glasgow, 35-49yrs, non-VOD

Shared responsibility in the future

The research audience tended to see the solution as a complex mix of independent and self-regulation, combined with parental and personal responsibility. It was felt that no single body could ultimately take sole responsibility.

The idea of regulation being entirely in the hands of an overseeing regulatory body was unappetizing for most, as it was reminiscent of more draconian methods applied elsewhere in the world; for example, China. There was a sense that any regulatory approach which placed power completely in the hands of a single official body would potentially be deeply damaging to the very nature of the internet, and might result in heavy-handed application of rules which would restrict freedom of choice. Many subscribed to the view it was preferable to combine a degree of external regulation (possibly a combination of an independent regulatory body and ISPs) with an emphasis on parental control:

"We actually monitor what my son watches on the downstairs computer. They're all networked in the house. We can see exactly which websites he's been on upstairs, I haven't told him… The thing is, you've got to have parental control. We're getting too much of a nanny state saying what you can and can't watch or do."
Birmingham, 25-39yrs, light VOD

"The great thing about the internet is that it is so free... It should be up to the family to regulate. Parents should be given the tools to block things if they want."
London, 18-24yrs, heavy VOD

"I think the problem is that the internet isn't owned by anyone, or any one country. You may be able to regulate to a certain extent by the service providers – so if you're BT, you put in filtering. But it's a nanny state if you wanted to watch a particular thing and you can't. Or does every home in the country get software like Net Nanny?"
Glasgow, 35-49yrs, non-VOD

It was widely felt, however, that parents could not be expected to take on sole responsibility of regulating what their children accessed, since they often knew less about the internet and the general media universe than their offspring:

"It needs to be both (parents and Ofcom). You can't expect Ofcom to do everything, and they can't expect parents to do everything, because we can't be there all the time."
Birmingham, 25-39yrs, light VOD

"As a mum I worry that I can only protect my kids up to a certain age – then I need help with restricting content. Parents need a solution for restrictions."
Cardiff, 25-39yrs, heavy VOD

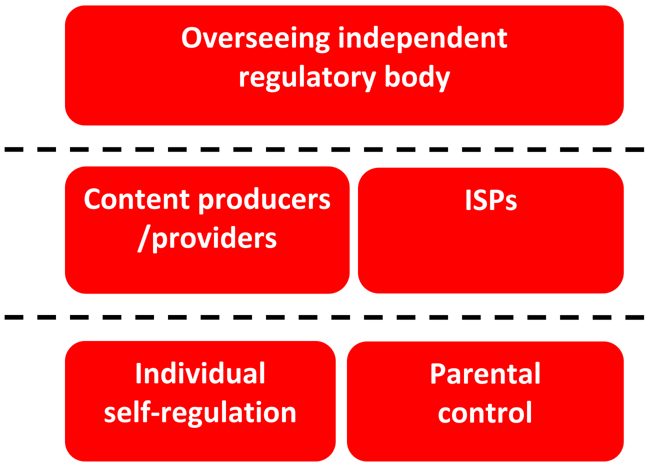
Few felt that individual providers could be relied upon to self-regulate. While the majority of major organisations had a commercial interest in ensuring that potentially harmful content was not included on their sites, there were a great number of other smaller, independent organisations which might benefit from incorporating or producing unsuitable material.

There was some suggestion among younger audiences that self-regulation on the internet was to be expected, and that individuals had to make up their own minds about what they choice to access. This view tended to be put forward in protest at the notion of regulatory controls on internet content, which for these individuals felt counter-intuitive and potentially dangerous. They argued that where there was no regulation, individuals were forced to self-regulate more, and that this was the desirable solution. However, most argued that not everyone was capable of self-regulating their behaviour, on the grounds that a) web users do not necessarily know what they might stumble across and b) even those actively seeking inappropriate content might not be emotionally mature enough to cope with what they see:

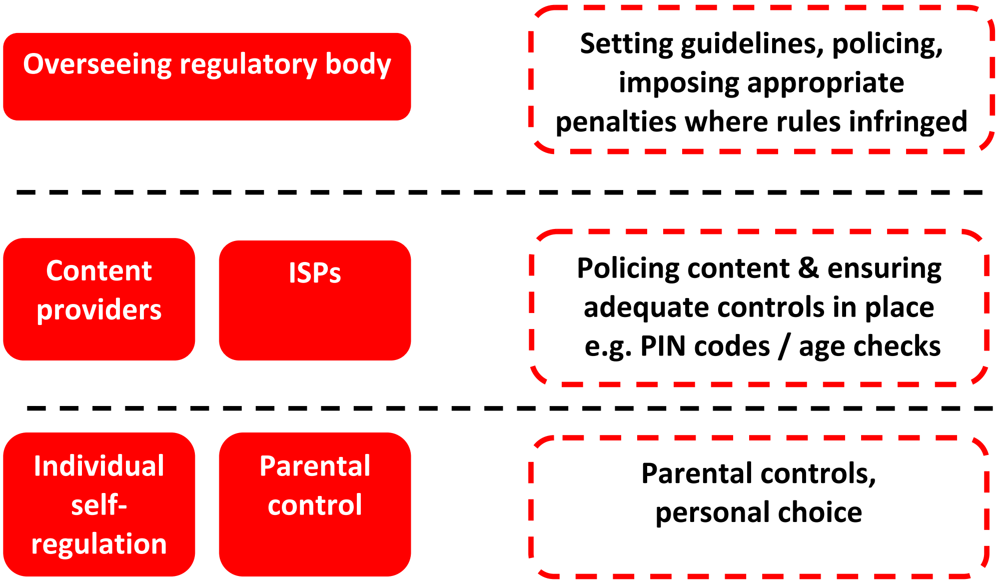
"There has to be some sort of regulation to protect the vulnerable.... A standard – otherwise we'd all drive at 200 miles an hour because there's no warning saying 'Bend ahead, drive at 50mph'."
Birmingham, 25-40yrs, light VOD

"I'm all for self-regulating, that you make your own decisions, but there are some people out there who aren't making those same decisions for their children. So it might need some sort of external control imposed."
Glasgow, 35-49yrs, non-VOD

Participants concluded that a multi-pronged approach was necessary, incorporating a mix of individual, parental, commercial and regulatory involvement, as outlined below:



The diagram above is not intended to suggest a hierarchy - rather the perceived layers of responsibility suggested by participants. Each layer was felt to play a different role (see extended diagram on the following page). Participants thought that the combination of all these layers of control or regulation would provide the most effective solution, which would also preserve the free nature of internet content as far as possible.



"Realistically, all you can do is give people warnings and enough information to make a choice about whether to view or not."
Newcastle, 40-55yrs, light VOD

Extent of regulation

The question of the nature of regulation and how far it should extend was a common theme across groups, and was of particular concern to younger audiences. Some participants, particularly those aged 18-24 years old, were concerned about the possibility of internet content being restricted or monitored in some way, and were the group most likely to feel that self-regulation in the world of the web was to be expected, that it was ungoverned territory and should remain so.

"Adults should have the choice of what they want to watch. You should know your own mind."
Glasgow, 35-49yrs, non-VOD

"If you regulate YouTube you destroy the whole point of it. And how would you do it? You'd have to watch all of it."
Cardiff, 25-39yrs, heavy VOD

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"I don't think you would want it changing very much from the way it is. You certainly don't want to take away peoples' choice. You just want to protect a certain element of society – but you don't want the other extreme where you're imposing something against somebody while taking away choice."
Glasgow, 35-49yrs, non-VOD

"You can go to Speakers Corner in London and hear people spout off about anything they like – racism, hatred, you name it. That's their choice – and the choice of the individual who wants to stand and listen to them. If you don't want to you just walk away. You don't have to look for video on-demand. Or if you find it, you don't have to continue with it."
Glasgow, 35-49yrs, non-VOD

At the heart of this debate was the matter of censorship versus regulation. It was widely felt that the latter was the more desirable option, and that the future of regulation should be about:

- controlling the visibility of unsuitable content;
- clear signposting of potentially harmful content;
- adequate controls in place for parents where possible.

Controlling the visibility of unsuitable content was a question of making content deemed to be potentially damaging less readily available and less easy to find. It was recognised that this was a difficult issue; what some might consider damaging or unsuitable might be acceptable to someone else. Given the nature of web search functionality it was also felt that controlling the visibility of content was also challenging – potentially damaging content was perceived to be always near the surface of the web. This was largely viewed as a matter for external regulatory bodies, ISPs and content providers.

A potential solution to this was the possibility of signposting the nature of content in advance of viewing, such as labeling content according to age suitability, as with film classifications. It was felt that existing measures such as 'Are you 18 or over?' entry criteria were largely inadequate in preventing teenagers from accessing content, although it was acknowledged that at least these did go some way towards preparing the user for what they might encounter:

"There should be certain signposts upfront as you access content as to whether the programme is a PG, a 15, and 18 etc, with stricter ways of accessing it."
Belfast, 25-39yrs, light VOD

"It's not about rules - more a question of safety measures."
London, 18-24yrs, heavy VOD

Finally, a key issue was that of ensuring that parents were well equipped to protect their children as far as possible in the home through software or control settings such as PIN codes.

Summary

In summary, most welcomed the idea of a converged media landscape with access to content via a range of devices. They viewed it as offering convenience and control, together with a greater quality of viewing experience. As the focus of the discussion was the issue of regulation, audiences naturally focused on their fears and concerns rather than the more positive aspects of what such technological developments might bring. While there was undoubtedly concern centering primarily around protection of children and teenagers, it was equally felt that the protection of the freedom of the web was paramount, and that in a converged media environment, protection should be a question of external regulation, self-regulation and parental control, rather than censorship.

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8 Conclusions

Associations with TV and VOD services

- It was widely acknowledged that viewers' relationship with was changing, owing to the rise of time-shifting behaviour, the proliferation of available TV channels and increased online viewing. For most, the quintessential TV experience remained that of the traditional TV set in the living room, at the heart of the home. For a minority, however, the rise of online VOD access in particular has led to a changed perception of what TV consumption looks like. For this group, the platform through which TV is accessed was perceived to be increasingly less important.

- Most participants associated video-on-demand primarily with increased convenience, choice and flexibility. The main spontaneous audience concerns centred around quality of the viewing experience (e.g. buffering and screen size if viewed online). Upon prompting, however, it was clear that there were also latent concerns about the harmful implications of certain kinds of on-demand content available on the internet.

The consumer drivers of "TV-like"

- The research found that the perception of what makes something "TV-like" is complex and varies depending on an individual's age and technical awareness. However, according to participants, a number of factors were perceived to be key when deciding whether something is "TV-like" or not. These can be grouped under the following themes:

  Content

  - Whether it has been on TV before;
  - Whether a familiar title;
  - Whether provided by a professional producer (quality);
  - Whether targeted at a mainstream audience;
  - Whether a standard programme format.

ESSENTIAL

Packaging of content

- Whether a familiar carrier;
- Presentation of content;
- Whether free / subscription based.

- Broadly, drivers relating to *content* tended to be considered among the most important, followed by those relating to the *packaging* of content.
- The question of **platform** was polarising, depending on participants' exposure to and comfort with watching content online or via a mobile phone. Those participants for whom this means of access was unfamiliar tended to regard platform as a highly important driver of "TV-like", whereas those who said that they were comfortable watching content online argued that it was irrelevant – particularly in view of the likely future convergence of TV and the internet.

Regulatory expectations

- Most participants were aware of some form of regulation for television and expected all programming accessed via a TV platform to be regulated. TV on-demand services e.g. Virgin Media were widely considered to come under this regulation. It was broadly expected that all content which had previously been broadcast via a linear TV service would be regulated, even if accessed via an online catch-up service, such as BBC iPlayer. Most participants were not aware that broadcaster online catch-up services could show content that had not already been broadcast.
- It was notable that content which participants felt to be "TV-like" does not necessarily equate to consumer expectations about what *should* be regulated. Content housed under well-known broadcast brands such as the BBC or ITV is less of a cause for concern because it has already been broadcast on TV (hence subject to existing regulation) and because consumers tend to have faith in these brands to self-regulate and not make potentially damaging material readily available.
- In contrast, consumer fears tended to relate more to on-demand services which are not considered to be "TV-like". Participants

voiced concerns about online content provided by independent or amateur production companies, and UGC video. This was because, unlike the major broadcasters, they were relatively unknown among participants, and were believed not to have to subscribe to any code of conduct in terms of their output.

The future of regulation

- We also asked about the future of content regulation. The future of regulation was explored in order to gauge public perceptions on the challenges facing TV and VOD regulators in a converged media landscape.

- The future of regulation was universally recognised by participants as a complex challenge. The ever-changing nature of the internet, the vast array of contributors and content providers would render the existence of an overarching, comprehensive supervisory body impractical. There was, however, almost universal consensus that some degree of protection is necessary for the protection of children and vulnerable adults, as well as protecting the general public from inadvertently stumbling across potentially offensive material.

- The general consensus was that a combination of external regulation, self-regulation by content providers and ISPs, and individual responsibility, combined with parental control, was a possible answer. There was a widely held view that the future of on-demand regulation should not be about outright censorship. It was felt that the protection of vulnerable individuals had to be balanced with protecting the freedom of the internet, and of personal choice.

- The solution was considered to be a combination of controlling the visibility of unsuitable content, providing clear signaling as to what viewers were about to access in advance of doing so, and providing parents with the necessary tools, such as PIN controls, to protect their children where possible.

ESSENTIAL

Appendices

Appendix A: Screener

DEMOGRAPHICS

Q1a Code Gender:

Male1
Female2

<u>Pilots A & B:</u>
X3 per group to be females at Q1a
X3 per group to be males at Q1a

<u>Groups 1 – 12:</u>
X4 per group to be females at Q1a
X4 per group to be males at Q1a

Q1b Age: ___________________________

<u>Pilot A & Groups 5 & 10:</u> All to be 50 – 65 years at Q1b

<u>Pilot B & Groups 1 & 7:</u> All to be 18 - 24 years at Q1b

<u>Groups 2 & 8:</u> All to be 35 – 49 years at Q1b

<u>Groups 3 & 9:</u> All to be 25 – 39 years at Q1b

<u>Groups 4 & 11:</u> All to be 25 – 39 years at Q1b

<u>Groups 6 & 12:</u> All to be 40 – 55 years at Q1b

Please ensure a good spread of ages within each group

Q1c Are you at present (code all that apply):
Married1Single2Divorced3 Widowed4Separated5Cohabiting6
Living with parents7Sharing with friends8Living alone9

All to live away from parents nowadays at Q1c

Please ensure a lifestage mix across groups (and within each group where possible) at Q1c

Q1d Do you have children or are you expecting your first child?

Yes, I have children1**Complete grid below**
Yes, expecting first child 2
No 3**Continue to Q1e**

Respondent's children:

	Gender	Age
Living at Home		
Away from home		

<u>Groups 2, 3, 4, 8, 11 & 12:</u>
At least X4 per group to have at least once child living at home nowadays at Q1d

<u>Groups 1, 5, 6, 7, 9 & 10:</u>
Natural fallout of family status at Q1d

Q1e Occupation of Chief Income Earner *(Probe fully)*:
____

Qualifications: ____

Number in Charge of: _____________SOCIAL GRADE: ____________

<u>Pilots A & B:</u> All to be BC1C2 at Q1e

<u>Groups 1, 3-5, 8 & 12:</u>
All to be ABC1C2 (good spread in each group) at Q1e

<u>Groups 2, 6, 7, 9 – 11:</u>
All to be C1C2DE (good spread in each group BUT with a maximum of X1 D and X1 E in each group) at Q1e

Q1f If respondent NOT Chief Income Earner ask if:

Working full time (30+ Hours per week)1
Working part time (6-29 Hours per week)2
Working less than 6 hours3
Education (GCSE or pre-GCSE)4
Education (A-level or equivalent)5
Education (Vocational - *write in*):__________________6
Education (Degree or equivalent)7
Education (Post-graduate)8
Non-Working9
Retired10
Other *(write in)*:_______________________11

Q1g Occupation of respondent if not Chief Income Earner:

____

Please ensure a mix of respondents working full time / part time / non working / students (where applicable) in at Q1e/f

<u>Groups 5, 6, 11 & 12</u>
Q1h And can you tell me the area you live in nowadays?

(write in): ____

<u>Groups 5, 6, 11 & 12:</u>
Ideally X2 - 3 per group to be from a rural area at Q1h

<u>Ask all respondents:</u>
Q1i And can you tell me how best you would describe your ethnic background?

(write in): ____

Please ensure a representative ethnic spread within each group with at least 1 respondent of a Black or ethnic minority represented in each group at Q1i

OCCUPATION / INDUSTRY EXCLUSIONS

Q2 Thinking about the following occupations, can you tell me which, if any:

a) you currently work in or have worked in the past?
b) any member of your family or close friends currently work in?

Read out: **a) b)**
Advertising **X X**
Market Research **X X**
Public Relations **X X**
Journalism **X X**
Marketing **X X**
Internet Media (e.g YouTube) **X X**
TV / Radio / Film / Broadcasting **X X**
Media regulation bodies (e.g. Ofcom) **X X**
____
None of the above **0 0**

If yes to any responses above the line, close interview
All to code None of the above at Q2a and Q2b

Q2c Do you intend to work in any of those occupations in the next 6 months?

Yes **X Close**
No 2 **Continue**

PREVIOUS ATTENDANCE

Q3a Are you scheduled to participate in a market research group discussion/depth interview in the near future?

Yes **X Close**
No 2 **Continue**

Q3b Have you ever attended a market research group discussion/depth interview?

Yes 1 **Ask Q3c**
No 2 **Go to Q4**

Q3c How long ago did you last attend a market research group discussion/depth interview?

In the last 6 months **X Close**
6 Months-3 years ago 2 **Ask Q3d**
More than 3 years ago 3 **Ask Q3d**

None to have attended in the last 6 months at Q3c

Q3d How many market research group discussions/depth interviews have you attended in total?

____

If more than 3 market research group discussions/depth interviews attended in total <u>close</u>

Q3e What was each of those market research group discussions/depth interviews about?

Interviewer write in:

1. ____

2. ____

3. ____

If on a similar subject as this survey, close interview

Q4 Which TV service do you have on your MAIN TV at home?

Analogue TV (4 or 5 main channels, received through an aerial)1

Freeview (30 free channels received through a set top box or built 2 into your digital television, and received via a household aerial)

FreeSat (30 free channels received through a satellite dish)3

Freesat HD (as Freesat but with HD capacity)4

Virgin Media (multi channel pay television, formally known as 5 NTL or Telewest)

Virgin+ Box (multi channel pay television, formally known as NTL 6 or Telewest. A Virgin+ Box allows you to record television, and watch high definition channels)

Sky (multi channel pay television received through a satellite dish)7

Sky+ Box (multi channel pay television received through a satellite dish. 8 A Sky+ Box allows you to record television)

Sky HD Box (multi channel pay television received through a satellite 9 dish. A Sky HD Box allows you to record television, and watch HD channels)

BT Vision (multi channel pay television from British Telecom. BT Vision10 comes with a V-Box that allows you to record television, and watch programmes at a time that suits you)

Tiscali TV (multi channel pay television that allows you to watch 11 programmes at a time that suits you)

No TV**X Close**

Please ensure a good spread of TV supplier with no more than 2 per group to have the same TV supplier (e.g. max X2 Sky of any form) at Q4

Q5 I would now like you to think about occasions when you may decide you want to watch video/ online content that is not being broadcast on live TV. This does not include not accessing material you have pre-recorded using video/ Sky+ etc. Can you tell me which of the following TV/video content services you:

(a) have used in the past?
(b) are aware of?
(c) use regularly?
(d) have used 1 – 2 times in the last month?
(e) have used at least once in the last week?

Sky Anytime
Sky Box Office
Virgin TV Choice
Virgin Catch up TV
Virgin Central
Virgin Front Row
BT Vision On Demand
On demand from Tiscali TV
BBC iPlayer
ITV Catch up
4OD from Channel 4
Demand Five
Sky Player
Apple iTunes
Joost
Babelgum
YouTube
Blinkx
Peer 2 Peer networks (i.e. downloading content via others)
Torrents (i.e. downloading content)

<u>Recruiter note:</u> Please ensure respondent understand we are just talking about looking for content (Video on Demand – VOD) to watch when a respondent chooses to do so – not referring to pre-selected material they have recorded (e.g. using PVR/DVDR/Sky + etc)

<u>Pilot A & Groups 2, 5, 8 & 10 'Non-VOD Users':</u>
None to have ever used any of the Video On Demand (VOD) services listed at Q5a
<u>PLUS</u>
May or may not be aware of the Video on Demand (VOD) services listed at Q5b

<u>Groups 4, 6, 9 & 12 'Light VOD Users':</u>
All to have used at least one of the Video on Demand (VOD) services listed once or twice in the last month (please ensure a spread in each group) at Q5d
PLUS
All to regularly use at least one of the Video on Demand (VOD) services listed at Q5c

<u>Pilot B & Groups 1, 3, 7 & 11 'Heavy VOD users':</u>
All to have used at least one of the Video on Demand (VOD) services listed at least once in the last week (please ensure a spread in each group) at Q5e
PLUS
All to regularly use at least one of the Video on Demand (VOD) services listed at Q5c

Pilot B & Groups 1, 3, 7 & 11 'Heavy VOD users' & Groups 4, 6, 9 & 12 'Light VOD Users':

Q6a And thinking about the Video on Demand services you just mentioned youuse regularly (ask where applicable), can you tell me if that is via acomputer or using your TV?

NB respondents may multicode

Computer	1
TV	2

Pilot B
At least X3 use a video on demand service on the computer at Q6a
PLUS
At least X3 use a video on demand service on their TV at Q6a

Groups 1, 3, 7 & 11 'Heavy VOD users':
At least X4 per group have use a video on demand service on the computer at Q6a
PLUS
At least X4 per group use a video on demand service on their TV at Q6a

Groups 4, 6, 9 & 12 'Light VOD Users':
At least X4 per group use a video on demand service on the computer at Q6a
PLUS
At least X4 per group use a video on demand service on their TV at Q6a

Ask to all respondents:

Q6b I would now like you to think about the total amount of time you spendwatching television via any medium where you are focused on the content (i.e. not on in the background whilst you do other things). Can you tell me roughly how many hours in an average day you spend watching TV?

Less than one hour per day	**X**	**Close**
1 hour a day	1	**Light**
2 – 3 hours per day	2	**Medium**
4+ hours per day	3	**Heavy**

Pilot A & Groups 2, 5, 8 & 10 'Non-VOD Users' & Groups 4, 6, 9 & 12 'Light VOD Users':
Please ensure a good mix Light, Medium and Heavy TV viewers in each group at Q6b

Pilot B + Groups 1, 3, 7 & 11 'Heavy VOD Users'
All likely to watch a large amount of TV, please record for information purposes at Q6b

Q7Thinking now about the internet, can you tell me which, if any, of thefollowing statements best applies to you?

I am very familiar with the internet and could even design a website. Your could call me a bit of an expert! 1**Expert**

I use the internet a lot and regularly use websites that are new to me 2**Confident**

I am confident using the internet on a few websites I visit regularly. I would also be comfortable using a website I hadn't visited before . 3 **Comfortable**

I use the internet now and again on a few websites I am familiar with but would not feel confident using a website I hadn't visited before on my own.**XNovice**

I am not confident using the internet and would not even know what to do if someone told me to click on a link!**XInexperienced**

Please ensure a good spread of internet experience in each group at Q8c
PLUS
None to be internet Novices OR Inexperienced at Q8c

Q8Can you tell me which of the following statements best describes you?

I find it easy to talk within a group 1

I am happy talking to people I haven't met before 2

I sometimes feel intimidated by groups of strangers, and sometimes find I don't know what to say **XClose**
I sometimes feel uncomfortable in the company of new people **XClose**

All to be confident and willing to speak in a group discussion (code statements 1 &/or 2) at Q8

INVITE TO PARTICIPATE IF RESPONDENT MEETS ALL QUOTAS

Appendix B: Discussion Guide

OFCOM: VOD ON TV AND ONLINE
CONSUMER RESEARCH WORKSHOPS: DISCUSSION GUIDE

▪<3 ½ hour workshops
▪7-9 respondents each
▪Conducted discretely amongst heavy, light and non-VoD users
▪Respondents to complete a 3 day viewing diary as a pre-task

Welcome and introduction (5 minutes)

- Introduce Essential Research – explain role, MRS checklist (confidentiality, anonymity, bound by guidelines)
- Here on behalf of Ofcom; introduce Ofcom representatives and inform that we will explain about what they do later on
- Explain that we will be talking about the future of television – we will be talking about some issues they may not have thought about before or that might seem quite tricky but that's fine, we will explain everything they need to know as clearly as possible
- Emphasise it's important to consult with the public on these issues in order to help Ofcom make the right decisions in future on this subject
- Format of the day (mix of presentations, table and all-in discussions, scheduled breaks)
- Basic rules (no right/wrong answers, everyone to have a say)
  - o however, we will need them to concentrate!
- Housekeeping (mobile phones, drinks, toilets, fire exits)

SECTIONS A & B TO LAST 45 MINS IN TOTAL: TIME SPENT ON EACH SECTION WILL DEPEND ON AUDIENCE TYPE

Section A: current TV and VoD consumption, awareness and attitudes

- Explore respondents' current viewing behaviour using pre-task diaries: favourite content; weight of viewing; shared viewing etc
- What role does TV play in their lives; how important to them; how has this changed over time and why; explore triggers

MODERATOR ALLOW 10-15 MINUTES FOR THE FOLLOWING:

- What <u>is</u> TV? If they had to explain to someone who had never watched TV before and didn't know anything about TV, what would they tell them?

CAPTURE ON FLIPCHART

PROBE NEEDS MET BY TV – MODERATOR TEASE OUT WHAT THE 'ESSENCE' OF TV REALLY IS E.G. VERSUS OTHER MEDIA (CINEMA / RADIO / INTERNET ETC) I.E. NOT JUST ABOUT MOVING IMAGES

CHOICES/ WHO ARE PEOPLE WATCHING WITH ETC

- Thinking now about the way in which people watch TV - how do they access their TV content? Allow reference to VoD, multi-platform access and/or non-linear consumption to fall out spontaneously first, then probe

- Where applicable, what impact has their usage of other platforms/ content sources had on their consumption of TV:
    - o explore the relationship between TV content and other sources
    - o what needs are met by each

- What do they understand by *'On Demand'* and *'Video on Demand'*?
    - o Capture all spontaneous reactions, probing if necessary on:
    - o Platform access e.g. internet, mobile, DTV services
    - o Type of content; any genres particularly sought e.g. music videos, news, films, comedy – what kinds of content do think people use VoD to access

- Capture list of various VoD services respondents are aware of/consume

- [Excluding non-VoD users] How does their VoD consumption differ from OR complement traditional TV consumption? Why is this?

- Is VoD content different from traditional TV content? How? And how is it similar?

- Do they have any concerns about VoD content as opposed to traditional TV viewing?

CAPTURE SPONTANEOUS CONCERNS BUT POSTPONE DISCUSSION TILL REGULATION SECTION BELOW

Section B: VoD presentation & initial response

SHOW PRESENTATION OF GENERAL EXPLANATION OF VIDEO ON DEMAND.

A Q&A SESSION FOLLOWS FOR CLARIFICATION. MODERATOR REFER TO NOTES WHERE NECESSARY.

- Anything new / surprising about what they have just seen
- Comments / questions

MODERATOR PROVIDES SIMPLE "VoD" DEFINITION FOR EACH RESPONDENT TO HAVE AS A REFERENCE THROUGHOUT THE SESSION.

Section C: "TV-like" mapping exercise (1hr30 minutes)

- Introduce mapping spectrum line with '**TV'** at one end

Moderator:

At the beginning of the session we talked about what it is about television that stands out for you. We are now going to show you a range of clips and we would like to know how like television you think they are and why. This line has TV at one end as a reference point. We are interested in where you think different things we are going to show you sit on this line

- VoD Service clips to be shown <u>one at a time</u>, each with an accompanying description card including a screen grab of the service

- One by one, respondents discuss together and map the VoD type cards on the line. Respondents encouraged to separate VoD services from each other and argue the case for doing so as far as possible.
- For each VoD type card, discuss and capture **drivers** and **principles** behind respondents' mapping choices

ONCE IT HAS BEEN MAPPED – IF IT APPEARS THAT CONTENT ISSUES NEED TO BE PULLED APART MORE, THE MODERATOR CAN THEN EXPLORE CONTENT ISSUES SEPARATELY FROM MEANS OF ACCESS

SPONTANEOUS EXPLORATION OF DRIVERS – CAPTURE ON FLIPCHART

COFFEE BREAK (10 MINS)

PROMPTED EXPLORATION OF DRIVERS

FOLLOWING THE BREAK, RESPONDENTS RE-GATHER AROUND THE MAP AND EXPLORE THEIR POSITIONING OF VOD SERVICES IN TERMS OF HOW "TV-LIKE" THEY ARE. MODERATOR PROBE WHETHER THEY ARE STILL HAPPY WITH THEIR ORIGINAL POSITIONINGS OR WHETHER THEY WISH TO CHANGE ANYTHING.

EXPLORE WHY PEOPLE POSITION THE CLIPS WHERE THEY DO – CAPTURE THE DRIVERS GENERATED SPONTANEOUSLY BY THE GROUPS FIRST

ONLY USE PROMPTS ONCE SELF-GENERATED FACTORS HAVE EMERGED

EXPLORE THE FOLLOWING SPECIFICS IN DEPTH IN RELATION TO HOW "TV-LIKE" THE EXAMPLE IS – ALWAYS PROBE FOR GENERAL PRINCIPLES

CAPTURE ON FLIPCHART

- Programming related:
  - Programme – for things to be "TV-like" certain types of programme…etc
  - Genre (e.g. music videos / news / porn / films/comedy) probe whether there are differences

  - Timelength
  - Purpose i.e. education, entertainment, promotion
  - Paid for vs. free
  - Who produces/provides the content? Home made? Professional?

- Means of delivery / context:
  - Means of delivery
  - Service provider
  - Whether shown on TV before vs. first shown on VoD service
  - Downloaded vs. streamed
  - The way in which programme content is presented to the user, i.e. how the programme content is laid out in the menu, or the layout of the menu

MODERATOR ASK RESPONDENTS TO IDENTIFY A HIERARCHY OF IMPORTANCE FOR IDENTIFYING WHETHER SOMETHING IS "TV-LIKE" OR NOT, USING DRIVER SORT CARDS.

MODERATOR ENSURE A PHOTOGRAPH IS TAKEN OF THE MAP AND HIERARCHY

Section D: Regulatory issues & Re-Mapping(25 minutes)

Now we are going to spend some time thinking about the rules covering these sorts of services.

MODERATOR CAPTURE WHETHER PEOPLE THINK THE SERVICES DISCUSSED ARE REGULATED IN ANY WAY

- Do they think these services are regulated at the moment
- How and why do they think they are regulated or expect them to be

CAPTURE FOR EACH SERVICE

ASK HEAVY VOD USERS ABOUT WHETHER ANY OTHER SERVICES THEY MAY HAVE USED ARE REGULATED OR NOT.

Brief introduction to the changing regulatory environment;

MODERATOR READ OUT THE AGREED SCRIPT AND HAND OUT COPIES TO PARTICIPANTS

CAPTURE INITIAL RESPONSE TO THIS INFO, SURPRISES AND/OR CONCERNS

Moderator:
You have just heard that whether something is "TV-like" is a key factor as to whether it falls under the new rules. So, what is more "TV-like" is more likely to fall under the new rules and what is less "TV-like" is less likely to fall under the new rules.

So, looking at this map that we have been working on, this means that services near the centre are very likely to fall under the new rules while services that are in the outside rings are less likely to. Now that you can see how the regulation will work what do you think of this? What is your personal view about whether these services should or shouldn't be regulated?

- RETURN TO VOD TYPE CARD MAP. For each VoD type, discuss whether or not the services should fall inside or outside regulation; why

- For each VoD type card, discuss whether they should fall under regulation or not – and why? In doing this refer to the key **drivers** and **principles** behind respondents' choices, probing on key drivers

MODERATOR INTRODUCE EXAMPLE OF C4 ONLINE PROGRAMME CONTENT, WHICH HAS NOT BEEN BROADCAST ON TV AND MAY NEVER BE BROADCAST IN TV, TO HELP STIMULATE THE DEBATE

- Mark changes on the map

- What services do they regard as competing with TV for their attention? Which do not compete with TV

MODERATOR RE-PHOTOGRAPH THE MAP

Section E: Impact of citizen perspective (10 minutes)

- Moderator explain that we want to think about the regulation of VoD content from the *perspective of society as a whole*, i.e. not just their own personal point of view. What, if anything changes and why

- Do the VoD services which respondents think ought to fall under regulation change when thinking about the interests of society as a whole

FINALLY, RESPONDENTS MARK 'SHOULD BE REGULATED', 'SHOULDN'T BE REGULATED OR 'UNSURE' AGAINST EACH VOD TYPE ON INDIVIDUAL CAPTURE SHEETS, TO IDENTIFY THOSE SERVICES THEY THINK SHOULD FALL UNDER REGULATORY SCOPE. THEY ALSO ARE ABLE TO WRITE COMMENTS ABOUT WHY THEY MADE THEIR DECISION ON THE SHEET.

10 MIN TEA / COFFEE BREAK

Section F: regulation in a convergent world(30 minutes)

MODERATOR:

*Current regulation is based around the idea of **TV broadcasting**. In other words, it's based around the idea that we have traditionally received content through our TV screens that broadcasters have chosen for us to view at a certain time.*

But this is changing. In the future we will choose what we watch, when and how. In fact, you'll be able to get programme or film content via a much greater range of devices – mobile phones, portable games – even watches.

"Thinking about yourself, your family, friends and the UK as a whole, with the growth of all the new ways in which you can access audiovisual content …

1. *we should try to apply the same rules to all these new ways of accessing content, as we do now to TV broadcasting*

2. *fewer rules are required when we move into a world, where audiences have complete control of what, when and how they watch*

MODERATOR USE THESE TWO ARGUMENTS AS A TOOL FOR PROVOKING DEBATE. PRESENT EACH VIEW AS AN ISSUE 'SOME PEOPLE' MIGHT THINK AND PROBE REACTIONS. CHALLENGE THROUGHOUT AND PUT FORWARD DIVERSE VIEWS FOR DISCUSSION

PROBE WHERE APPROPRIATE AS FOLLOWS:

- What is the point of TV regulation?

- How should regulation work in a world where VoD and TV content are converged – by that we mean where we can get easy access to audiovisual content, along with websites and other services, on our TV screens, laptops, mobile phones, games consoles and other fixed and portable devices? What issues will regulators face?

Is it possible to regulate a media universe of this kind; how? Any ideas about how regulation could work – whose responsibility should it fall under?

- What concerns do they have as consumers – what's their personal view as opposed to that of group they're in?

- Which societal groups will be most in need of regulatory protection? Why? PROMPT ALL PERSPECTIVES E.G. NOT JUST ELDERLY BUT THE YOUNG ETC.

- Should society as a whole take responsibility for VoD regulation or can individuals look after themselves?

- What would be regulated? What wouldn't be? Types of content? Means of delivery? If regulation was limited what should be regulated first (include TV as this is about the future of all) why?

- Should there be regulation at all?

Appendix C: What is VOD? Script of VOD introduction video shown to participants by Essential

FADE UP from Black to a person sat watching mainstream TV, the person flicks through channels with their remote control. Voice over is brought in over the top.

Voice Over

Traditionally, we've all watched our favourite programmes via our main TV set, but increasingly, people are able to choose how and when they watch things, either through the main TV screen, through a computer or laptop screen, or on a mobile phone.

Cut to person watching main TV screen, slow zoom on to TV screen while the person flicking to Virgin TV Choice and navigate to a particular programme, selecting and viewing it.

Voice Over (***Con't)***

Certain services such as Virgin Media or BT Vision allow viewers to choose certain programmes to watch at a time that suits them. They can also fast-forward, rewind or pause at will.

Cut to the person sat using a laptop, Cut to the laptop screen as the person navigates to 4OD and selects a programme and starts watching it.

Voice Over (***Con't***)

It's not just the familiar broadcasting companies such as the BBC or Channel 4 who provide this kind of service. Other companies and services also provide ways of accessing video content via your computer.

The person scrolls through the list of programs, He scrolls through the list and chooses, Grey's Anatomy through Blinkx.

Voice Over (***Con't***)

It's not just restricted to your TV or computer screen – many smaller hand held devices including some mobile phones can now be used to watch video content

Cut to the person accessing iPlayer on their iPhone as they walk in their garden and watch an episode of EastEnders.

Voice Over (***Con't***)

Besides programmes and films, there are more and more types of video content. For instance, you can watch trailers or out-takes, and you can find things which you will not have seen before on television, such as content made by ordinary people, or company videos.

Cut to the person accessing YouTube and playing a clip of user generated content of a toddler playing the piano.

Voice Over (*Con't*)

These new ways of accessing video content are often referred to as 'Video On Demand'.

FADE TO BLACK

Appendix D: What is VOD? Text of explanation of VOD given to participants by Essential

The world of TV is changing - for years we've had multiple TV channels, and more recently we've seen the growing popularity of digital recorders that can record TV onto a hard disk.

From 2007 we started to see an increase in what's known as VoD - Video on Demand.

With a Video on Demand service, you can select and watch the TV programme, movie or other video content you want when *you* want - without having to rely on TV schedules, worrying about forgetting to record a programme, or making a trip to your local video store.

You can select or buy a television programme or film through your television and it will begin to play straight away. Like a video-recorder or DVD player, with Video on Demand you can choose to pause, play, fast forward, or rewind. You can also skip to various scenes.

Video on Demand services are available not just on TV but, for example, via the internet on a personal computer, laptop, or on some mobile phones. Lots of people also watch VoD via the internet, where you can access a wide range of content ranging from home-produced clips on websites like *YouTube* to music videos, sports and movies. You can also watch TV programmes such as EastEnders or The Bill. Again, these can be watched on the computer itself or a mobile phone.

Popular Video on Demand services you may have heard of include Virgin Media (TV service) and BBC iPlayer (online service).

Appendix E: Regulation and VOD services – text of explanation given to participants

You've just been looking at different types of video content, some of which you think is like TV and some of which you think isn't.

You're probably aware that Ofcom regulates certain content that appears on TV, and that there are some rules about what appears on TV. So, for example we have a watershed to protect children from offensive language and other material before 9pm. We also have rules which limit, to some extent, the amount of sexual or violent behaviour that can be shown on TV at any time.

TV is so widely available that it can be a hugely positive force – for example it can provide entertainment and can act as a useful educational tool. At the same time, it also has the potential to cause harm and offence and the rules are designed chiefly to protect viewers.

As you have seen this evening, new services now exist which provide Video on Demand. Like TV, these services are now widely available. Some of these services show content which may be similar to, if not the same, as TV.

Because there are similarities between TV and some Video on Demand services, and because there are rules in place on television to protect viewers from certain types of TV content, some new rules will shortly be introduced which relate to Video on Demand.

Although they are not as strict as the rules governing TV, they do prohibit Video on Demand services in two areas.

- Firstly, they prohibit material that is likely to incite hatred based on race, sex, religion or nationality.
- Secondly, the rules also require the services to have controls in place to ensure under eighteens cannot watch material that may harm them, such as strong sexual material

These rules will apply to some Video on Demand services and will help to ensure that the providers of TV and Video on Demand Services operate on a level playing field.

The more **like television** a service is the more likely it is to fall under the new rules for Video on Demand.