

Introduction and general remarks

1. This submission is made on behalf of Universal Networks International (UNI), a division of NBC Universal.
2. UNI operates a significant number of subscription-based TV channels in the UK and elsewhere, including 25 that hold Ofcom broadcasting licenses.
3. In addition, the content that we own and license is available to consumers on-demand through a number of On-Demand Programme Services (as defined by the Audio-Visual Media Services regulations of 2009 and 2010) that we control. Accordingly, they are notified to the Association for Television On Demand (ATVOD) and appear in that organisation's Directory of Notified Services. A number of other services available to consumers in the UK that contain content we own or license, are under the editorial responsibility of others.
4. We welcome the opportunity to respond to the consultation dated 17 December 2010 and titled Procedures for handling appeals on scope and for imposing sanctions in relation to On-Demand Programme Services. The issues it raises are important from the point of view of establishing robust and enforceable procedures for the regulation of video-on-demand (VOD) services and we support the approach Ofcom is taking to establishing system parameters that are clear and fair.

Specific comments on the consultation

Scope

5. We support the bulk of the proposals made in Section 3 of the consultation document. We believe the process established for handling an appeal on scope to be fair, sensible and workable in practice.
6. We recommend one minor change to the length of time that those determined as ODPS providers by ATVOD have to respond to ATVOD's decision on their requirement to notify (in your numeration, item 3.8).
7. In particular, we say that requiring an appellant to issue their appeal 'within 10 working days of the date of ATVOD's decision', may give operators fewer working days in practice by the time the communication has been delivered and has reached the appropriate person internally at the ODPS provider. Effecting a minor change to 'within 10 working days of receipt of ATVOD's decision by the ODPS provider,' would reduce the possibility of inadvertent regulatory non-compliance. We consider this change to be consistent with the spirit and letter of the remaining regulation.

Sanctions

8. We support the entirety of the proposals made in Section 4 of the consultation document. We welcome the clarity that Ofcom brings to this situation and the establishment of a firm enforcement process against those who breach the rules.

Further information / clarification

9. We will be responding to other ATVOD-related consultations from Ofcom in due course.