

Your response

Question	Your response
<p>Question 1: Do you agree with our proposals that the main five PSB channels hold the top five slots on EPGs provided UK wide or in the UK outside of Wales?</p>	<p>Confidential? – N Yes, we agree with these proposals. For the avoidance of doubt, we don't believe an EPG in this context should necessarily include elements which are user-initiated (e.g. channel filters).</p>
<p>Question 2: Do you agree that on EPGs provided for viewers specifically in Wales BBC One, BBC Two and the relevant Channel 3 service should take the top three slots, with S4C in slot four, Channel 5 in slot five and Channel 4 guaranteed a position on the first page?</p>	<p>Confidential? – N We agree with Ofcom's proposal.</p>
<p>Question 3: Do you agree that BBC Four should be guaranteed a slot within the top three pages of all EPGs?</p>	<p>Confidential? – N We agree with Ofcom's proposal.</p>
<p>Question 4: Do you agree that the designated public service News channels (currently BBC News and BBC Parliament) should be guaranteed slots on the first page of the news genre section or an equivalent position within the grouping of news channels on the EPG, as applicable?</p>	<p>Confidential? – N We agree with Ofcom's proposal.</p>
<p>Question 5: Do you agree that CBeebies and CBBC should have guaranteed slots on the first page of the Children's genre or area of the EPG, as applicable?</p>	<p>Confidential? – N We agree with Ofcom's proposal.</p>

<p>Question 6: Do you agree that S4C, BBC Alba, and BBC Scotland should be guaranteed prominence within the first three pages of UK wide EPGs?</p>	<p>Confidential? – N</p> <p>There are a number of factors to consider here: (i) whether users outside of these regions would be interested in viewing regional content; and (ii) whether there would be a cost to platform operators to deliver regional content on a nationwide basis.</p> <p>Our initial view is that nation-specific providers should not necessarily be guaranteed prominence on a UK-wide basis, but rather this should be a matter for the platform to decide (depending on user interest and overall cost of delivery). In any event, the provision of prominence should not be to the detriment of current user expectations or requirements (which could be established via user testing).</p> <p>As a general point, the YouView platform, in following DUK’s listings for LCNs, is entirely reliant on DUK in respect of overall compliance of the LCN regime. In this context, if DUK decide to consult on any changes following amendments to the Code, then YouView might also have to take into account any of DUK’s requirements.</p>
<p>Question 7: Do you agree that Local TV should be guaranteed prominence within the first three pages of UK wide EPGs?</p>	<p>Confidential? – N</p> <p>Please see our responses to Q6.</p>
<p>Question 8: Do you agree that S4C, BBC Alba, and BBC Scotland should be guaranteed prominence within the first three pages of relevant Nation specific EPGs e.g. S4C in Wales, BBC Alba and BBC Scotland in Scotland?</p>	<p>Confidential? – N</p> <p>Please see our responses to Q6.</p>
<p>Question 9: Do you agree that Local TV should be guaranteed prominence within the first three pages of relevant regionalised EPGs?</p>	<p>Confidential? – N</p> <p>Please see our responses to Q6.</p>
<p>Question 10: Do you agree with our proposals to ensure prominence for either the SD or HD version of BBC channels rather than both?</p>	<p>Confidential? – N</p> <p>Yes, we agree with Ofcom’s proposals on the basis that the promotion of HD is of benefit to viewers.</p>

Question 11: Do you agree with our proposals to allow broadcasters to swap HD simulcast variants of their SD designated channels, such that those HD variants could occupy the slots which the SD channels would be entitled to?	Confidential? – N Yes, on the same basis as set out in our response to Question 10.
Question 12: Do you agree with our proposal to provide a 12 month transition period once the Code is finalised?	Confidential? – N As per our third paragraph in response to Question 6, for LCN ordering, we are reliant on DUK. It might be that once the Code has been finalised, it will take longer than 12 months to implement the required changes, as YouView might also wish to respond to any review and consultation process implemented by DUK.
Question 13: Do you think that the prominence regime should be extended to ensure EPGs themselves can be easily found?	Confidential? – N We agree with the principle that EPGs should be easily found. The difficulty will be codifying the rules for this and then ensuring that these are applied consistently across multiple platforms.

Question 14: Do you agree with the broad range of factors for consideration we have identified? Are there other factors that policy makers should consider?

Confidential? – N

Degree of prominence: We agree with Ofcom's assertion that it already has "significant discretion in relation to the prominence that it grants to designated channels". Accordingly, our view is that this discretion could be extended, so that Ofcom has the powers to exercise it across a new regime. This may be without necessarily mandating any particular placement rules above those regarding placement of channels within an EPG, but through the specification of guidelines, principles and outcomes.

Metrics to define prominence: We understand Ofcom's desire to seek to measure the delivery of prominence and that in doing so PSBs might receive the required degree of comfort. However, in the Consultation, Ofcom have already identified the problem posed by new and innovative platforms and by the evolution of any platform (new or existing). Seeking to set the parameters for prominence outside of the linear environment could be potentially counter-productive as it might subvert the natural expectations of users. It might also stifle innovation by pre-empting the design and layout of any given UI.

Each UI will be different and will innovate at different speeds and in different ways. The principle of PSB prominence itself already confines platforms and setting out metrics would confine them further, potentially restricting innovations that might be in the best interests of the consumer. In our view, it would be better to set out any such metrics as useful guidelines which platform operators could take into consideration, but which should not be definitive in the context of UI design.

In our view, PSB prominence can be measured by relative ease of access to PSB content on any given platform.

Types of content: The YouView platform already affords prominence to the PSB VOD players on the basis that users would expect to see these players in prominence order. In this way, prominence has been applied through the lens of user expectation, as well as through the delivery of citizen benefits, even though we acknowledge that these players contain content which goes beyond PSB linear channels.

Platforms, services, devices: Please see our response to Q18

Elements of navigation captured: Please see our response to Q19

Size and scale: In our view there should be no need for any gating criteria.

Question 15: Do you agree with the principles we have set out? Are there other principles that should be considered?

Confidential? – N

In our view, it is for each platform to consider which technical or product solutions might deliver the most appropriate means of surfacing PSB content. Otherwise, Ofcom risk mandating solutions that might work for today, but might not be appropriate for tomorrow (e.g. where voice integration is becoming more ubiquitous).

Currently the prominence regime is defined by placement within a defined hierarchy and this principle remains an important paradigm. We are also mindful of other benefits that can be derived by PSBs in respect of their content, which in the context of new discovery paradigms (e.g. voice search) are also important. To this end, the YouView platform supports the PSBs by providing them with value for their services through attribution of content within the UI and providing valuable data insights on discoverability and usage, both at a viewing and behavioural level. In our view, the value of content discoverability is not just about ensuring placement at a higher level in the EPG (or elsewhere in the UI), but is also about ensuring viewers are clear on where the content originated and ensuring content partners can determine the value of their content, based on data insights.

In order for platforms to remain competitive, they must develop to ensure they meet users' needs. As a result, the design and evolution of platforms should be a matter for those platforms and not a matter for the regulator, who cannot be expected to deliver solutions that work across multiple platforms.

We, like Ofcom, are also concerned about the need for ensuring a fair degree of intra-platform competition and we elaborate on this in more detail in our response to Q18.

Our concern with regard to the increased regulation of existing platforms, without levelling the playing field, is that this would result in a small number of platforms subject to an increased set of regulatory requirements, but would leave an increasing number of other platforms free to surface content without reference to any regulatory conditions or without regard to the value of PSB content. Such platforms might become the preferred destination for users if these provide a more user friendly route to the content these viewers wish to access. In a world where we are seeking to drive scale on our platform, this would not be an ideal outcome, for either the platform or for PSB content providers.

Question 16: Do you think that the prominence regime should be extended to ensure PSB Players can be easily found?

Confidential? – N

The principle of PSB prominence for linear content has set a useful precedent for the YouView platform and we are happy to already follow this precedent in many areas of the UI where users would expect to see prominent PSB content. For example, the YouView platform affords PSB prominence to their VOD player services on the basis that as catch-up services, users would expect to see these services presented in order of PSB prominence.

<p>Question 17: Do you think that the prominence regime should be extended to ensure PSB content can be easily found via recommendations and / or search? If so, what key parameters would you set for this aspect of the regime?</p>	<p>Confidential? – N</p> <p>YouView’s preference is for areas such as these to be driven by relevance to the user. However, we could anticipate the application of PSB prominence where content is searched for at a genre level, on the basis that users might expect to see PSB content in these particular search results.</p>
<p>Question 18: Do you think that the prominence regime should be extended to platforms and devices not currently captured by the EPG prominence regime? If so, how do you think the regime could be extended and who should be captured?</p>	<p>Confidential? – N</p> <p>As a wider point of principle, our view is that devices that represent or have the same effect as a “platform ecosystem” and of course, platforms themselves, should be subject to the same prominence regime as existing TV and STB platforms. If this is not addressed, then, as already stated, intra-platform competition is stifled. This would ensure that all providers of “TV-like” services are operating at a level playing field.</p> <p>We do recognise that a distinction can be drawn between apps as aggregators of content (e.g. Apple TV, Amazon’s Firestick, Google’s Chromecast) and “services” which are discoverable within apps (e.g. Amazon Prime, BBC iPlayer), even though these services offer collections of content. In our view, users would expect to see a hierarchy of content displayed within a platform, but would not necessarily expect such a presentation within the service itself. For this reason, the aggregator of content should be bound by the rules, but we wouldn’t expect prominence to apply within a particular service.</p> <p>We recognise the arguments/concerns of the PSBs with regard to services which operate as and are therefore in effect platforms (e.g. social media services), but it should be the platform itself, (or the aggregator) that has to acknowledge the importance of PSB prominence.</p> <p>In our view this area is still evolving and it may not always be clear when a service might have evolved into a platform – and accordingly, when Ofcom should intervene. Given this uncertainty, at this stage, our recommendation would be that Ofcom’s powers should be sufficient such that as the boundary blurs further, then Ofcom is able to quickly react.</p>
<p>Question 19: Do you think that the prominence regime should be extended to online services? If so, who should be captured?</p>	<p>Confidential? – N</p> <p>See our response to Q18 and our recommendation that the emphasis should be on the regulation of platforms/content aggregators, which means that Ofcom should have the powers to ensure that online services which meet the necessary criteria are within scope.</p>