



# Ofcom's consultation on prominence and accessibility on connected TV platforms

## Comments from Paramount

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Paramount welcomes the opportunity to respond to Ofcom's consultation on prominence and accessibility on connected TV platforms.

We strongly support the objectives of the proposed Code of Practice and Guidance, and agree with Ofcom's assessment that *"as viewing migrates online, it is becoming more difficult for the PSBs to reach audiences"*, making it ever more important *"that viewers can continue to find and discover public service content easily, so the benefits of public service media are not lost."* We also welcome Ofcom's recognition that the Media Act introduced *"a new regime to make public service content easier to discover and watch on the connected TV platforms that people increasingly use"* and that, for the first time, the most-used connected TV platforms must ensure PSB players and their public service content are *"available and prominent"*.

This submission is intended to be complementary to the detailed technical submission from Everyone TV, with which we are aligned, and we do not seek to duplicate its analysis here. Instead, we focus on a small number of areas where additional clarity or strengthening of the proposals would materially improve outcomes for audiences and help ensure the regime remains effective over time. In doing so, we welcome Ofcom's stated intention that the Code and Guidance are *"designed to be flexible and future-proof, so providers can adapt within the regulatory framework as technology and viewing habits develop."*

Parliament's decision to introduce the Media Act reflects a clear recognition that decisive regulatory intervention is required to address the structural imbalance between PSBs and global players. Our ability to continue serving UK audiences with high quality public service content depends in part on the inclusion and easy discoverability of our services on connected TV platforms, on fair commercial terms. We do have concerns that the definition of 'appropriate prominence' in the consultation document is not sufficiently ambitious to create meaningful improvements to PSB's current commercial arrangements with digital platforms. Ofcom must be bold in its implementation of rules governing prominence to ensure that its codes meet the expectations of Parliament.

### **Live TV Areas**

We support Ofcom's proposals on the ordering of listed channels within live TV areas and agree that alignment with the principles of the EPG Code is essential to maintaining clarity for viewers as they move between traditional and connected TV environments.

However, we are concerned that requiring all live TV areas to comply with listed channel rules – including FAST-based or mixed guides that include unlicensed channels – risks creating viewer confusion and unintended audience harm, particularly where platforms operate multiple live or guide experiences.

We therefore believe that:

- Where more than one live TV or guide area exists, only one “primary” guide should be required to comply with the listed channel rules.
- Live TV areas that are regulated EPGs, or that are fed directly by regulated EPGs, should be capable of complying without creating conflicting ordering requirements within the same platform.

To ensure audiences are reliably directed towards public service channels, we believe it is essential that live TV areas which do comply with the listed channel rules are afforded greater overall prominence than other live areas. More broadly, we urge Ofcom to consider whether baseline prominence for live linear television delivered via regulated EPGs should be more explicitly recognised within the framework, reflecting the continuing importance of live viewing to the delivery of public service broadcasting.

### **App Menus**

We support Ofcom’s proposals on prominence within app menus and agree that designated internet programme service (DIPS) apps should be clearly visible and readily accessible to viewers.

However, from a broadcaster perspective, we share concerns that the current proposals may not be sufficiently future-proofed against changes in platform design and commercial incentives, particularly as content aggregation and AI-driven recommendations increasingly shape user interfaces.

We believe it is therefore critical that:

- DIPS apps are always visible in some form above the homepage fold, even where platforms move away from traditional app rails.
- App-level prominence cannot be materially undermined through automatic or prompted re-ordering that reduces the visibility of public service apps.
- Ofcom extends prominence principles to remote controls, recognising their role in shaping user journeys and the risk that prominence secured on-screen can be negated through hardware design choices.
- Platforms should provide PSBs with sufficient data and transparency to support fair commercial negotiations and to enable monitoring of ongoing contractual compliance with prominence and inclusion arrangements.

Absent these safeguards, there is a risk that prominence secured in principle may be eroded in practice over time.

### **Primary Content Areas – Public Service Remit**

We agree in principle that public service content should receive a minimum of 50% prominence within primary content areas and support Ofcom’s recognition of the role that curated promotional space plays in influencing viewing choices.

That said, we believe that both the definition of “primary content areas” and the concept of “prominence” itself would benefit from further clarification to ensure the regime is robust and resistant to gaming. In particular:

- Prominence should apply across all promotional content areas, not solely those designated as “primary”, to prevent value being shifted into secondary banners, screensavers, or newly-created UI features.

- Prominence should be defined in a platform-neutral, outcomes-focused manner, for example by reference to the relative value of impressions delivered, taking account of position, size, and duration.
- Minimum prominence should be maintained throughout the day, rather than being concentrated in off-peak periods that deliver limited audience value.

A consistent approach of this kind, based on clear guidance from Ofcom, would better reflect how audiences actually experience connected TV interfaces and provide greater regulatory certainty over time.

### **Search**

We welcome Ofcom's inclusion of search as a core element of the prominence framework and agree that public service content should be the most prominent result where it is the most relevant response to a user query.

However, we do not believe the proposals go far enough where "relevance" is shared:

- Where public service and non-public-service content are equally relevant recommendations in a response to a search term, public service content should always be given greater prominence, rather than merely similar positioning.
- Where the same content is available via both a DIPS and a non-DIPS service, greater prominence should consistently be given to the DIPS version, regardless of whether the viewer subscribes to the non-DIPS service.

This approach would better support audience awareness of free-to-access public service content and ensure platforms' commercial incentives do not distort discovery outcomes.

5 and Paramount strongly support Ofcom's objectives in this consultation and welcome the direction set out in the draft Code of Practice and Guidance. The refinements outlined above are intended to complement the technical and operational detail provided by Everyone TV and to help ensure the new prominence regime remains effective, future-proof, and beneficial to audiences as television continues to evolve.

We also encourage Ofcom to ensure that the final framework delivers a genuine improvement in the terms of PSB prominence and inclusion over time, rather than anchoring the regime to today's commercially negotiated outcomes or allowing prominence secured in principle to be eroded in practice. We would welcome the opportunity to engage further with Ofcom as the framework is finalised.

For further information:

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