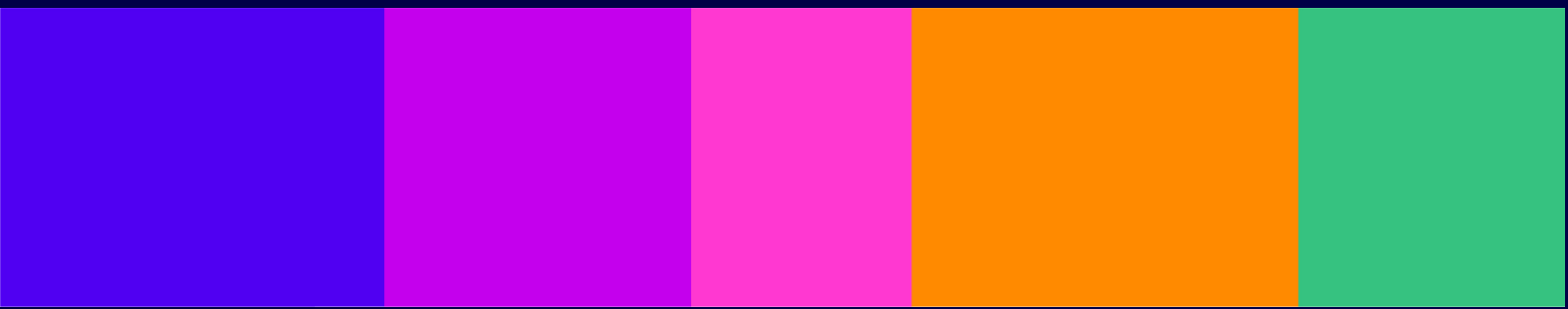


[DRAFT] Code of Practice for Designated Radio Selection Services

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1. Introduction

The code of practice for designated radio selection services

- 1.1 Under Part 3B of the Communications Act 2003 ('Act'), Ofcom must issue a code of practice describing actions that Ofcom recommend for the purpose of securing that the manner in which a **designated radio selection service** operates complies with the duties and prohibition in section 362BI of the Act.
- 1.2 Ofcom may revise a code of practice and issue the code as revised; or withdraw a code of practice and issue a new code of practice. Over time Ofcom may update the Code to take account of technological developments, new evidence, and any other relevant matters.
- 1.3 Ofcom must also keep a code of practice under review.

The recommended actions

- 1.4 Section 2 of this Code sets out the recommended actions. The meaning of terms in **bold** and terms in **bold and italics** is explained in Section 3.
- 1.5 The Act sets out that providers which take the actions recommended to them in this Code will be treated as complying with the relevant duties and prohibition to which those actions relate.¹ Accordingly, providers that follow the recommended actions in Section 2 will be treated as complying with the following requirements in section 362BI of the Act:
 - (a) the provider of a **designated radio selection service** (also referred to as "DRSS") must take all reasonable steps to secure that users can select **relevant internet radio services**, and cause them to play, by giving spoken commands;²
 - (b) the provider of a **DRSS** must take all reasonable steps to secure that, where the **DRSS** is used as described in paragraph (a), no items are played before the selected **relevant internet radio service**, and there are no interruptions to the **relevant internet radio service**. The prohibition on playing items before the selected **relevant internet radio service** has some exceptions:
 - i) a brief identification of the selected **relevant internet radio service** can be played;
 - ii) if the **DRSS** uses another internet service to cause the selected **relevant internet radio service** to play, a brief identification of that other internet service can be played; and
 - iii) one or more advertisements can be played, if the provider of the selected **relevant internet radio service** agrees;³

¹ Section 362BL(1) of the Act.

² Section 362BC(8) of the Act.

³ Section 362BI(2) of the Act. Section 362BI(5) provides that these obligations on DRSS providers do not require the provider to override user preferences as to the way in which the DRSS operates.

- (c) if the provider of a **relevant internet radio service** requests the provider of a **DRSS** to secure that the service employs a particular method as regards that **relevant internet radio service**, the **DRSS** provider must take all reasonable steps to secure that method is used when playing the selected **relevant internet radio service**;⁴
 - (d) providers of **designated radio selection services** are prohibited from charging the providers of **relevant internet radio services** for doing what **DRSS** providers are required to do to comply with the requirements described above.⁵
- 1.6 Providers may seek to comply with their duties and the prohibition on charging by taking alternative actions. If they do so, providers will not automatically be treated as compliant. Should Ofcom have concerns about alternative actions taken, it may choose to investigate whether the provider is compliant.
- 1.7 Providers of **DRSS** are also required to draw up a statement explaining how they intend to comply with the duties and prohibition described in paragraph 1.5, publish it and keep it under review and, if appropriate, revise it.⁶

Application and scope

- 1.8 This Code applies to a provider in respect of each **designated radio selection service** that it provides (so far as applicable).
- 1.9 References to a **radio selection service** include such a service provided from outside the United Kingdom (as well as such a service provided from within the United Kingdom).⁷
- 1.10 This Code applies to **designated radio selection services** only so far as the provider makes the service available for use by members of the public in the United Kingdom.⁸

⁴ Section 362BI(3) and (4) of the Act. Section 362BI(5) provides that these obligations on **DRSS** providers do not require the provider to override user preferences as to the way in which the **DRSS** operates.

⁵ Section 362BI(6) of the Act.

⁶ Section 362BJ of the Act.

⁷ 362BZ3(2) of the Act.

⁸ 362BZ3(1) of the Act.

2. Recommended actions

A1. Select and cause to play

Recommended actions

- A1.1** The provider of a **designated radio selection service** should establish and maintain systems and processes designed to ensure that every **available relevant internet radio service** can be selected and caused to play in response to a voice command from a **user**.
- A1.2** This should include systems and processes designed to enable the **designated radio selection service** to:
- (a) identify which **relevant internet radio service** the user has selected and cause that **relevant internet radio service** to be played;
 - (b) identify which **relevant internet radio service** the user has selected in circumstances where the **user's** request is unclear, such as requests that do not contain the full name of the **relevant internet radio service** or requests for a **relevant internet radio service** with a similar name to another **relevant internet radio service**. These systems and processes may include taking into account contextual information where available, such as the location of the **user** and **relevant internet radio services** that the **user** has previously requested;
 - (c) identify when **a relevant internet radio service** has been added to **Ofcom's list**; and
 - (d) update information the provider of the **designated radio selection service** holds about **relevant internet radio services**, including enabling the provider of a **relevant internet radio service** to notify the provider of a **designated radio selection service** of a change to the name of their service.
- A1.3** Nothing in recommendation **A1** applies in respect of:
- (a) a **relevant internet radio service** that is not **available** to be selected and caused to play;
 - (b) circumstances where the links to the web streams or URLs of the **relevant internet radio service** are broken, or the servers that host the **relevant internet radio service** are unable to stream the service;
 - (c) a spoken command for a **relevant internet radio service** that was added to **Ofcom's list** less than one month prior to the request;
 - (d) a spoken command made on a device that is not capable of functioning as a **designated radio selection service** either temporarily or permanently. For example, a device that is not capable of playing audio, a device that is not

connected to the internet when a request is made by a **user**, or a device that cannot receive spoken commands; and

- (e) a spoken command made on a device which has not been configured by the **user** to play a **relevant internet radio service**. For example, cases where a **user** has not downloaded or signed in to a relevant application that is needed to play a **relevant internet radio service**, or has not accepted settings that permit **relevant internet radio services** to be selected and caused to play by the **designated radio selection service**.

A2. Particular method

A2.1 This recommendation applies where:

- (a) a **relevant internet radio service** is **available** to be selected and caused to play by the **designated radio selection service** by more than one **method**, and
- (b) the provider of the **relevant internet radio service** has requested the provider of the **designated radio selection service** to cause the **relevant internet radio service** to play using one of those **methods** (the **preferred method**).

Recommended actions

A2.2 The provider of a **designated radio selection service** should ensure that the systems and processes referred to in A1 include systems and processes designed to ensure that the **relevant internet radio service** is caused to play using the **preferred method**.

A2.3 The provider of the **designated radio selection service** should ensure that the systems and processes referred to in A1 include systems and processes designed to enable the provider of a **relevant internet radio service** to notify the provider of the **designated radio selection service** of a change to the **preferred method**.

A2.4 Nothing in recommendation **A2.2** requires the provider of a **designated radio selection service** to:

- (a) override the preferences of a **user** as to the way in which the **designated radio selection service** operates; or
- (b) use the **preferred method** if that **method** is not functional at the time the request for the **relevant internet radio service** is made.

A3. No unsanctioned interruptions

- A3.1** The provider should ensure that the systems and processes referred to in A1 include systems and processes designed to ensure that where a **relevant internet radio service** has been caused to play:
- (a) the playing of the service is not interrupted by the **designated radio selection service** once the **relevant internet radio service** has started to play;
 - (b) the playing of the service is not prefaced by the **designated radio selection service** with any content other than a brief identification of the **selected service** or, if the **designated radio selection service** employs another service to cause the **relevant internet radio service** to play, a brief identification of that service; and
 - (c) the playing of the service is not prefaced by the **designated radio selection service** with advertisements without the agreement of the **relevant internet radio service**.
- A3.2** Nothing in recommendation **A3.1** requires the provider of **the designated radio selection service** to override the preferences of a **user** as to the way in which the **designated radio selection service** operates, such as the **user's** settings concerning permitted interruptions (for example device notifications, alerts, alarms or calls).

A4. No charging

- A4.1** The provider of a **designated radio selection service** should not:
- (a) charge a provider of a **relevant internet radio service** for doing what the provider of a **designated radio selection service** is required to do by the recommendations set out in this code of practice; or
 - (b) enter into an agreement that provides for the payment by a provider of a **relevant internet radio service** of charges, which would breach, or are capable of breaching, the prohibition in recommendation A4.1(a).

3. Definitions and interpretation

- 3.1 Terms in **bold** used in this Code have the meanings set out in table A. The meaning given applies even if the term is also used in the **Act**.
- 3.2 Terms in ***bold and italics*** used in this Code have the same meaning as in the **Act**. Table B provides a reference to the provision(s) in the **Act** containing the definition of the relevant term as well as additional notes and references which are intended to assist the reader. In the event of any inconsistency between the **Act** and the information in table B, the **Act** should be regarded as authoritative.
- 3.3 Terms in the singular should be interpreted as including the plural and vice versa.
- 3.4 Headings in **bold and underline** in this Code are for reference purposes only and do not affect in any way the meaning or interpretation of this Code.

Table A - Definitions of terms in bold used in the Code

Term	Meaning
Act	The Communications Act 2003.
Available	Available, in relation to a <i>relevant internet radio service</i> , means that all necessary steps have been taken by the provider of a <i>relevant internet radio service</i> and the provider of a <i>third party service</i> (as relevant) so that the <i>relevant internet radio service</i> can be caused to play by the <i>designated radio selection service</i> by one or more methods when requested by a user.
Method	A method means the method employed by the <i>designated radio selection service</i> to cause a requested <i>relevant internet radio service</i> to play (for example, employing another service provided by means of the internet to cause that <i>relevant internet radio service</i> to play).
Ofcom's list	Ofcom's list means the list of <i>relevant internet radio services</i> published by Ofcom in accordance with section 362BE of the Act.
Preferred method	Has the meaning given in recommendation A2.1.

Term	Meaning
Third party service	A service provided by means of the internet, by a person other than the provider of the DRSS or the provider of the RIRS, that is employed by the designated radio selection service to cause the relevant internet radio service to play (such as a service that aggregates internet radio services from different providers).
User	A user of the <i>designated radio selection service</i> in the United Kingdom.

Table B – Terms used in the Code that have the meaning given in the Act

Term	Meaning
<i>Designated radio selection service or DRSS</i>	As defined in section 362BB(1) of the Act.
<i>Internet radio service or IRS</i>	As defined in section 362BF of the Act.
<i>Relevant internet radio service or RIRS</i>	As defined in section 362BG of the Act.