

The BSG is pleased to submit a response to this discussion paper, which we believe outlines some important considerations that will gain ground as increased convergence in the communications sector affects which services are available, and the ability of the public to access these.

We welcome the opportunity to set out some general points in response to this paper, as well as a more detailed response to the identified future priority of developing a model for content regulation in the internet age.

### **Overview**

- It is right to make the distinction between consumer and citizen interests. They have different perspectives and it is essential that Ofcom should consider them both in parallel; identify where tensions may arise; and be explicit about the trade-offs that need to be made between the two positions.
- This document usefully identifies a number of areas where tensions between consumer and citizen interests may emerge. The BSG is particularly concerned with a number of these issues: promoting widespread access to higher-speed broadband services; ensuring citizens' interest are reflected in decisions about how to optimise the use of spectrum; promoting media literacy; and developing a model for content regulation in the internet age.
- In each case it is possible to see tensions emerging between what can be interpreted, in basic terms, as shorter-term 'consumer wants' and the longer term, broader social benefits of citizen interest.
- When considering next generation broadband, there is a real challenge in achieving the right balance between static efficiencies in current markets and the dynamic efficiencies that will enable sustainable investment in future generations of services.
- One particular challenge is how to identify and demonstrate the citizen interest. When asked it is very difficult for people to express a preference for or make a choice between services that do not currently exist. This is a particular challenge when considering the optimal allocation of radio spectrum. How do individuals make informed choices between services as diverse as HD TV, mobile TV and fixed wireless services when they have not actually experienced them?
- In regard to media literacy and content regulation, there is again a tension between reacting to immediate concerns of consumers and the challenge of building a new modular framework of self regulation that can both provide public interest safeguards whilst also enabling investment and innovation in new services.
- Overall, the discussion paper provides a very helpful clarification of this important, but difficult challenge of regulating in the interests of both consumers and citizens, or more simply for the benefit of us all in the short and long term.
- The BSG welcomes the inclusion of this challenging issue in future Ofcom policy consultation documents.

## **Developing a model for content regulation**

Section 5.9 of this discussion paper sets out eight issues which Ofcom envisage will be of particular importance to its agenda over the coming months and years, one of which is:

*“Developing a model for content regulation in the internet age that provides adequate protection to the public, taking into account the practical barriers to regulating the internet”*

It is encouraging to see that the need for ensuring consumer protection in a fast-paced media world is recognised, alongside the particular challenges involved in achieving this objective in an increasingly converged world.

The BSG has experience in working with industry and wider stakeholders in tackling this very challenge that convergence presents. In partnership with these stakeholders, we facilitated and developed the “Good Practice Principles on Audiovisual Content Information” which were launched in February 2008.

These principles demonstrate a commitment from signatories to promote media literacy by providing information on audiovisual content information that is easy for consumers to use and understand. They relate to commercially produced content that may be unsuitable for children and young people or which some members of the public may find offensive. The goal of this initiative is to empower consumers to make safe and informed choices about the content they and their families consume. Full details are available at: [www.audiovisualcontent.org](http://www.audiovisualcontent.org) A copy of the Principles is also enclosed.

The starting point to this process was identifying what information consumers valued about content in order that this information could be given to them in a clear way, empowering them to make safe and informed choices.

Research conducted by Ofcom itself on Programme Information ([http://www.ofcom.org.uk/advice/media\\_literacy/medlitpub/medlitpubrssi/pirinvestigation/pirreport.pdf](http://www.ofcom.org.uk/advice/media_literacy/medlitpub/medlitpubrssi/pirinvestigation/pirreport.pdf)) demonstrates that consumers have different expectations for different services and platforms. Whilst research has shown that consumers want clear information about content, this does not correspond to a need for this information to be delivered in the same way across each and every platform.

In light of this, the Good Practice Principles on Audiovisual Content Information set out the underlying approach that content providers are taking so that consumers get the information they need, and in a way that makes sense to them across different platforms.

While the format of the information provided may vary from platform to platform, content providers are committed to ensuring that it:

- is easy to use and understand
- enables the user to make informed choices
- uses plain and consistent language
- is practical for the medium in which it is made available

Signatories to these principles include AOL, BBC, Bebo, BT Channel 4, Five, Google, ITV, Microsoft, Mobile Broadband Group (represents Orange, O2, 3, T-Mobile, Vodafone and Virgin Mobile), Teacher’s TV, Virgin Media, Yahoo!, ATVOD

(Association for Television on Demand), BBFC (British Board of Film Classification) and FOSI (Family Online Safety Institute).

Different providers are meeting these principles in a way suitable to the services they offer and the platforms involved. For example, the public service broadcasters in the UK (BBC, ITV, Channel Four and Five) use a 'G' for Guidance system, which denotes potentially offensive material with a 'G' icon together with a line of descriptive text (for example "contains strong language").

Members of the UK's Mobile Broadband Group (O2, Orange, T-Mobile, Virgin Mobile, Vodafone and 3) use classification and access controls based on robust age verification to prevent minors from being able to access inappropriate content on their mobile phones.

This difference in approach does not reveal a difference in objectives. Furthermore, we believe that this approach gives the necessary flexibility for services that are constantly evolving. These principles not only inform current content services, but those of the future as well. As such, whilst the nature of content itself will develop, the commitment to giving consumers information about this content that is easy to use and understand remains.

From our experience in developing these principles, as Ofcom considers how it might develop a model for content regulation, we would like to take this opportunity to highlight the importance of taking an outcome-led approach to deliver effectively on both consumer empowerment and giving industry the flexibility it requires to invest in and innovate for future services.

This is a fast-moving sector and we believe that any regulation must reflect this pace of development. If this is not achieved, we believe the outcome will be an unnecessary barrier for the innovation of new services that consumers will benefit from. We also believe that failing to build a framework for the future will not be in the public interest. As such careful consideration needs to be employed to meet the respective needs of the UK consumer and UK citizen as addressed in this paper.

Finally, as Ofcom develops its thinking in this area, we would also like to point out the breadth of content-related policy initiatives underway across government departments and regulators. For example, the implementation of the recommendations of the Byron Review by the UK Council for Child Internet Safety and the forthcoming recommendations of the Convergence Think Tank. It will therefore be important that any policy development that emerges from Ofcom takes such developments into account to ensure a consistent approach to policy making in this area.

### **About the Broadband Stakeholder Group (BSG)**

The BSG is the UK government's advisory group on broadband. It provides a neutral forum for organisations across the converging broadband value-chain to discuss and resolve key policy, regulatory and commercial issues, with the ultimate aim of helping to create a strong and competitive UK knowledge economy. Further information about the BSG can be found at: <http://www.broadbanduk.org/>

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