



A VOICE FOR COMMERCIAL BROADCASTERS IN THE UK

Statement of Practice for Video-on-Demand Services

Table of contents

- Preamble
- Interpretation
- General principles
- Protection
- Content Standards
- Content Information

1. Preamble

- a) This Statement of Practice (Statement) applies solely to the UK on-demand catch-up services of the signatories that are accessed via terrestrial, satellite and cable television platforms. For the avoidance of doubt, it does not apply to non UK services or to services that are available via the internet, even if these services are accessed via a television.
- b) Signatories to this Statement are (in alphabetical order): A+E Networks, Comedy Central, Discovery Networks, Fox International Channels, MTV, NBCUniversal, Nickelodeon, Sky, Sony Pictures Television Networks, The Walt Disney Company, and Turner Broadcasting System International.
- c) The Statement is open to providers of such on-demand television content and shall relate to the conduct of the providers of on-demand television content who are signatories. The application of the Statement shall be uniform and in its entirety for all signatories without modification or exception.
- d) For the avoidance of doubt, this Statement is signed by signatories on a voluntary basis and does not supersede regulatory provision by Ofcom or

other parties. For the avoidance of doubt, nothing in the Statement shall be taken to suggest that the Statement regulates or is legally binding.

- e) Signatories recognise that compliance with the Statement does not necessarily guarantee that they are acting within the law. Any reference in the Statement to lawfulness or unlawfulness relates solely to UK law.
- f) The commitments in this Statement are subject to best endeavours on the part of signatories, who are unable to control the actions or technical capability of other parties in the supply chain, including platforms.
- g) From time to time COBA may consult signatories on changes to this Statement, such as to reflect developments in public policy or technology. After due and proper consultation with signatories, such amendments may be adopted into the Statement and shall thereby be binding to signatories.

2. Interpretation

Unless otherwise stated, capitalised terms in this document shall have the following meanings:

| | |
|------------------------------|--|
| Access Control Mechanism | A technological system enabling a viewer to control access to content, such as a pin protection system |
| Catch-up content | On-demand content previously broadcast on linear television - |
| COBA | The Commercial Broadcasters Association |
| Ofcom | The independent regulator for the communications industries |
| Promotional Material | Any, material, in whatever form, promoting a service |
| Signatory | A signatory of this Statement |
| Service | Television on-demand catch-up service(s) provided by a signatory |
| Television on-demand service | An on-demand service made primarily available via television sets |
| User Interface | The way in which a service allows viewers to access and to control viewing |
| Viewer | Any viewer of the television on-demand service provided by the signatory |

The Statement of Practice

1. General Principles

- 1.1. Legality: Signatories will ensure that their Services do not contain anything which is in breach of UK law, nor omit anything which UK law requires. Signatories shall use their reasonable endeavours to ensure that their Services (excluding Third Party Content) and Promotional Material do not encourage anything which is in any way unlawful. For the avoidance of doubt, this clause does not refer to or prohibit the availability of content which contains illegal activity, such as current affairs programming that films illegal activity, and as such does not prejudice any public interest justification.
- 1.2. Honesty: Signatories shall use their best endeavours to ensure Services (excluding Third Party Content) and Promotional Material are not of a kind that are likely to mislead by inaccuracy, ambiguity, exaggeration, omission or otherwise.
- 1.3. Internal communications: Signatories will use reasonable efforts to communicate the existence of this Statement within their company and to third parties that they work with.
- 1.4. External communications: Signatories will use reasonable means to bring to the attention of Viewers the existence of this Statement, such as making it available via their website or third party sites.
- 1.5. Complaints Procedure: Signatories will make available to users of their service (a) the Service Provider's name; (b) the Service Provider's address; (c) the Service Provider's electronic address; (d) the name, address and electronic address of any body which is the appropriate regulatory authority for any purpose in relation to the Service Provider or the service that they provide. Signatories have discretion as to how they supply the required information to users of the service. It could be by making the information available on their own website and/or in response to written requests from users.

2. Protection

- 2.1 Access controls: Signatories will endeavour to protect children from material that is unsuitable for them by the appropriate use of access control mechanisms. "Appropriate use of access control mechanisms"

means: Signatories will ensure that wherever practicable the catch-up VoD content they provide via television distribution platforms can be incorporated into those platforms' Access Control Mechanisms, such as pin protection systems.

- 2.2 We stress that the ultimate availability of pin control mechanisms will be subject to the technical capabilities and policies of individual television distribution platforms.
- 2.3 Signatories will, subject to best endeavours, ensure that these access controls are clearly available to viewers to use. We stress that this may be dependent on the television platform providing the service or relevant User Interface.
- 2.4 Age appropriateness: Such Access Control Mechanisms will typically be based on age appropriateness and the age range of a particular piece of content will ordinarily reflect the time it would have been scheduled, and therefore the suitability for a particular audience. This may include:
 - 2.4.1 Access Control Mechanisms will typically provide audiences with a digital watershed option that allows the Viewer to restrict access to catch-up VoD content that is unsuitable for linear broadcast before the 9pm watershed.
 - 2.4.2 In addition to a digital watershed, Signatories will wherever possible ensure that the catch-up VoD content they provide can be incorporated into Access Control Mechanisms that offer protection for a wider range of ages. Again, the age rating of a particular piece of content will ordinarily reflect the time it would have been scheduled, and therefore the suitability for a particular audience.
 - 2.4.3 For the avoidance of doubt, Signatories are not required or expected to restrict access to any content that is classified as U.

3. Content Standards

- 3.1 Child protection: Signatories will ensure that the catch-up VoD content that they provide on television platforms meets the same or comparable standards in VoD as for linear broadcasting in regards to child protection. This means:
 - 3.1.1 Taking due care when covering sexual or other offences in the UK involving under 18s to avoid identifying the subject(s);

- 3.1.2 Limiting children's exposure to material that involves violence, dangerous behaviour, or illegal drugs, smoking, solvent or alcohol abuse unless there is a strong editorial justification;
- 3.1.3 Avoiding offensive language when children are most likely to be watching
- 3.1.4 Protecting children from unsuitable sexual material
- 3.1.5 Safeguarding children who are involved in content.
- 3.2 The above may be achieved through access control mechanisms which enable parents to restrict access to content that may not be suitable.
- 3.3 Hatred: Signatories will ensure that the catch-up VoD content that they provide on television platforms meets the same or comparable standards in VoD as for linear broadcasting in regards to hatred. This means ensuring that content does not incite hatred based on race, sex, religion or nationality.
- 3.4 Other areas: Signatories will ensure that the majority of VoD catch-up content that they provide on television platforms meets the same or comparable standards as linear content in all other areas, at the time it is first made available. For example, this will include providing consumer protection so that content does not cause financial harm or deliberately mislead viewers.
- 3.5 We acknowledge that it may not be practicable for Signatories to revise archive VoD content or other VoD content that is already available to the Viewer in the event of a change in linear broadcasting rules.

4. Content Information

- 4.1 Information will be provided about programme content that will assist adults to assess its suitability for children. Signatories will endeavour to provide information that allows viewers to decide whether they trust or wish to use a particular service.
- 4.2 They may do this via a wide range of tools to help the Viewer decide whether content is suitable, including for example:
 - 4.2.1 On-screen programme synopses, pre-roll warnings, content classifications, age-ratings and symbols for the strongest content;

4.2.2 guidance on content in programme listings or online, such as their own websites and/or third party sites;

4.2.3 or a combination of these tools.

4.3 Again, we stress that the ability of a service to provide information may be limited by the capability of the television platform on which it is distributed, and is therefore subject to best endeavours.