



'Open skies' theme dominates

Simon Twiston Davies, Chief Executive Officer (CEO) of CASBAA, reports on how the 'Open Skies' theme dominated the debate at the CASBAA Satellite Forum, held in Singapore on 19 June 2006.



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The 2006 CASBAA Satellite Industry Forum featured calls for governments to lower regulatory barriers to the provision of cross-border satellite services or face the prospect of international satellite providers re-directing new capacity away from Asia.

Patience has reached a 'critical point' over regulatory stalemates in key markets such as China and India, delegates heard at the CASBAA Forum in Singapore. "If global operators feel forced to re-target their payloads because of a lack of potential market access, it will be the end-users in the domestic markets who feel the burden through higher charges," the more

than 200 delegates were told.

The warnings came at a time when advances in digital technologies are providing multiple new opportunities for the delivery of satellite services.

Leading the way globally in satellite mobile television is SK Telecom of Korea which now has 550,000 subscribers to its TU Media service. Similar projects are now planned for a number of Asian markets. New DTH services are being launched in Indonesia and India, while IPTV broadband via satellite and HDTV opportunities have added to unprecedented demand for new satellite capacity.

"There are tremendous opportunities in Asia today and for the coming years," said William Wade, Chairman of the CASBAA Satellite Industry Committee and Deputy CEO of AsiaSat.

More competition

But for this potential to be realised there is a need for more competition, more open market access ('Open Skies') and a change of mindset by governments, delegates heard.



CASBAA Satellite Industry Forum 2006. Photo courtesy of CASBAA.



FIFA and CASBAA initiate legal action against infringing bars

The battle to enforce the intellectual property rights of the Hong Kong pay-TV industry was stepped up when CASBAA announced the Fédération Internationale de Football Association (FIFA) and Hong Kong Cable Television Limited had instituted legal proceedings against a number of public venues for allegedly airing unlicensed pay-TV broadcasts of the World Cup 2006 matches.

Speaking on behalf of the plaintiffs and 110 companies engaged in the regional pay-TV industry, the Cable & Satellite Broadcasting Association of Asia (CASBAA) confirmed that writs had been served on five high-profile bars along with cease and desist letters served on an unspecified number of public venues across Hong Kong.

CASBAA announced that FIFA and Hong Kong Cable, working with CASBAA, are seeking monetary damages for the copyright infringements.

"Although the industry reached out to the Hong Kong food and beverage industry in the run up to the World Cup, stating that pay-TV signal theft is not to be tolerated by government or industry, many bars blatantly screened unlicensed pay-TV broadcasts. We have had no choice but to take the matter to the courts," said Simon Twiston Davies, Chief Executive Officer of CASBAA.

As an indication of the pay-TV industry's commitment to the Hong Kong sporting community, Twiston Davies noted that the plaintiffs and CASBAA would donate any proceeds received from the defendants after costs to local sports charities. CASBAA believes it is important to return the funds to where they belong – the support of sports development.

"The issue of intellectual property rights protection requires concerted efforts on all fronts between the government, industry, bar and club owners and the general public, especially as we run up to other global events such as the Beijing Olympics in 2008 and recurring high value events such as the English Premier League," continued Twiston Davies. "The sports leagues who stage major events need a fair return on their investment."

Under Hong Kong law, bars and clubs may only display pay-TV channels under an appropriate subscription from Hong Kong licensed pay-TV operators such as Hong Kong Cable, now Television and TVB Pay Vision. For several years CASBAA has urged that the distribution of satellite-based pay-TV services from overseas should be given the same criminal protection as signals illegally tapped from local pay-TV operators.

Overseas pay-TV operators such as Dream of the Philippines, MultiChoice of South Africa and UBC True of Thailand are authorised to offer pay-TV subscriptions in their respective jurisdictions but they cannot, and indeed do not, offer subscriptions in Hong Kong. The display of overseas pay-TV channels in Hong Kong by bars and club owners, using special decoders is illegal.

Even though the regulatory environment is generally stable, the interpretation of the rules tends more and more to favour restricted access, noted Deepak Mathur, Vice President Market Development, South Asia at SES Global. "This is a really serious challenge."

Widespread competition

While telecom markets such as cellular services have unleashed widespread competition, all too often Asia-Pacific satellite markets remain constrained by the concept of protecting national incumbents or flagship monopolies.

"This should be a thing of the past," said Phil Spector, Executive Vice President and General Council at global satellite operator Intelsat. Mr Spector added that the international satellite community is already operating in the newly competitive world: "The days of 'build and they will come' have long gone," he said.

Connie Carnabuci, Partner at Freshfields Bruckhaus Deringer said "if a harmonised approach to reform is adopted it can deliver positive outcomes."

Such outcomes include greater economies of scale for operators, local user capacity at cheaper prices and help rural users gain access. "I am not just referring to pay-TV services, but to the other benefits

of satellite delivery, including telemedicine and disaster recovery," she said.

Delivering the keynote address at the CASBAA Forum, Hao Wei Min, the Vice Chairman of the China Association of Communication Enterprises, said satellite is an important instrument for China to provide rural connectivity as part of the government's five-year plan. "This year

some 20,000 villages will be connected via satellite and by 2007 we will have 100 per cent connectivity," he said. Commenting on the sixth CASBAA Satellite Industry Forum in Singapore, CASBAA Chairman Marcel Fenez, said the "satellite industry, and CASBAA members in particular, are benefiting hugely from the explosion of demand for video content over all kinds of networks." ■

About CASBAA

The Cable & Satellite Broadcasting Association of Asia is an industry-based advocacy group dedicated to the promotion of multi-channel television via cable, satellite, broadband and wireless video networks across the Asia-Pacific. CASBAA represents some 120 Asia-based corporations, which in turn serve more than three billion people. Member organisations include ABC Asia Pacific, Sky News Australia, Two Way TV, ASTRO, Bloomberg Television, Discovery Networks Asia, EMC, HBO Asia, AETN (The History Channel), IBM, MTV Networks Asia Pacific, Nokia, now Broadband TV, PricewaterhouseCoopers, Sony Pictures Television International, STAR Group, Sun Microsystems, Turner International Asia Pacific, UBC, Walt Disney Television International, ABN AMRO, Anytime, AsiaSat, BBC Prime, BBC World, Channel News Asia, CNBC, Freshfields, HSBC, Irdeto Access, Loral Skynet, Mindshare, National Geographic Channel, Time Warner and TOM Group.