

# **RNIB's response to Ofcom's consultation on how On-demand Programme Services should be made accessible?**

## **1. About us**

RNIB is the largest organisation of blind and partially sighted people in the UK and welcomes this opportunity to respond to the consultation.

With blind and partially sighted people at the heart of everything we do, our community of over 33,000 people brings together anyone affected by sight loss. More than three quarters of our Board of Trustees are blind or partially sighted. We support, empower and involve thousands of people affected by sight loss to improve lives and challenge inequalities. We engage with a wide range of politicians, organisations and professionals to achieve full inclusion through improvements to services, incomes, rights and opportunities.

We campaign for the rights of blind and partially sighted people in each of the UK's countries. Our priorities are to:

1. Be there for people losing their sight.
2. Support independent living for blind and partially sighted people.
3. Create a society that is inclusive of blind and partially sighted people's interests and needs.
4. Stop people losing their sight unnecessarily.

## **2. Importance of TV to blind and partially sighted users**

Since our Needs Survey in 1991 showed that a large majority of blind and partially sighted people watch television<sup>1</sup>, RNIB has taken an active role in highlighting TV access issues. It has worked to try to ensure

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<sup>1</sup> RNIB Needs Survey (1991) Blind and partially sighted adults in Britain: the RNIB Survey Volume 1, by Ian Bruce, Aubrey McKennell and Errol Walker

access to programmes, services and equipment, both by direct work with broadcasters and manufacturers and by influencing legislation and regulation.

In this digital age, being able to watch TV remains important to blind and partially sighted people. In 2006 Research by the University of Birmingham<sup>2</sup> found that around 87 per cent of blind and partially sighted people regularly watch TV and videos or DVDs. The media plays an important role in the lives of blind and partially sighted people by providing access to news, information and entertainment.

Research conducted by Access Economics in 2009 found that one in five people aged 75 or over were living with sight loss and this rose to one in two people aged 90 or over<sup>3</sup>. The research also suggested that by 2050 the number of people with sight loss in the UK would double to nearly four million.

In RNIB's "Update on the inclusive society 2013" report respondents were asked to select from a list of statements about what kind of impact fully accessible television and radio would have on their lives:

- 56% said that it would make them more independent;
- 56% said it would make them happier about life;
- 56% said it would make them feel less socially isolated;
- 51% said it would make them feel better about their sight loss

In addition 68% of respondents selected at least one of these impact statements and 38% selected all four of them.

More recently, in February 2018, The American Foundation for the Blind (AFB) with Comcast released results from a survey of people with sight loss which showed that a majority of those who participated watched four or more hours of TV per day – almost as much as the general public. Many of those surveyed also reported that assistive technologies like AD, text-to-speech and voice control were helpful when they watched TV<sup>4</sup>.

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<sup>2</sup> Douglas, G., Corcoran, C., Pavey, S. (August 2006) Network 1000: Opinions and circumstances of visually impaired people in Britain: report based on over 1000 interviews.

<sup>3</sup>Access Economics, July 2009, Future Sight loss UK (1): The economic impact of partial sight and blindness in the UK adult population

<sup>4</sup> <https://corporate.comcast.com/press/releases/study-visually-impaired-adults-tune-in-to-television-almost-as-much-as-general-public> last checked 27/03/2018

This survey was carried out in the US and did not take into account the views of people with sight loss living in the UK. There is no reason to believe however that the viewing figures would be any different for blind and partially sighted people in the UK and RNIB has had substantial correspondence from people who find accessibility measures invaluable in watching television.

### **3. Consultation Response**

RNIB note that the consultation covers only access services and not the accessibility of software used by people with disabilities to access content. In terms of accessibility however the two measures go hand-in-hand. The inability to access content independently just as their sighted family and friends do, is as much a point of frustration for blind and partially sighted people as the absence of audio described content.

RNIB also noted that the Digital Economy Act states:

“The Secretary of State may by regulations impose requirements on providers of on-demand programme services for the purpose of ensuring that their services are accessible to people with disabilities affecting their sight or hearing or both.”

...and that “The requirements that may be imposed include... requirements for such programmes to be accompanied by audio-description for the blind...”

RNIB understands that the intervention proposed by Ofcom is modelled on the current Communications Act of 2003. This Act does not impose accessibility requirements on the devices used to access the content since broadcast and playout are handled by different companies and imposing accessibility requirements on equipment used to access services could conflict with EU legislation on restricting imports from EU member states.

On-demand programme services (ODPS) however retain control over playout of their content and the accessibility of the player is an integral part of the accessibility of the service. ODPS providers are also the only parties that can ensure the accessibility of their own players.

In drafting legislation on this topic DCMS must remember that they are bound by the Public Sector Equality Duty to “...advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;” This creates a duty to

advance all aspects of accessibility where not prohibited by other legislation.

In drafting this legislation therefore DCMS is not only enabled by the Digital Economy Act but also compelled by the Public Sector Equality Duty to also require the accessibility of the players of ODPS content to the extent that this is within the power of ODPS providers.

RNIB will therefore respond to the consultation not only on the basis of the provision of access services but also on the basis of the accessibility of the players used to access content.

We will also highlight accessibility problems with platforms and services which are within the control of ODPS providers. These are examples meant to highlight where work has not been done to provide an accessible experience but they are not intended to be exhaustive. RNIB expects ODPS providers to consider use of their services by blind and partially sighted people and to listen to customer feedback, of which we give examples here, and membership bodies such as RNIB.

## **Q1 Do you agree with our assessment of the key issues involved to inform regulations in this area?**

RNIB agree that the key questions are:

- a) **What** features would ensure accessibility?
- b) **Which** services/content should be subject to access service requirements, and should some services be excluded (and if so on what grounds)?
- c) **How** and **when** should these requirements be introduced?

However, as noted above RNIB feel the scope of part a, “What features would ensure accessibility?” is broader than the consultation document invites responses on.

If players on iOS, Android and Web platforms are designed according to standard best practice then they can enable the use of screen readers and magnification that are a pre-requisite for those who use assistive technologies to access content.

This is often overlooked when designing apps, however, despite use of the accessibility API being well documented in both iOS<sup>5</sup> and Android<sup>6</sup> design guidelines.

“@itvhub I'm #blind & am trying 2 find out how 2 turn on audio description on my iOS device. Any tips please? I'd like it as default if poss”<sup>7</sup> - Jon Nixey @tytroy180 3 Aug 2017

“... access to AD in @BBCiPlayer on iOS is clunky. Ideally respect Settings/General/Accessibility/Media/Audio Descriptions. Suggest including AD as a BBC account preference so it works across platforms.” - Dave Williams @dwilliamsuk Replying to @RNIB @BBCiPlayer @BBCcomplaints on Jan 8

As well as providing access services ODPS providers should be aiming to make their apps accessible regardless of platform. Television manufacturers with talking menus built into their devices are opening up the text-to-speech to app developers. ODPS providers need to take advantage of this as the opportunities arise.

## **Q2 Are there other ‘access services’ which you believe should be specified in any regulations?**

For blind and partially sighted people the main consideration is AD (AD) in line with linear television accessibility legislation and best practice.

For deaf and hard of hearing people, subtitles and sign language interpreted or sign language presented programming are likely to remain important.

## **Q3 Do you have views on the relative importance of sign-presented programming and sign-interpreted programming?**

RNIB has no view in this area.

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<sup>5</sup>[https://developer.apple.com/library/content/documentation/UserExperience/Conceptual/iPhoneAccessibility/Introduction/Introduction.html#//apple\\_ref/doc/uid/TP40008785](https://developer.apple.com/library/content/documentation/UserExperience/Conceptual/iPhoneAccessibility/Introduction/Introduction.html#//apple_ref/doc/uid/TP40008785) last checked 27/03/2018

<sup>6</sup> <https://developer.android.com/guide/topics/ui/accessibility/index.html> last checked 27/03/2018

<sup>7</sup> <https://twitter.com/tytroy180/status/893032723257995264> last checked 28/03/2018

**Q4 To what extent can or should regulations require usability features including (but not necessarily limited to): provision of information; accessible catalogues; and best practice relating to the creation, selection, scheduling and presentation of accessible programming? If you do not believe that these features should be required by the regulations, should the regulations require Ofcom's resulting code to give guidance on these issues?**

In order to independently use features that enhance accessibility, users need to know which programmes are accessible and which services on which platforms have the required accessibility features, such as screenreaders and magnification. This will help users find and play content. In order to demonstrate progress in making their services accessible, ODPS providers must regularly report to Ofcom on the accessibility of their services and Ofcom should be empowered and required to collate and publish this information for users and organisations that represent the interest of user groups.

ATVOD as co-regulator chaired meetings with the ODPS providers to share best practice in providing accessibility and RNIB understands this is something that Ofcom have continued with their Television On Demand Industry Forum group (TODIF). We believe that this type of knowledge sharing benefits the industry and helps find ways to advance accessibility. As such RNIB feels Ofcom should be required or at least empowered to continue holding these meetings. There should also be a mechanism for stakeholder organisations to feed in to these discussions to ensure that the needs of stakeholders are being met.

Currently some ODPSs use a separate AD category to help users find content which is accessible to them. This makes sense because the small amount of content with AD means users first need to find content that would be accessible to them and then decide if they want to watch any of this reduced selection. Part of the upshot of this is that the category selections, such as comedy or drama, available to non-AD users are not available for people who use AD. As services start to offer a sizable catalogue of content with AD, titles should be presented with a filter which can remove non-accessible titles rather than using a category.

**Q5 Do you agree that audience benefit, cost, and practicability are appropriate grounds for differentiating services/content for the purposes of regulations? Are there other grounds on which you believe ODPS programmes/services should be differentiated (prioritised, excluded, or subject to different requirements)?**

RNIB would not expect service providers to enforce measures that are not practicable or that are costly to a point of damaging, however we strongly believe it is time that accessibility and access services are no longer seen or perceived as auxiliary services but as part of the standard product offering.

The vast majority of people who use AD rely on it fully to understand and engage with content. On content that requires it, AD is not 'a nice to have'. It is as important to blind and partially sighted people as the picture is to a sighted audience.

"Let's imagine an episode of @itvcorrie running with no pictures, just sound. Then imagine that's how you watch every show. Welcome to our world. That's why we need audio description. It's not a 'nice wee add on'. It's essential."<sup>8</sup> - Steven Scott @techtalkersteve Feb 11

Arguments of audience benefit need to be considered closely. The term audience benefit must be interpreted to mean audience benefit to people with protected characteristics under the definition of 'protected characteristics' given in the Equality Act 2010. Since users cannot use a service that is inaccessible, suggestions that a particular ODPS need not be made accessible because access service users do not use it is an argument that previous bad accessibility is an excuse for future bad accessibility.

Judging 'audience benefit' for blind and partially sighted people does not require research into the genres that people with sight loss watch. Blind and partially sighted people enjoy the same genres as sighted people and any research into the genre tastes of blind and partially sighted people will be biased by the current accessibility and perceived accessibility of those genres.

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<sup>8</sup> <https://twitter.com/techtalkersteve/status/962752841852030976> Last checked on 27/03/2019

This does not mean that all content requires AD. Programming, particularly news and documentaries can be created in such a way that anything important displayed on screen is explained in dialogue and if this is truly the case for a programme then it may be considered to not require AD. This is in line with current AD guidelines which do not require AD for specific types of programme.

## **Q6 Should the regulations impose more stringent requirements on public services broadcasters' ODPS than on ODPS provided by others?**

Public Service Broadcasters are already bound under the Public Sector Equality Duty from the Equality Act 2010. The duty states that public sector bodies have a duty to "...advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;" One way that public sector broadcasters should be doing this is by spending part of any research and development budget on solving or better understanding accessibility issues. Any research undertaken as part of this spending must be reported to Ofcom and outcomes must be available in public domain.

All ODPS providers should have a duty to progress towards full accessibility in line with Ofcom's policy of consistency. If it is felt necessary to prioritise services however, we recommend that regulation prioritises the most popular services as reported in Ofcom's annual Communications Market Report or another such reliable source. This could be prioritising the top ten services listed in on-demand and streaming services used to watch TV programmes/films for example. Sighted and non-sighted people enjoy the same genres so research based on the wider population is still applicable to AD users. Comments posted on social networking site by regular users of AD reflect their interest in a range of services:

"Will @NowTV ever support Audio Description? The (more expensive) @SkyUK packages do. @NowTVHelp"<sup>9</sup> - Chris Norman @chrisnorman7

"@AmazonVideoUK @AmazonUK could you please add Audio Description for the Blind on your service. @netflix UK and @iTunes provide it on some of the films and tv. So it would be nice if you guys could follow suit and widen your

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<sup>9</sup> <https://twitter.com/chrisnorman7/status/944199329857835008> last checked 27/03/2018



audience more and make it more accessible. Thanks”<sup>10</sup> - John H @deadeyejack1980

## **Q7 Should the regulations limit accessibility requirements to programmes/services which have previously been broadcast with access services, or impose more stringent requirements on these programmes/services?**

ODPS providers should be making an effort towards full accessibility. This means if the AD track is available for a piece of content, either because the programme has been broadcast with AD or the AD was previously created for another medium then it should be provided with the content. AD tracks should be created for all original productions and an effort should be made to create AD for legacy content that doesn't have it.

In 1996, the UK became the first country in the world to mandate AD on a proportion of the content on linear television. This reflected not just an acknowledgement of the needs of people with sight loss who said they wanted to watch TV like their sighted peers but also an appreciation for a more equal society. Subsequently in 2003, strengthening and updating of this mandate demonstrated further commitment towards equality.

Beyond this promising start however, provision of access services has not been sufficiently progressed. AD was already mandated into law when catch-up players were introduced so it should have been specified in the design of online services. However, twenty-two years since AD was first launched its availability still remains fragmented across platforms and services. In the age of backwards EPGs (which for sighted users seamlessly open up catch-up services to play content you've missed) the user experience for blind and partially sighted people looks decidedly dated. Accessibility is still very much perceived as an addition and to be provided retrospectively in order to meet a legislative requirement.

Access services need to be considered as important to a programme as the soundtrack or picture. As such, all original productions must carry AD if deemed necessary for the understanding of the programme.

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<sup>10</sup> <https://twitter.com/deadeyejack1980/status/963033436037550081> Last checked 27/03/2018

Regardless of who the ODPS provider is, if a programme is shown online before being part of a linear broadcast it needs to be considered as VOD content rather than catch-up and should therefore be made accessible.

“It's unfair that you can watch all of the first series of Hard Sun if you can see, but the Audio-description is only available on @BBCIPlayer after it's been aired on TV. @RNIB is this a breach of the Equality Act? It's certainly annoying, even if it isn't illegal yet.”<sup>11</sup> - Sean Randall @cachondo on Jan 10

Service providers should be judged on whether they have made a genuine effort to progress towards full accessibility. In a way this places more stringent requirements on programmes and services which have previously been broadcast with AD because there is less reason for those not to be rebroadcast with AD.

**Q8 Do you consider that ODPS programmes/services should be excluded from the full requirements on the grounds of audience size? If so, should there be different requirements for excluded programmes/services?**

RNIB would not expect service providers to try to enforce measures that are not practicable or are costly to a point of damaging. This may impose more lenient requirements on services with a smaller audience share. Care should be taken however to ensure this does not exclude blind and partially sighted people from programming about niche topics which is likely to have a smaller audience share.

**Q9 Should the regulations impose different accessibility requirements on ODPS made available via certain platforms, and if so which?**

Service providers should be required to make use of all accessibility features available on platforms on which their service can be accessed. This will impose more stringent requirements on some platforms than others but this will be dictated by the capabilities of the platforms.

Currently web players, iOS, and Android already enable accessibility via screenreaders and magnification. Samsung and Amazon (on their Fire TV) are starting to allow access to their speech engines and it is likely

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<sup>11</sup> <https://twitter.com/cachondo/status/951144765076189184> last checked 28/03/2018

that Android based TVs will follow suit. Wherever practicable, service providers should make use of these speech engines as and when they become available to use.

Service providers can improve the usability of their services by sensible design decisions. Many services offer a 'seamless' experience where programmes watched on one device can be picked up where you left off on another device or the next episode in a series is cued up to play after the current episode has finished. This idea of usability through consistency has offered non-AD users a very good user experience. When it comes to AD users however the user experience is often needlessly jarring. Many services allow users to download content but only Netflix allows it to be downloaded with AD. If a user has watched an episode of a series with AD it is likely that they will also want AD on the next episode but, once again, only Netflix retains this preference and delivers the next episode with AD by default.

"We've received comments that @BBCiPlayer audio description has to be activated for each individual episode of a series, even if the first one you watch is selected from the AD category. Anyone else experiencing the same? @BBCcomplaints"<sup>12</sup> - RNIB (Verified account) @RNIB on Jan 8

"You can't activate it, if you press More button to find the first episode of the show, all you can see is subtitles. I could not find any button that says, Press to watch it with AD. Only the last episode is played with AD automatically." - KseniaBlake @Ksenia\_Blake Replying to @RNIB on Jan 8

"Several in the AD category have no AD track, including Peaky Blinders & Gunpowder. Thankfully NetFlix had Peaky, they more on the ball. Complained to @BBC weeks ago with no reply, disgraceful customer service" - allan russell @Allan\_insight Replying to @RNIB @BBCiPlayer @BBCcomplaints on Jan 9

"Absolutely. It's a known issue but Auntie is very slow/reluctant to fix any of the AD implimentation issues with iPlayer, of which there are a few. iOS app's interaction with VO is also so/so at best." - Will Norman @willnorman3 Replying to @RNIB @BBCiPlayer @BBCcomplaints on Jan 8

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<sup>12</sup> <https://twitter.com/RNIB/status/950339703181541377> last checked 28/03/2018

This is fully within the control of service providers and cannot be attributed to technical difficulties or even a higher cost for delivering accessibility. It is a lack of attention in creating services for AD users.

**Q10 Do you have any views or information on appropriate and available means of measuring the audience impact of ODPS?**

All ODPS providers should have a duty to progress towards full accessibility in line with Ofcom's policy of consistency. If all parties are progressing towards accessibility then this removes the requirement to measure the audience impact of services.

**Q11 Are there particular types/genres of programming which should be excluded from requirements, or subject to reduced requirements, on the grounds of limited audience benefit?**

RNIB is content agnostic. Blind and partially sighted people enjoy the same genres as sighted people.

Some content however will not require AD in order to be accessible and we strongly believe that the UK broadcast industry has enough experience in the provision of AD to be able to ascertain whether or not content will benefit from AD. RNIB recommends that Ofcom draws on the knowledge of UK broadcasters in setting the guidelines on formats that require AD and formats that are accessible without it.

**Q12 Do you consider that ODPS programmes/services should be excluded from the full requirements on the grounds of affordability? If so, should there be different requirements for excluded programmes/services?**

RNIB feels that genuine affordability i.e. the ability to pay a cost without severely and detrimentally affecting an organisations ability to function should be a factor. However, service providers will face many costs in the production, marketing and distribution of content and the accessibility of that content should be considered as a cost alongside those. Any mature model of accessibility needs to allow access services to be a significant cost in the production and distribution of content.

Technology companies have for some years been building accessibility into products as standard. Apple and Google have built screenreaders into their mobile phone platforms at no extra cost and television manufacturers such as Samsung and Panasonic have followed suit with text to speech being built into menu systems of all televisions that can comfortably support it. Users of ODPSs should be able to expect the same mature accessibility model from the VOD and broadcasting industries. Access services need to be considered part of the product rather than additional 'nice-to-haves'.

**Q13 Do you have any views or information on appropriate and available means of quantifying: ODPS-specific revenue; VOD specific revenue; and costs associated with ODPS access services?**

RNIB is a charity and therefore not privy to costs associated with the production of access services.

Access services should be considered as a standard cost of producing and distributing content. However, with a mature competitive market of access service producers and a greater emphasis on reuse of access services where possible, it can be expected that the cost of providing access services will fall.

**Q14 If you are an ODPS provider, do you have information on the likely costs involved in providing access services on your ODPS?**

N/A

**Q15 Do you consider that ODPS programmes/services should be excluded from the full requirements on the grounds of technical difficulty? If so, should there be different requirements for excluded programmes/services?**

It makes sense to exclude programmes on the grounds of technical unfeasibility. This however needs to be rooted in the technology that is possible rather than the features and abilities of the current software, hardware and workflows being used. If AD does not fit the current workflows of a broadcaster then this is not a technical issue but a procedural one and if progress is not being made in this area it is not due

to technical difficulties but rather a lack of motivation or resources being committed.

Service providers may reasonably expect to face challenges in providing accessibility and any judgement should be on whether they have made genuine efforts to overcome these challenges.

**Q16 Should regulations include quotas on percentages of programming available with access services? If so, what should the quotas be? If not, what other methods do you consider appropriate for the purpose of setting access service requirements for ODPS?**

For television catch-up services (services which provide on-demand access to programmes which were previously shown according to a broadcasting schedule) anything that has previously been shown with AD should have AD when offered on-demand. The availability of AD should be mirrored across platforms and services.

Content services which were not previously linked to a broadcast schedule should be aiming to progress towards full accessibility of their content. This would include audio describing content as part of the creation process but also seeking out and purchasing AD tracks and scripts (under Fair, Reasonable and Non-Discriminatory pricing schemes) where possible. Service providers should endeavour to audio describe legacy content within a timeframe deemed reasonable to Ofcom.

Full accessibility may mean that where content fully describes any visual elements (such as is possible with documentaries or sports commentary that includes all visual aspects) AD may not be required.

**Q17 Do you think that there should be a phased introduction of requirements? If so, please give details.**

RNIB understands that ODPS providers need to transition from a state of very little AD to full accessibility. This will take time but changes to legislation could enable Ofcom to assess whether progress is genuinely sought and reasonably being made. However it is must be considered that we now have an industry that is mature and well informed on the nuances of AD. AD is a mature technology and the provision of AD on on-demand content is well understood. This wasn't the case when quotas

for linear delivery were introduced. Any phased introduction must acknowledge the experience that the industry has gained in the context of AD during the past decades.

Innovation is one of the key characteristics of the broadcast and media industry. The BBC launched AD on their catch-up services in 2009, Channel 4 in 2012 and then ITV and Channel 5. If the pace of progress had been kept up then AD would now be available on all or most platforms for these services whereas in reality it is fragmented across platforms and is not even mirrored between linear broadcast and catch-up. A common ability for video playing software is to support multiple audio tracks for content to support foreign languages. This can be used to provide AD as is done by Netflix and on DVDs. If the software or hardware chosen for a platform cannot support multiple audio tracks then a separate video asset can be produced with the AD already mixed in. This requires no extra features to be available to the video playing software and so can be delivered by any ODPS provider.

There are no insurmountable technical challenges to offering AD on ODPS. It can be done with current technology. If previously prepared AD tracks and scripts are reused under FRAND terms then there should also be AD tracks and production materials available too. RNIB acknowledges that achieving full accessibility will take time but there is an awful lot that can be achieved straight away.

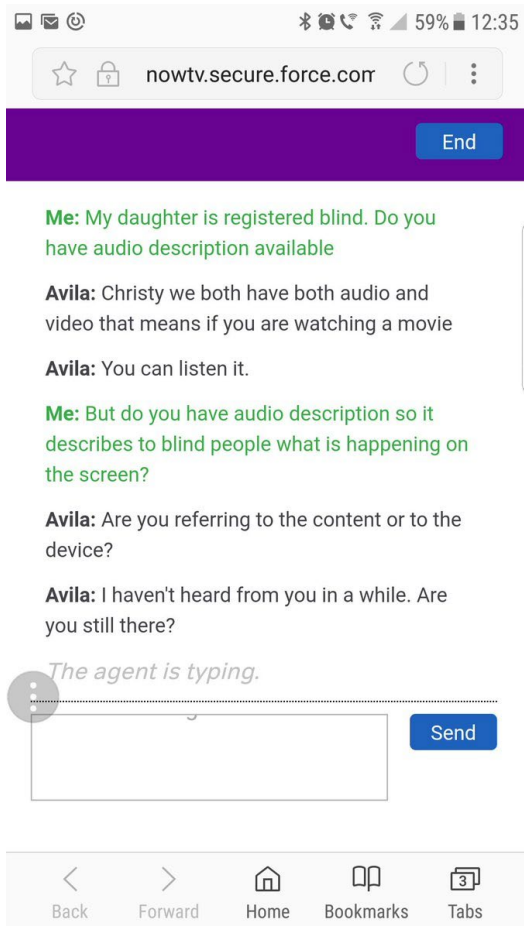
“Hopefully when Coco is on Netflix, it’ll have audio description. Until then, I must wait....”<sup>13</sup> - Tiffany Korin @TiffanyKorin

“So I’m trying to find out if @NOWTV has audio description available and this is what I get on live chat....please help @nowtvhelp”<sup>14</sup> - Christy Marie @Miss\_Diinkee

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<sup>13</sup> <https://twitter.com/TiffanyKorin/status/971878713108434944> last checked 27/03/2018

<sup>14</sup> [https://twitter.com/Miss\\_Diinkee/status/915908472474099712](https://twitter.com/Miss_Diinkee/status/915908472474099712) 28/03/2018



“Good afternoon, unfortunately this is not available. We hope to have this in future :)” - NOW TV Help (Verified account) Replying to @Miss\_Diinkee on 5 Oct 2017

### **Q18 Do you think that the introduction of requirements should prioritise particular types of ODPS programmes or services?**

No, RNIB is content agnostic and are aware that blind and partially sighted people viewing preferences are as varied as their sighted peers’.

### **Q19 Should ODPS providers be able to propose alternative arrangements, and if so what type of arrangements?**

RNIB see no reason why ODPS providers should need to propose alternative arrangements for AD.



**Q20 Do you have any other comments or information you wish to share in relation to the drafting of regulations on ODPS accessibility?**

RNIB would like to propose the creation of a national register that records the production of AD across services and platforms.

RNIB has found that work is being duplicated in recreating AD tracks that already exist. Whilst many tracks may not be reusable without further work, some of the steps in creating a track, such as creating a script may help in recreating an AD track. Some tracks may be usable with no further work or minimal further work.

For this reason RNIB is suggesting a national register of AD programmes that have been audio described should be set up. The register should include the content name, the name and contact details of the organisation which owns the AD track that was created for it and any other details required to identify the version of the content. A company requiring an AD track for a piece of content could then find out if it has already been described and contact the owner of the AD asset to negotiate buying a copy. Ofcom could impose a duty to make the AD track and any scripts used in the creation of the AD track available at a fair, reasonable and non-discriminatory price to any parties with the rights to show the content the AD track relates to. The exact pricing structure should be agreed by the industry with Ofcom adjudicating any disputes.