

Dear Sirs,

Subject: Review of Competition Rules in the EPG Code

Square World Communications Limited (“Square World”) presently have one channel in the Adult section of Sky’s EPG, namely “Babestation” broadcasting on channel 906. As an Adult broadcaster we adhere strictly to the requirements of the BCAP Code which covers both daytime and post watershed broadcasts.

Page 1 of the consultation document (“consultation”) sets out Ofcom’s proposals in brief. These are:

1. **Linear TV is still widely watched and valued, and EPGs are an important way to access this content**
2. **Competition rules are still required**
3. **The existing rules are working well**

We agree with 1 and 2. With regard to 3 we note that Ofcom “propose to require that consultations by EPG providers follow a transparent process and include reasonable timeframes both for channel providers to comment and for implementation of any changes to listings”. For the reasons that follow, we believe that it is important that there is a clear requirement that any such consultation by an EPG licensee with broadcasters clearly demonstrates that the Code requirement for “Fair, reasonable and non-discriminatory treatment”(“FRND”) is objectively established by the EPG licensee with broadcasters having a right of appeal to Ofcom in the event that they are of the view that the EPG licensee has either failed to consult or that any consultation including the resulting outcome has failed to satisfy the FRND requirements in the EPG Code

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Paragraph 2.7 of the consultation document notes that [] control the presentation, design and functionality of the EPG.

Paragraph 2.8 recognises the importance of the EPG in enabling viewers to gain access to the available programme content when it explains that “**The design** of the EPGs is an important facilitator for viewers to search content available. While many viewers may know the number of their favourite channels and input these directly, use of the EPG to search for linear content is likely to remain an important way for many viewers to continue to find content”

Paragraph 2.10 notes an important statement of fact - “All TV channels want their programmes to be seen by as many viewers as possible”.

Paragraph 2.21 continues “the EPG Code also includes rules to secure fair and effective competition, including a requirement for EPG providers to engage with television channels in a fair, reasonable and non-discriminatory **(FRND)** way”.

[X _____

_____X]

Paragraph 1.7 of the Code provides that “EPG licensees that are channel providers or are connected to a channel provider must ensure that access to and from all television services in the EPG service is easily available to all viewers equipped to use the EPG service and to receive the relevant programme services”

[X _____

_____X]

[X _____

_____X]

[X _____
_____X]

[X _____

_____ ✂]

We would request that Ofcom, having regard to the above, include an additional Code amendment to the effect that any consultation by an EPG licensee with broadcasters clearly demonstrates that the Code requirement for “Fair, reasonable and non-discriminatory treatment” (“FRND”) is objectively established by the EPG licensee with broadcasters having a right of appeal to Ofcom in the event that they are of the view that the EPG licensee has either failed to consult or that any consultation including the resulting outcome has failed to satisfy the FRND requirements in the EPG Code.

Yours sincerely,

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SQUARE WORLD COMMUNICATIONS LIMITED