

Liverpool FC TV's SUBMISSION TO OFCOM VOD CONSULTATION

INTRODUCTION

Liverpool FC TV is the official television channel of Liverpool Football Club and is free-to-view to nine million homes on Sky, Virgin and as part of the club's premium content website service. Liverpool FC TV (LFCTV) launched in September 2007 and is shown in over 80 countries, broadcasting a wide range of shows focusing on life on and off the pitch at Liverpool.

The channel transmits between 10am and midnight seven days a week showing Barclays Premier League, UEFA Champions League and Carling Cup match action. There is also live and exclusive Reserve football, in-depth coverage of the Academy youngsters, countdown shows, documentaries and match action for the LFC archives.

Question 1

Is the draft Scope Guidance set out above appropriate? If you do not agree that the draft Scope Guidance is appropriate, please explain why and suggest alternative wording where appropriate.

LFC TV agrees that the Scope Guidance, as set out in the consultation, appears appropriate. We would welcome clarity on how definitions, such as "TV like", will be interpreted when new forms of video content online may challenge the regulatory interpretation versus the consumers' understanding of "TV like". In a changing and dynamic media landscape, we believe it is important to educate the consumer on media usage rather than place unnecessary regulation on a sector of emerging content production.

Question 2

Is the proposed allocation of functions relating to set out in paragraphs 4.87 to 4.91 appropriate?

We support the proposed allocation of functions but we would expect these functions to be discharged in a reasonable and proportionate manner.

Question 3

N/A

Question 4

Do stakeholders agree with Ofcom's proposal that, subject to necessary progress being made over the consultation period, it would be appropriate for Ofcom to designate co-regulatory functions to ATVOD on 19 December 2009, or thereafter, when all relevant aspects of the ATVOD Proposal have been agreed, in relation to the regulation of VOD editorial content?

We support the proposal to designate ATVOD as the co-regulatory body. We are somewhat concerned at the fee structure proposed and the uncertainty of the scale of annual fees post March 31, 2011. LFC TV is a niche operator and the flat fee proposed represents a significant cost and could negatively affect our business planning. The flat fee suggested is somewhat onerous when compared to a large VOD service born out of a multigenre broadcast channel and used for catch-up services.

The licensing process of Ofcom is clear to broadcast operators but the VOD notification process is less clear and we would welcome detailed guidance on how notification is intended to operate i.e. annual returns, closure notifications, potential short-term VOD projects.

Question 5

N/A

Question 6

Do stakeholders agree with Ofcom's proposal that it would be appropriate for Ofcom to designate co-regulatory functions to ASA on 19 December 2009, in relation to the regulation of VOD advertising?

We agree that the ASA is the appropriate organisation to be delegated responsibility for regulating VOD advertising. It forms a logical extension of its established remit to regulate broadcast advertising and should be clearly understood by consumers.

Question 7

N/A

Question 8

Do our proposals, as outlined in Sections 4, 5 and 6 concerning: draft Scope Guidance; delegation of functions relating to notification; and the implementation of a new co-regulatory regime for VOD editorial content and VOD advertising have any likely impacts in relation to matters of equality, specifically gender, disability or ethnicity? Do you agree with our proposal to retain the Access Duty in relation to VOD? Are there any other possible equality impacts that we have not considered?

We believe it is appropriate that Ofcom should retain the Access Duty on VOD but ask that a fair system be devised in how the duty should be applied to VOD services. The provision of access services has significant resource implications for niche services, such as LFC TV, and we would welcome further discussions on this issue and whether certain genres of content are not practicable for access provision.

We would also reject any proposal to place reporting burdens on VOD providers in areas such as EU production quotas.

LFC TV

26 October 2009