

The Sports Broadcast (Sic Broadcasting) Signals (Mandatory Sharing With Prasar Bharati) Rules, 2007

UNION OF INDIA

India

The Sports Broadcast (Sic Broadcasting) Signals (Mandatory Sharing With Prasar Bharati) Rules, 2007

Rule

THE-SPORTS-BROADCAST-SIC-BROADCASTING-SIGNALS-MANDAT of 2007

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1004.

In exercise of the powers conferred by section 7 of the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007 (Act 11 of 2007), the Central Government hereby makes the following rules, namely:--

1. Short title and commencement

.-(1) These rules may be called the Sports Broadcast (sic Broadcasting) Signals (Mandatory Sharing with Prasar Bharati) Rules, 2007.(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions

.-In these rules, unless the context otherwise requires,-(a)"Act" shall mean the Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007 (Act 11 of 2007);(b)"content rights owner or holder" shall mean a person for the time being having or holding the broadcasting rights in respect of a sporting event of national importance within the territory of India;(c)words and

expressions not defined in these rules but defined in the Act, shall have the same meaning respectively assigned to them in the Act.

3. Sharing of Sports Broadcasting Signals with Prasar Bharati

.- (1) Every content rights owner or holder and television or radio broadcasting service provider intending to carry a live television broadcast on any cable television network or Direct-to-Home network or intending to make a radio commentary broadcast in India, of a sporting event of national importance shall at least forty-five days prior to the proposed date of telecast or broadcast, inform the Prasar Bharati about the same and offer to share the live signals in the manner and on such terms and conditions as are hereunder specified. (2) The content rights owner or holder and television or radio broadcasting service provider shall provide the live signals to the Prasar Bharati at the Master Control Room of Doordarshan or as the case may be, the Master Control Room of All India Radio, at its own cost. (3) The signals to be shared with the Prasar Bharati by the content rights owner or holder, shall be the best feed with all features as that of provided to a broadcast service provider in India, free from commercial advertisements. (4) The signals referred to in sub-rules (2) and (3) shall include signals of the pre live event and the post live event coverage. (5) The Prasar Bharati shall not be under any obligation to carry the logo of any channel available in India. (6) The Prasar Bharati shall have all the rights to generate, pre, post and intermission programming. (7) The Prasar Bharati shall have the right to retransmit the signals on its terrestrial and Direct-to-Home networks including the AM and FM Channels of the All India Radio.

4. Sharing of advertisement revenue and Marketing of commercial time

.- (1) The Prasar Bharati shall on being informed in terms of sub-rule (1) of rule 3 or otherwise, take steps to determine who out of the two, that is the content rights owner or holder or the Prasar Bharati, shall undertake the marketing of commercial time generated by the retransmission on the Prasar Bharati's Channel and either of the party, which offers to maximize the revenue, shall get the marketing rights. (2) For the purposes of sub-rule (1), a sealed bid procedure shall be adopted and such bids shall be opened in presence of representative of both the parties and the party bidding higher shall get the marketing rights. (3) The final amount so determined shall be the guaranteed net revenue after payment of taxes and duties, offered by the party getting the marketing rights and the revenue to be shared between the parties shall be the higher of the guaranteed revenue or actual revenue realised. (4) The party getting the marketing right shall give a bank guarantee to the other party for an amount equal to the other party's share of guaranteed revenue which shall be valid for a period of six months from the first day of the month succeeding the month in which the sporting event comes to an end. (5) The party having the marketing rights shall be entitled to obtain all release orders and payments in its name and all payments shall be received by it only by way of account payee cheques, which shall be deposited in a designated escrow account from which the parties shall be at liberty to make withdrawals after discharging the tax liability. (6) The party having the marketing rights shall submit to the other party complete accounts of revenue earnings, duly audited by a Chartered Accountant and along with all the release orders; and shall pay the entire guaranteed amount as well as any other amount to which the other party is entitled as per the revenue sharing formula under the Act and sub-rule (3) of rule 4, within seventy-five days from the

first day of the month succeeding the month in which the sporting event comes to an end.

5. Responsibility of a television or radio channel broadcasting the sporting event

.-If the television or radio broadcasting service provider is different from the content rights owner or holder, it shall be its duty to ensure that adequate arrangements for compliance with the provisions of the Act and the rules are made, at the time of acquisition of the rights from the content rights owner or holder.

6. Manner of declaration of sporting events of national importance

.- (1) The list of sporting events of national importance shall be determined and notified by the Ministry of Information and Broadcasting in consultation with the Ministry of Youth Affairs and Sports and the Prasar Bharati. (2) An event of national importance once included in the list shall remain a sporting event as such for a period of four years from the date of its inclusion unless deleted or withdrawn earlier. (3) The Ministry of Information and Broadcasting may, review the list of sporting events of national importance at any time and at least once in the month of February of each calendar year as per sub-rule (1), and consider new proposals for inclusion or deletion and notify amendments, if any.

7. Liability of television or radio broadcasting service provider or content rights owner or holder in certain cases of violations

.- (1) Subject to the provisions of the Act, the Central Government may in the event of any violation of a term or condition specified under section 3 of the Act or these rules, impose a penalty for each day till the violation continues. (2) The penalty in case of televisions or radio broadcast service provider under sub-rule (1) shall be without prejudice to any action that the Central Government may take against them by way of suspension or revocation of licence or permission or registration. (3) No penalty under sub-rule (1) or (2) shall be imposed unless a reasonable opportunity of being heard is given to the television or radio broadcasting service provider or the content rights owner or holder.

8. Partial supersession of guidelines

.-These rules partially supersede the Guidelines for Uplinking from India, dated 2nd December, 2005 and the Policy Guidelines for Downlinking of Television Channels, dated 11th November, 2005 issued by the Government of India in the Ministry of Information and Broadcasting, insofar as they relate to sharing of sports broadcasting signals with the Prasar Bharati in case of sporting events of national importance and the terms and conditions relating thereto.