

SPORTS BROADCASTING SIGNALS (MANDATORY SHARING WITH PRASAR BHARATI) RULES, 2007

Tio R@-33004/99 REGD. NO. D. 1--33004B Che Gazette of India 479] No. 4791 PART n—Secaon 3— Sub-section (D PUBLISHFD BY AV1'H0R1'1'Y 31, 2007/ 9, 1929 NEW DELHI, WEDNESDAY, OCTOBER 31, 2007/KAmwx 9, 1929 31 2007 2007 (2007 11) 2007 2007 (2007 4415 GI/2007 2 THE GAZETTE OF INDIA : EXTRAORDINARY [PART [I—SEC. *ITT I (3) Vt-a -Q (5) (6) -crerft 2 2005 11 2005 i, MIMSTRY OF INFORMAIIION AND BROADCASTING NOUFICATION New Delhi. the 31st October, 2007 G.S.R. 687 exercise of the powers cbnferred by Section 7 of the Spons Broadcasting Signals (Mandatory Sharing with Prasara Bharati) Act, 2007 (Act 1 of 2007), the Centra\ (ioovernment hereby makes the following rules, nan.ley: — I. Short tille and Ihese rules may be called the Sports Broadcast Signals (Mandatory Sharing with Ptsara Bharati) Rules. 2007. (2) They shall come into fowe on the date of their publication in the Official Gazette, 2. Definitions.—In these rules, tmless the context otherwise requites, (a) (b) (c) 'Act' swag-mean the Sports Broadcasting Signals (Mandatory Sharing with Prasara Bharati) Act. 2007 (Act 11 Of2007); 'content rights owner or holder' shall mean a person for the ti_me being hating or holding the broadcastiÅg rights in respect ofa sporting event ofnational inimportance within the territory of India; words and expre»ions not defined in these but defined in the Act, shau have the same meaning respectively assigned to them in the Act

3. Sharing of Sports Broadcasting Signals with Prasara Bharati. H1) Every contmt ri\$Its owner or hblder and television or radio broadcasting service provider intending to carry a live television broadcas 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 shan at least forty jive days prior to the proposed dat? of telecast or broadcast, inform the Prasara Bharati about the same and offer to üare the live signals in the manner and on such terms and conditions as are hereunder specified. (2) Tne content rights owner or holder and television or radio broadcasting service provider shau provide the live signals to the Prasara 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 Prasara Bharati by the content owner or holder, shall be the best feed with all features as that of provided IO a broadcxt 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 Prasara Bharati shall not be under any to carry the logo of any channel available in India. (6) The Prasara Bharati shall have all the rights to generate, pre, post and intermission programming. (7) The Prasara 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 Endia Radio. 4. of commercial The PraMT Bharati shall on being informed in terms of sub-rule (1) of rule 3 or DtkMwise, take steps to determine who out of the two, that is the content 3 owner or holder or the Prasara Bharati, shall undertake the marketing of commercial time generated by the retransmission on the Prasara Bharati '8 Channel and either of the pa.rty, whicJ' offers to maximize the revenue, shall get the marketing rights. (2) Por the purposes of sub-rule (1), a sealed bid procedure shall be adopted and such bids shall be opened in presence of representatives of both the 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 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 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 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 and all payments shall be received by it only by way of aca)uat payee cheques, which shall be deposited in a designated escrow amount from which the parties shall be at liberty u:) make withdrawals after discharging the tax liability. (6) 'me party having the xnarketing rights shall submit to the other party complete accounts of revenue eamings, 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-nde (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. S. Responsibility of a television or radio channel broadcasting 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 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. 4 THE GAZETTE OF INDIA : EXTRAORDINARY (PART II)—SEC. 3(i) (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 calendar year as per sub-rule (1), and consider new proposals for inclusion or deletion and notify amendments, if 7. Liability service provider certain cases of the Act, the any violation of 3 of the Act or till the violation (2) The Ministry of television or radio broadcasting or content rights owner or holder in Subject to the provisions central Government may, in the event of term or condition specified under Section these rules, impose a penalty for each day continues. Penalty in case of television or radio broadcast service provider under sub-rule (i) 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, 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 (hereto. ZOHR CHATTER.] 1, secy. Printed by the Manager, Govt of India Press, Ring Road, Mayapuri. New 10064 and Published by the of Publications, Delhi-1 10054.