

Media & Entertainment - Taiwan

Content Control for Telecommunications Platforms

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On June 17 2009 the National Communications Commission (NCC) decided to amend the Regulations Governing Third-Generation (3G) Mobile Telecommunications Services, adding a requirement for suppliers of channel programming over 3G networks to obtain approval or licences pursuant to the same regulatory requirements as other broadcasting services. In order to meet administrative statute procedures, the NCC will publish the drafted amendments and hold a public hearing to solicit opinions on the amendments.

The NCC aims to close loopholes in every branch of telecommunications regulation concerning multimedia services and channel content and relevant obligations of platform operators, as it did in February 2009 with the introduction of its revised on worldwide interoperability for microwave access (WiMAX) (for further details please see "[WiMAX Rules Revised to Include Content Control](#)"). This move is based on two basic legal principles: (i) consumer protection regarding the pricing of services; and (ii) the principle of equal regulation – that is, the notion that services should be subject to a similar degree of regulation, irrespective of platform.

Industry players fear that such excessive *ex ante* regulation could discourage the development of technological advances. For example, many existing content providers have created their own service channels across all 3G networks and the provision of that content, in general, is regarded as a value-added service in addition to basic telecommunications services. If the amended rules were to take effect, those providers would be forced to confront the difficulties in obtaining the necessary additional broadcasting licences. Ultimately, the discouragement of technological progress is the last thing that service providers, consumers and even the NCC itself would want to see.

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