# [GB] Guidance on Licensing of TV Services Broadcast into Multiple Territories

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Ofcom, the UK Communications Regulator, has issued guidance on whether the holders of broadcasting licences need separate licences for different feeds (versions) of a service, for example feeds broadcast in different territories. In particular, the document concerns feeds where the programmes are almost identical but in different languages, feeds where the editorial content is almost identical but advertisements are different or differently scheduled or where editorial content of each feed is different.

The Communications Act 2003 defines 'programmes' in a way which includes advertisements (s. 405(1)). It also provides that licences are granted in relation to a particular licensable service rather than to a particular service provider (s. 235(4)). There is no limit to the number of licences that can be held by a single person or company.

In Ofcom's view, this means that any service that can be regarded as separate needs a separate licence and an important factor in identifying separate services is the editorial content, advertisements and scheduling. Thus, for more than one feed to count as a single service, the public must be able to view the same programmes and advertisements on all of them at the same time; they must have the same programme schedule. Services where there are different programmes or where the programmes are shown at different times or where the same programmes are shown at the same time for only part of the day will require separate licences. "Time shifted" schedules, where the only difference is that the same schedule is broadcast an hour or so later, will count as a single service. Where there are only minor differences between feeds, for example very occasional regional variations of the same programme, this will also count as a single service. The same applies to services which differ only in language. However, feeds with different editorial content or different advertisements or which are broadcast at different times will require separate licences.

***Ofcom, "Guidance regarding the licensing position of television licensable content services broadcast into multiple territories", 19 October 2010***

http://licensing.ofcom.org.uk/binaries/tv/licensing-position.pdf

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