[NL] Mandatory Registration for Video On-Demand Services Initiated

IRIS 2011-10:1/34

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The Dutch *Commissariaat voor de Media* (Media Authority - CvdM) recently published a Regulation containing policy rules defining “commercial media on-demand services”, or video on-demand services, under the Dutch Media Act. Under the regulation, such video services must be registered as of 1 November 2011.

The policy provides an elaboration of the criteria that determine whether a commercial media on-demand service is covered by the Dutch Media Act. The Act regulates matters such as the separation of commercial and editorial content, the protection of minors, advertising, product placement and sponsoring. This creates a level playing field among providers of similar services with regard to the protection of the users under the provisions of the Media Act. In order to be found in compliance with its rules each of the following five criteria need to be met:

- The videos must be offered as part of a catalogue;

- The main purpose of the service must be delivery of videos;

- The offer and organisation of videos must be subject to the editorial responsibility of the supplier of the service;

- The service must have a mass media character;

- The service must constitute an economic service.

Not only mainstream broadcasting services, but also on-demand services offered over the Internet or on mobile phones, such as catch-up services and online video shops, may meet these criteria and will accordingly fall within the ambit of the Media Act. Websites offering video content that do not meet these conditions are not subject to the mandatory registration requirement. Every service that meets the five criteria must register within a two-week period after the new policy has come into force or risk a fine. An annual contribution will be paid by the providers of these services.

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Regeling van het Commissariaat voor de Media van 22 september 2011 houdende beleidsregels omtrent de classificatie van commerciële mediadiensten op aanvraag zoals bedoeld in artikel 1.1, eerste lid, van de Mediawet 2008 (Beleidsregels classificatie commerciële mediadiensten op aanvraag 2011)

http://www.cvdm.nl/dsresource?objectid=12335&type=org

Interpretative Regulation of the Media Authority of 22 September 2011 containing policies regarding the classification of commercial media on-demand services, as referred to in Article 1.1, first paragraph, of the Media Act 2008 (classification of commercial on-demand media services 2011)

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