

SELF REGULATION CODE

ONLINE CURATED CONTENT PROVIDERS





CONTENTS

1. BACKGROUND:.....	3
2. TYPES OF ONLINE CONTENT:.....	3
3. BUSINESS MODELS:.....	4
4. DISTINGUISHING FEATURES OF ONLINE CONTENT PROVIDERS:.....	4
5. PREAMBLE:	5
6. OBJECTIVES:	5
7. REGULATORY ENVIRONMENT:.....	6
8. GUIDELINES ADOPTED BY OCC PROVIDERS - CONSUMER WELFARE, CHOICE & CONTROL:...	6
8.1 Framework for Age Classification:.....	7
8.2 Utilisation of Appropriate Content Descriptions:	8
8.3 Technology Enabled Access Controls:	8
9. GRIEVANCE REDRESSAL MECHANISM:.....	8
9.1 Framework for Grievance Redressal:	8
9.2 Composition, role and responsibilities of each stage of Grievance Redressal System:.....	9
9.3 Procedure for filing Complaints:.....	10
9.4 Decisions of Grievance Redressal System:.....	11
9.5 Timelines for Grievance Redressal:	11
9.6 Volition:	11
9.7 Publication of details of Grievance Redressal System:	12
9.8 Withdrawal of Complaints:	12
9.9 Recording of Grievance Redressal System:	12
9.10 Reporting Process:.....	12
10. APPLICABILITY:.....	12
11. AMENDMENT:	13
12. AFFIRMATION:.....	14

1. BACKGROUND:

The Online Curated Content (“OCC”) industry plays a prominent role in the Indian socio-economic landscape and is expected to serve a majority of the Indian population in the coming years. It has transformed the way that content is created and consumed through employing advanced technology to provide consumers flexibilities related to viewing of content at time, place and device(s) of their choice.

Media & Entertainment is recognized as a champion sector for the growth of the Indian economy. Growing at 22%¹, the Indian video-on-demand market is estimated to be one of the top 10 markets, globally, with estimates of INR 11,977 crore (Approx 1.6 Billion USD), by 2023. Globally, over 2.3 billion people watch digital video content at least once per month.

India’s rich culture of storytelling, mobile usage, and digital content are boosting the growth of this sector, to make India a fast-growing economy. India is quickly becoming a hub for content production. This content is offering tremendous opportunities to new and first time cast and crew to hone and display their talent. Over the last six years, the number of online shows produced in India has grown by over 950%.²

The widespread use of advanced technologies like artificial intelligence, data analytics and interactive services in the industry are aligned with the creation of the skills and infrastructure necessary to achieve the Indian Government’s target of hosting a trillion-dollar digital economy.

This widespread use of technology also translates into economic benefits such as, increased potential for export of content, especially as the audio-visual industry has been recognised as a ‘Champion Service’ by the Government. Further, the demand for content provided by the OCCPs help generate demand for broadband infrastructure, thereby engendering a virtuous cycle for realising the goals of Digital India.

The growth of the sector can be attributed to the opportunities presented by content in multiple languages (including subtitles and dubbing), increased access through increased use of smartphones, increasing popularity of this content at a global stage, amongst other factors.

2. TYPES OF ONLINE CONTENT:

There are broadly two types of services that contribute to the growth of online content: Online Curated Content (OCC) & User Generated Content (UGC).

2.1 **User Generated Content:** Content is user-generated when it is directly uploaded and/ or self-published on a platform by users or third parties who hold rights on behalf of users.

¹ [PriceWaterhouseCoopers - Global Entertainment & Media Outlook 2019-2023](#)

² [FICCI & EY, A Billion Screens of Opportunity, India's Media & Entertainment Sector, 2019](#)

- 2.2 **Online Curated Content:** Content is said to be curated when a platform itself plays a significant and primary role in choosing and controlling the content being made available for viewers. This can be licensed from third parties (on an exclusive or non-exclusive basis) and/or purchased (for ownership) from third parties and / or produced by the OCC Provider.

Many providers may have a combination of the two (2) types of services above.

3. BUSINESS MODELS:

Businesses in this industry use innovative models of monetisation, which enable them to provide diverse and high-quality content in a competitive manner. These models help improve consumer attitudes towards piracy, as consumers are less likely to visit pirate sites with greater availability of legal sources of content. Thus, Online Curated Content (OCC) Providers not only contribute towards white economy and taxation revenues but also assist in combating piracy.

OCC Providers employ different business models variably and in combination with each other in accordance with the dynamism of the content consumption trends.

Business models for the industry include:

- 3.1 Subscription model - where consumers pay a periodic fee in order to stream or download content;
- 3.2 Ad-supported model - where the content is made available free to consumers with advertising on the service;
- 3.3 Transaction model - where consumers buy or rent individual pieces of content;
- 3.4 In certain cases, OCC Providers make available hybrid models, where some content may be available to users supported through advertisements, while other content may be available on subscription and/or transaction basis.

4. DISTINGUISHING FEATURES OF ONLINE CONTENT PROVIDERS:

- 4.1 **Pull vs. Push:** Online content is provided to a consumer on a “pull basis” rather than a “push basis”. This means that the user has to request the platform service for content, to which the system responds, by providing the content on demand. It is pertinent to note that the consumer makes a choice of “pulling” content on the basis of detailed information provided by the services.
- 4.2 **Private Exhibition:** Given that the viewing of online content is on-demand / pull-basis and is confined at a given point in time to the relevant user, it does not qualify as a public exhibition of content and is considered private exhibition.
- 4.3 **Access Mechanisms:** Online content is typically available subject to certain user-initiated access controls.

5. PREAMBLE:

- 5.1 The present Code for Self-Regulation of Online Curated Content Providers (hereinafter, referred to as “Code”) is applicable to OCC Providers in India who make Curated Content available to its users on their services. It does not apply to providers to the extent they make available User Generated Content.
- 5.2 The Code has been jointly developed by companies carrying on business in India.
- 5.3 Organizations that sign on to this Code, commit to making reasonable efforts and acting in good faith to ensure that content offered on their respective services in India is in line with the Principles laid out herein.
- 5.4 By adhering to industry best-practices as laid out in this Code, the signatories commit to conducting themselves in a responsible and transparent manner.
- 5.5 Additionally, the signatories to this Code invest extensively in several safety features (such as those relating to content descriptors, age classification / maturity rating filtering and access controls) to empower consumers to make informed viewing decisions.

6. OBJECTIVES:

OCC Providers are proposing this Code as an appropriate approach towards:

- 6.1 Protecting the interests of consumers and empowering them to make informed choices on age-appropriate content for themselves and their families, at their own time and convenience;
- 6.2 Nurturing creativity, foster innovation and abide by an individual’s freedom of speech and expression;
- 6.3 Preserving independence of the creative economy;
- 6.4 Foster responsibility in members to adhere to guiding principles and add predictability to the sectoral environment;
- 6.5 Elevating professional standards by requiring OCC Providers to develop their robust standards of self-regulation;
- 6.6 Providing consumers a mechanism for grievance redressal.

All signatories to the Code agree to adhere to the following key principles, both in letter and spirit.

The key principles are as follows:

- OCC Providers will enable consumers to make an informed choice about the licensed video content they engage with or the video content they create. This will be done by OCC Providers by inter-alia adhering to certain disclosures such as, specifying maturity ratings and content descriptors (e.g., language, sex, violence).
- Each OCC Provider will empower consumers by adhering to a process set-out herein for dealing with complaints concerning content hosted by such OCC Provider.

7. REGULATORY ENVIRONMENT:

- 7.1 With respect to online content, the Information Technology Act is the primary governing statute. Internet and content over the internet is guided by the principles enshrined in Article 19 of the Constitution of India, i.e. Right to Freedom of Speech of Expression.
- 7.2 It is incumbent upon all stakeholders of the digital and internet ecosystem to uphold these guiding principles and enable free speech, plurality of views, creative expression and democratization of content over this medium. A framework for the online content industry, would thus need to be drawn up in compliance with Article 19 of the Constitution of India, i.e. Right to Freedom of Speech of Expression, and any restrictions on this right would need to fall within the four corners of constitutional restrictions under Article 19 (2) and not go beyond.

The signatories recognise these principles and shall adhere to this self-regulation code, as well any applicable laws of the land.

8. GUIDELINES ADOPTED BY OCC PROVIDERS - CONSUMER WELFARE, CHOICE & CONTROL:

In light of the above-mentioned background, clear guidelines are being laid down to address and ensure consumer welfare, control and choice - in the context of the unique features of the OCC industry.

OCC Providers allow users much more control and choice in viewing content than traditional forms of media and entertainment. This requires OCC provider to act responsibly towards disclosure of information regarding the type and maturity level of the content, through:

- A Framework for Age Classification;
- Appropriate content descriptions;
- Appropriate access controls.

8.1 FRAMEWORK FOR AGE CLASSIFICATION:

Under this Code, the OCC Providers will classify their content in a manner to ensure consumers are guaranteed maximum choice and control. In this regard, OCC Providers shall retain flexibility to devise age ratings for curated content available on their respective platforms. With an aim to enable consumers to make standardized decisions across providers, OCCP Providers may consider adopting the following proposed framework for standardised age classification:

- (a) **All Ages: A program that is appropriate for any age.** While it does not designate that the material is intended for children, parents may allow their children to watch such a program. It includes little or no realistic violence, no sex or nudity, only mild language, no substance use and any threat or anti-social behavior is expressly disapproved or resolved quickly.
- (b) **7+: A program that is intended as appropriate for children age 7 and up.** The themes may be more mature and parental discretion is suggested before allowing younger children to watch this program. Violence may be more realistic, but tends to be rooted in fantasy, or comedy and is generally not prolonged. There are no explicit images of sex or nudity and any sexual content is limited to affectionate encounters. Crude humor may be present, but there is no harsh language. There are no depictions of illegal drug use or references to such; mild depictions of use of legal drugs may be responsibly portrayed.
- (c) **13+: A program that is Intended for more mature audiences; parents should take caution and learn more before allowing their older children to watch the program.** The violence may be more realistic and/or graphic, but not too gory. Acts of self-harm may be implied, but not depicted in great detail. There may be implied nudity or sexual activity, but not graphic; sexual references and innuendo is acceptable. The language may be more mature but will not include strong coarse expletives. References to drug misuse may be present, but the program will not contain explicit depictions of such misuse of illegal drugs.
- (d) **16+: A program that is not intended for children.** The violence can include more graphic acts, including self-harm and acts of sexual violence, but gore will not be prolonged or excessive. Sexual content and depictions of nudity may be more adult as well, but not excessively graphic. Crude and frequent language will be more acceptable in this category. Drug use may be depicted but will not be glamorized or promoted.
- (e) **18+: A program that is for Adults Only.** This content is patently created and intended for adults. The themes, depictions and level of content is mature and at a level that is not appropriate for children. Moreover, the graphic nature of any depictions may be much more extreme than any other rating category. Violence could be gory, cruel or extremely graphic or disturbing, and there could be strong language used. The content may contain strong or mature sex scenes along with nudity. Abuse of illegal substances may be included. Disclosure of information regarding the type and maturity level of the content.

8.2 UTILISATION OF APPROPRIATE CONTENT DESCRIPTIONS:

- (a) The signatories to the Code agree to display, wherever necessary, a content descriptor or a guidance message specific to each content/programme that indicates and informs the viewer about the nature of the content and advise on viewer discretion, if applicable.
- (b) It is agreed that the content descriptor would be displayed at the title page of the respective content and/or at the beginning of any programme which will enable the viewer to make an informed decision prior to viewing the content.
- (c) It is further agreed that in case the content descriptor is displayed at the beginning of any programme, then the duration of such display should be such that it is clearly discernible to the viewer.
- (d) Descriptors need not be provided for content rated U and 7+. Further, for 13+ content, descriptors may be provided depending on the theme and execution. For content rated 16+ & 18+, mandatory descriptors/ warnings may be displayed.

8.3 TECHNOLOGY ENABLED ACCESS CONTROLS:

The signatories to the Code may, institute relevant technological tools and measures for access control such as, PIN / Password to restrict / control access to content.

9. GRIEVANCE REDRESSAL MECHANISM:

In continuation of the commitment to disclose information and to ensure consumer comfort, the OCC Providers seek to create a framework for the escalation of complaints.

9.1 FRAMEWORK FOR GRIEVANCE REDRESSAL:

All signatory OCC Providers agree to create a grievance redressal and escalation system (“Grievance Redressal System”) providing a mechanism for grievance redressal and escalation to address grievances of consumers in respect of curated content.

The functions of this Grievance Redressal System shall be limited to addressing complaints on violation of the provisions of the Code in respect of age/ maturity rating, content descriptors (if applicable) and access control mechanisms (if applicable).

This is so given the pull-basis of content access, and the focus is to ensure that the consumer makes a choice of “pulling” content on the basis of detailed and clear information provided to the consumer.

Consumer interests remain at the core of all OCC Providers and are the key driver behind the principles in this Code.

Grievance Redressal System shall be stage-based grievance redressal and escalation mechanism comprising of:

- Internal Committee (defined below) and Advisory Panel (defined below), or
- CCD (defined below), Internal Committee and Advisory Panel

In the event, an OCC Provider’s Grievance Redressal System comprises only the Internal Committee and Advisory Panel, then the Internal Committee shall additionally be entrusted with roles and responsibilities of CCD as set-out below.

9.2 COMPOSITION, ROLE AND RESPONSIBILITIES OF EACH STAGE OF GRIEVANCE REDRESSAL SYSTEM:

(a) **Consumer Complaints Department:**

Each OCC Provider shall set-up a consumer complaints department (“CCD”), which would be a dedicated person / team / department.

CCD would be the first point of contact (where applicable) in case a consumer wants to complain against violation of the Code by the OCC Provider, i.e., regarding issues related to age classification, content descriptions, synopsis, access controls (if any).

Each OCC Provider’s CCD will also look into cases that are forwarded by Government bodies / agencies such as, National Consumer Helpline of India, Ministry of Information & Broadcasting, Ministry of Electronics & Information Technology.

(b) **Internal/ Appellate Committee:**

Each OCC Provider shall also set-up Internal Committee(s) (“Internal Committee”) to look into cases where consumers:

- (i) want to complain against violation of the Code by the OCC Provider, i.e., regarding issues related to age classification, content descriptions, synopsis, access controls (if any), in the event the OCC Provider’s Grievance Redressal System does not comprise of a CCD, or
- (ii) are dissatisfied with the outcome of their complaints as may be provided by CCD, or where CCD fails to respond to consumer complaints within prescribed timelines.

Each Internal Committee shall comply with such a number of members as may be deemed fit by the relevant OCC Provider.

Further, each OCC Provider may constitute one or more Internal Committee(s) depending on nature, type and number of complaints.

(c) **Advisory Panel:**

Each OCC Provider shall also set-up an advisory panel ("Advisory Panel") to advise on decisions and recommendations of the Internal Committee where the complainant requests an escalation.

OCC Provider's Advisory Panel shall comprise no less than three (3) members.

At all times, at least one (1) member of the Advisory Panel shall always be an independent member who is not engaged for gain in any other manner with the relevant OCC Provider.

The remaining members of the Advisory Panel should be OCC Provider's personnel from verticals / departments related to legal and/or content (production / acquisition / licensing) and/or S&P (Standards and Practices).

The Advisory Panel shall evaluate complaints considering the provisions of the Code and if deemed necessary, the Advisory Panel may invite inputs and/or suggestions from such other persons as they may deem fit.

Empanelment of persons to act as Independent Members in Advisory Panel:

Each OCC Provider shall empanel persons specializing in the field(s) such as, gender equality, child rights, etc. to act as independent member(s) in the Advisory Panel from time to time.

No remuneration, other than fees for looking into grievance of consumers shall be payable to independent members.

At all times, each OCC Provider shall be at liberty to empanel such independent members based on criteria and terms it determines independently.

9.3 PROCEDURE FOR FILING COMPLAINTS:

Any complaint made by complainant to the CCD must be made in writing and must necessarily include the following:

- (a) The Name, E-mail ID, User's Login-ID of the Complainant; Title of the Content, Date of Viewing.

- (b) A brief detailing how the Content so complained violates or is in breach of the Code and /or such other particulars as are relevant to the subject matter of the complaint.

9.4 DECISIONS OF GRIEVANCE REDRESSAL SYSTEM:

After examination of complaint, in case the CCD or Internal Committee or Advisory Panel, as the case may be, finds merit in the complaint, it may advise the OCC Provider to undertake any one or multiple of the following:

- (a) Reclassify age rating of relevant content, and/or
- (b) Include a warning card or disclaimer in content descriptors, and/or
- (c) Edit synopsis of relevant content.

The decision of the CCD or Internal Committee or Advisory Panel, shall be limited to the content streaming by the OCC Provider within the jurisdiction of India.

The members of the CCD, Internal Committee and Advisory Panel discharging their duties under this Code, shall not be personally liable for any such decisions.

9.5 TIMELINES FOR GRIEVANCE REDRESSAL:

- (a) If the OCC Provider is of the view that the complaint is consistent with the Code, then the OCC Provider shall acknowledge the receipt of the consumer complaint within forty-eight (48) hours and appropriately reply to the user within fifteen (15) working days from the date of receipt of the complaint.
- (b) In case, more time is required to ascertain if a complaint is consistent with the Code, then the OCC Provider shall appropriately reply to the user indicating timelines within which the OCC Provider anticipates to be able to respond to the complaint.
- (c) For clarity, timelines contemplated in paragraph 9.5 (b) will not be later than thirty (30) days from the date of receipt of the complaint.

9.6 VOLITION:

An OCC Provider, in its own volition, at any point in time, may decide to reclassify ratings and/or include a warning card / disclaimer, and/or edit synopsis of content in question / complained of. Any such voluntary action taken by an OCC Provider shall not be deemed to be an admission of wrongdoing.

Further, in such an event, the complaint shall stand abated and that CCD (if any), Internal Committee and Advisory Panel, as the case may be, may proceed to dispose of the complaint recording the same.

For clarity, such disposal of complaint will not, by itself, be deemed to be compliance with stipulations of this Code and that in terms of this Code, a fresh complaint (if any) may still be filed by a user.

9.7 PUBLICATION OF DETAILS OF GRIEVANCE REDRESSAL SYSTEM:

The contact details to reach out to CCD (if any) and/or Internal Committee and/or Advisory Panel shall be made publicly available by each signatory OCC Provider on its website / App.

9.8 WITHDRAWAL OF COMPLAINTS:

Complaints may be withdrawn by the user at any point of time. Upon withdrawal or in case a complaint is abandoned, CCD (if any), Internal Committee and Advisory Panel, as the case may be, shall accordingly dispose of such complaint. A complaint may be deemed to be abandoned, in case a user fails to provide relevant and complete information as contemplated in paragraph 9.3 (a) and (b).

9.9 RECORDING OF GRIEVANCE REDRESSAL SYSTEM:

Each OCC Provider shall maintain records for complaints disposed of by CCD (if any), Internal Committees and Advisory Panel at least for a period of two (2) years from the date of complaint's disposal.

9.10 REPORTING PROCESS:

Basis records maintained pursuant to paragraph 9.9 above, each OCC Provider shall share with MEITY/ MIB as and when asked for, but not more often than once a year information pertaining to complaints received and complaints disposed of in the preceding year. Each OCC Provider agrees to provide information to MEITY/ MIB within thirty (30) days from the date of receipt of request from MEITY/ MIB.

10. APPLICABILITY:

- a. This Code has been drafted to introduce greater specificity and detail with a view to facilitate self-regulation by OCC Providers. The basic underlying principle of these

Guidelines is that the responsibility of complying with the provisions of the Code rests with the OCC Provider.

- b. This Code is limited in applicability and scope to such OCC Providers who make available to viewers a system that allows viewers to download and/or stream content from OCC Providers selected repertoire available on the OCC Provider's respective platform. For avoidance of any doubt, this Code does not apply and specifically excludes UGC providers (and OCC Providers to the extent they make available any UGC) and intermediaries that provide access to repertoire of OCC Providers.
- c. This Code is effective from 15 August 2020. The Code is forward looking in its applicability and shall be applicable to all signatory OCC Providers, from one year of signing of the code by that OCC Provider, and that an additional one year will be available in case OCC Provider decides to introduce access control mechanism as contemplated in 8.3. This shall take into account the technological changes required to set up a grievance redressal mechanism, age ratings, content descriptors and technology-based access controls.
- d. Nothing in this Code should be seen as contravening any past representation or actions made by any signatory to this Code.

11. AMENDMENT:

This Code may be reviewed if the signatories unanimously so determine to do so.



12. AFFIRMATION:

We, _____, members of the Online Curated Content industry, as undersigned, hereby agree and affirm to abide by this Code, in our capacity as responsible OCC Provider

The Code is meant to protect and empower consumers in accessing appropriate online content of their choice.

As a signatory to this Code, we affirm the responsibilities outlined in this Code, which are voluntarily assumed and which will guide our approach to providing curated content online.

We the undersigned OCC provider will discharge our duties with complete honesty and fairness, in order to uphold the objectives of this Code.

Signatory:

For and on behalf of:

Date: