

MEDIA RELEASE

September 1, 2009

FOR IMMEDIATE RELEASE

STATEMENT BY THE BROADCASTING COMMISSION REGARDING ALLEGATIONS OF ILLEGAL USE OF HBO PROGRAMMING IN JAMAICA

It has come to the attention of the Broadcasting Commission that visiting representatives of the television company HBO Latin American Group have been engaged in media briefings concerning alleged copyright infringements in Jamaica and on their expectations of the Broadcasting Commission in regulating or mediating in the matter.

The Broadcasting Commission takes the issue of copyright protection very seriously and works to ensure consistent compliance on the part of all of its licensees. The Television and Sound Broadcasting (Amendment) Regulations 2007 outline the role of the Commission as it relates to the protection of intellectual property rights. Subscriber Television Operators, STVOs, are required to present evidence to the Commission of copyright compliance in the form of contracts or letters from rights holders, when submitting applications for licenses, when renewing their licenses or when applying to operate in additional zones.

Where the Commission receives complaints of copyright breaches by any licensee, it takes immediate action to investigate the matter and where warranted, issues directives to cease and desist. The necessary sanctions would also be applied where breaches have been established. In this regard, several STVOs were sanctioned in the form of suspension of their licenses in 2003 for such copyright breaches. However, as there are sometimes legal issues and pending corporate negotiations between rights holders and cable providers, the Commission has to ensure in all cases that complaints are thoroughly investigated before making pronouncements.

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The most recent instance of a complaint came to the Commission by letter from HBO through their local attorneys DunnCox on August 24, 2009, against three locally-based cable companies. The Commission's Secretariat issued letters of enquiry to the named companies the following day, August 25th, and the Commission's Chairman, to whom the complaint was directed, responded to HBO on August 26th, indicating that the complaints were being investigated. An undertaking was given to remain in contact towards an expeditious ruling and determination of the matter. This responsive regulatory approach remains the *modus operandi* of the Commission in all such cases.

At the same time, we also expect the rights holders to play their part in safeguarding their intellectual property. With over 40 cable companies (STVOs) operating in Jamaica, each with a hundred or more channels, the Commission cannot be expected to actively monitor all the contracts that individual STVOs have with rights holders. In this regard, the Commission welcomes the presence and active engagement of HBO and all other concerned rights holders in support of their intellectual property.

The Commission will, and has in all circumstances, acted where it becomes aware of copyright infringement. We require offending licensees to immediately cease the transmission of any unauthorized programming until proper contractual arrangements have been made and are presented to the Commission's Secretariat.

Licensees who fail to comply with any such directive place their licenses at risk.

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