

Freesat EPG Listing Policy

Revised (effective from 7 February 2017)

1. INTRODUCTION

1.1 This document states the policy of Everyone TV Devices Limited (“FREESAT”) for the allocation of Electronic Programme Guide (“EPG”) numbers on the FREESAT platform. FREESAT has a licence from Ofcom to provide EPG services.

1.2 FREESAT allocates EPG numbers to a wide range of different services on the FREESAT platform, e.g. television channels, radio stations and interactive applications. After any such allocations have been made by FREESAT, the EPG number continues to belong to FREESAT and to be subject to its discretion and applicable policy. For the sake of convenience, all services are referred to within this Policy as ‘channels’ and those who provide such services are referred to as ‘channel providers’.

2. EPG LISTING POLICY OBJECTIVE

FREESAT’s objective is to apply the Policy for the long-term benefit of the FREESAT platform, to fulfil viewer expectations and in the interests of viewer convenience (in each case as determined by FREESAT in accordance with this Policy) and to ensure compliance with Ofcom’s Code of Practice on Electronic Programme Guides published in July 2004, as may be updated from time to time.

3. LAUNCH ON TO THE FREESAT PLATFORM

3.1 Any channel provider that intends a channel to be launched on the FREESAT platform should submit an approved application form to FREESAT and supply it with the information set out in paragraph 3.2 (“Launch Application Form”) a minimum of 12 weeks before the proposed launch of the channel onto the FREESAT platform.

3.2 In order for a channel to be considered for launch on the FREESAT platform, a channel provider must submit a Launch Application Form to FREESAT including the following information:

- (i) a copy of the broadcasting licence (or equivalent authorisation) permitting the broadcast of the channel on the FREESAT platform in the UK;
- (ii) details of which satellite capacity provider the channel will use;
- (iii) details of which entity will provide EPG scheduling data to FREESAT (whether this is the channel provider itself or a third party acting on its behalf);
- (iv) an indication of which genre it considers most appropriate for the new channel and sample monthly schedules as evidence of proposed inclusion within the desired genre (see section 4 below);
- (v) details as to whether it considers that the channel is a “public service channel” (see section 6 below);
- (vi) details as to whether it considers that the channel qualifies as an Associated channel (see section 7 below);
- (vii) the transmission hours of the channel (clarifying any shopping elements unless a shopping service as 4.2.9); and
- (viii) the proposed launch date for the channel on the Freesat platform.

3.3 The channel provider must provide (at its cost) all such information as FREESAT is likely to require, or specifically requests, in order for FREESAT to properly consider an allocation of an EPG number in accordance with the Policy (including without limitation sample monthly schedules). The channel provider should take steps to ensure that all information provided by it or on its behalf is accurate, complete and up-to-date and any registration fees are paid as required according to this Policy.

3.4 Requests by a channel provider to launch a channel on to the FREESAT platform on a speculative basis (i.e. channels without suggested genre and/or proposed launch date) will not be considered, but FREESAT will have due regard to confidentiality requirements and will permit the use of ‘working channel names’.

3.5 Freesat cannot guarantee a proposed launch date requested by a channel provider because the launch of a channel on the FREESAT platform is dependent on operational and technical factors, including some actions of third parties. FREESAT shall however use its reasonable endeavours to ensure that a channel shall launch on, or as soon after, the proposed launch date specified in the Launch Application Form as possible, subject to the channel provider performing all its obligations to launch (including, but not limited to, payment of all relevant fees).

3.6 A channel shall only be allocated an EPG number where the channel provider has signed the EPG Agreement with Freesat and paid all relevant fees. A copy of the EPG Agreement is available to channel providers on request.

4. GENRES

4.1 Genres are the basis for the grouping of channels on the FREESAT platform. The genres available for allocation of EPG numbers within the FREESAT platform are, at the date of this Policy, the following:

Genre EPG number range

- Entertainment 101 – 199
- News & Sport 200 – 299
- Movies 300 – 399
- Music 500 – 599
- Children 600 – 629
- International 630 – 689
- Faith 690 – 699
- Radio 700 – 799
- Shopping 800 – 849
- Gaming & Dating 850 – 869
- Adult 870 – 899
- On Demand 900 – 949
- Regional 950 – 999

4.2 FREESAT will list a channel in a particular genre after considering the number of programming hours a channel broadcasts pertaining to each genre and determining which genre has the most significant number of programming hours dedicated to it. The following descriptions will be applied by FREESAT in determining the genre categories.

4.2.1 Entertainment

Programming of an entertainment nature in the English language or other language indigenous to the United Kingdom that targets a wide viewing audience. For a channel to be allocated an EPG number in the Entertainment genre it must contain a variety of entertainment programming and the channel must not be more appropriately listed in another existing genre. (For example, a music channel may carry some programming that is of an entertainment nature and appeals to a wide audience; nevertheless, such a channel may be more appropriately listed in the Music genre). Programming in this genre may include programmes relating to the arts, culture, travel, design, fashion, the home, gardens, property, health, food, family and family occasions and activities, hobbies and leisure pursuits, or magazine-style programming.

4.2.2 News & Sport

Programming related to news (featuring live news bulletins), current affairs (consumer, political, social and economical) and/or sports (featuring regular broadcasts of sporting news).

4.2.3 Movies

Programming consisting of feature-length films (made for television or cinema release) and/or preview / promotional material relating to films.

4.2.4 International

Programming aimed at viewers with an interest in international television. This may include programming with more than 10% of its programming hours in a foreign language or focussing on a particular international culture. Foreign language programming is defined as any programming that is not in English or Welsh (or another language which is indigenous to the UK), whether subtitled or not.

4.2.5 Music

Programming consisting of music and music related programming (in the form of live music, music documentaries and/or music videos and the like). Video programming must be present on any channel in this genre throughout the hours during which the channel broadcasts – channels comprising of audio-only programming may be assigned to an alternative genre.

4.2.6 Children

Programming aimed at children aged 15 or under. There should be no material unsuitable for children aged 15 or under on any channel assigned to this genre.

4.2.7 Faith

Spiritual, philosophical, faith-based or worship-related programming and programmes featuring different cultures and religions from across the world.

If a channel's programming is not appropriate to any other genre, FREESAT will allocate an EPG number to the channel in the Specialist genre.

4.2.8 Radio

Audio-only programming that is licensed as a radio station rather than as a television channel. If a channel comprises video programming or on-screen stills (other than via any interactive application which may be launched from the channel) the channel will not be assigned to the Radio genre.

Entertainment radio services will be listed from channel number 700

International will be listed from channel number 750

Other Specialist radio services will be listed from channel number 777

Faith-based/worship-related radio services will be listed from channel number 790

4.2.9 Shopping

Programming relating to shopping. Channels allocated an EPG number in this genre will be licensed to supply a teleshopping service (a particular form of advertising involving the broadcast of direct offers to viewers with a view to the supply of goods or services in return for payment) and may not contain any conventional programme elements such as news, sport, films, documentaries or drama etc.

4.2.10 Gaming & Dating

Programming that falls into one or both of the following categories:

(i) programming aimed at the participation by adults in competitions, quizzes and gambling (including betting, gaming or lotteries) whether on a “for real” or “for fun” basis; or

(ii) programming which offers viewers the opportunity to arrange a date or otherwise communicate with each other (e.g. via on-screen text messages).

Gaming-related content channels are listed from channel number 850.

Dating-related content channels are provisionally listed from channel number 860.

If FREESAT considers a dating channel contains programming of a sexual or sexually suggestive nature (as defined in 4.2.11 below), it shall, at its discretion, assign an EPG number in the Adult genre.

4.2.11 Adult

A channel will be allocated an EPG number in the Adult genre if, in FREESAT's reasonable opinion, it is most appropriately located in this genre. FREESAT considers channels of an adult nature (Adult Channels) to mean channels that contain content which is of an adult nature, such that it features the depiction or behaviour of a sexual or sexually suggestive nature. This includes the exhibition or depiction of sexual organs or activity of any kind.

When considering if a channel should be listed in the Adult genre, FREESAT will consider the amount and nature of programming, which is of an adult nature that is broadcast on to that channel. If FREESAT determines that an existing channel listed in another genre of the EPG is most appropriately located in the Adult genre, but there are no available channel numbers for additional channels in the Adult genre, FREESAT shall be entitled to suspend the EPG listing for the channel until either such a number becomes available, or until the content on the channel changes such that it is no longer most appropriately located in the Adult genre. In such a case, FREESAT will first consult with the channel provider.

4.2.12 Regional

Programming aimed at a specific region and/or tailored for a specific region in the UK.

4.2.13 On Demand

Freesat may, at its discretion, provide an EPG number to an On Demand service providing the channel provider performs all its obligations prior to launch (including, but not limited to, payment of all relevant fees).

4.2.14 HD Genre

Freesat also has a genre dedicated to channels broadcast in high-definition. These channels exist within other genres on the Freesat platform, which is the basis of the EPG number assigned to them at launch of the channel. The HD genre has been implemented purely for consumer ease of finding content in high-definition; it does not have a block of EPG numbers dedicated to it.

4.3 FREESAT may from time to time, in the context of a review of its Policy or otherwise, add, subtract, amend or merge genres (including creating new types of genre). In order to do so, FREESAT may at its discretion, following consultation with a channel provider, move channels where necessary. For the avoidance of doubt, when FREESAT moves a channel to:

- (i) a different existing genre then paragraph 5.2 will apply; or
- (ii) a new genre then paragraph 5.3 will apply.

4.4 If at any time a channel is, in FREESAT's reasonable opinion, not listed in the appropriate genre (whether because of changes to the content of the channel or otherwise) then FREESAT may at its discretion, following consultation with a channel provider, move channels where necessary. For the avoidance of doubt, when FREESAT moves a channel to a different existing genre then section 5.2 will apply.

4.5 If FREESAT does not agree with the channel provider's view of which genre is most appropriate for the channel, FREESAT will place the channel in the genre which it considers to be most appropriate for the channel (including placing the channel in a newly created or amended genre). Factors which FREESAT will take into account when deciding where to place a channel may include, but are not limited to:

- (i) scheduling, event and synopsis information supplied in accordance with the Launch Application Form;
- (ii) the specific nature of the channel, e.g. text and radio channels differ from full video and audio television channels and are likely to merit their own distinct genres rather than be listed according to the predominant genre of their content; and
- (iii) any other information which FREESAT considers relevant.

4.6 When considering which genre to place a channel, FREESAT will give greater weight to the existing programming of the channel (if it has already launched on other platforms) and programming of the channel that is scheduled for broadcast at launch rather than to any representations as to future content.

5. ALLOCATION OF EPG NUMBERS WITHIN GENRES

5.1 Prior to allocation of an EPG number, the channel provider must have entered into an EPG Agreement with FREESAT and provided FREESAT with sufficient funds to clear any outstanding fees owed by the channel provider or an associated company of the channel provider to FREESAT.

5.2 Unless sections 6 or 7 apply, FREESAT will generally allocate the next available number at the end of the genre in which it has decided to place the channel. Where a genre becomes full, it may be necessary to create an overspill section for that genre elsewhere on the EPG until FREESAT decides to review the Policy and/or the channel listings made in accordance with the Policy.

5.3 Where FREESAT is considering the allocation of an EPG number to more than one channel at the same time it will take into account the following:

- (i) the applicability of sections 6 and 7 below to one or more of the channels;
- (ii) the date on which the Launch Application Form was received by FREESAT;
- (iii) the date that the channel provider has entered into an EPG Agreement with FREESAT;
- (iv) the proposed launch date of the channel;
- (v) whether there are any outstanding payments owed in respect of the channels; and
- (vi) viewer convenience and expectations.

5.4 If a channel provider does not launch a channel:

- (i) within 14 days of the channel launch date which was notified by FREESAT, FREESAT reserves the right at its discretion to withdraw any EPG number which FREESAT has allocated to the channel; or
- (ii) within 2 months of the channel launch date which was notified by FREESAT, any EPG number which was allocated to the channel shall be automatically withdrawn.

6. LISTING OF PUBLIC SERVICE CHANNELS

6.1 'Public service channels' are those channels identified as such in accordance with Section 310 of the Communications Act 2003. When allocating EPG numbers to public service channels, FREESAT will seek to give appropriate prominence to these channels in the appropriate genre and will have regard to viewer convenience and expectations.

6.2 Public service channels vary in terms of launch date, content and target audience, and this may merit FREESAT taking different approaches to determining what constitutes appropriate prominence in some cases. FREESAT anticipates taking the following into account, inter alia, when allocating EPG numbers to public service channels:

- (i) the nature and content of the channel; and
- (ii) the launch date of the channel onto the FREESAT platform.

6.3 FREESAT envisages that public service channels will be placed at, or near, the head of the relevant genres listed in section 4 above, subject to the application of factors 6.2 (i) - (ii) above.

7 ASSOCIATED CHANNELS AND RESERVED EPG NUMBERS

7.1 FREESAT considers that viewer convenience and expectations will be best served if channels which are Associated with another channel or other channels on the FREESAT platform are more closely grouped together on the FREESAT platform. It is FREESAT's intention that the Policy will operate over time to achieve this.

7.2 In some genres FREESAT may (at its absolute discretion) reserve EPG numbers ("Reserved EPG number") for the future launch of channels that are Associated (as defined in paragraph 7.5) with channels already on the FREESAT platform. FREESAT has the right to withdraw Reserved EPG numbers at any time.

7.3 Where standard definition and high-definition variants of the same channel have been allocated EPG numbers by Freesat or a channel provider is seeking to launch a high-definition variant of an existing standard definition channel on the Freesat platform, the channel provider may apply to Freesat to swap the channels EPG numbers providing:

- (i) the two channels were (or will be) allocated EPG numbers in the same genre;
- (ii) the standard definition and high-definition channels are exact variants of the same channel, i.e. the content is identical; and
- (iii) the swapping of EPG numbers in FREESAT's opinion best serves viewer convenience and expectations.

7.4 Where a channel provider is seeking to launch a channel on the Freesat platform that is Associated with an existing channel on the Freesat Platform, the channel provider may apply to Freesat to swap the channel EPG numbers of the two channels providing:

- (i) the two channels should be allocated EPG numbers in the same genre; and
- (ii) the swapping of EPG numbers in FREESAT's opinion best serves viewer convenience and expectations.

7.5 A channel is “Associated” with another channel or other channels if it is manifestly linked to, and falls within the same genre (as listed in section 4.1) as, the other channel(s). FREESAT anticipates taking the following non exhaustive list of criteria into account when deciding whether a channel is manifestly linked to an existing channel:

- (i) if the channel is a time-shifted version of another channel;
- (ii) the way in which the channels are branded;
- (iii) whether the channels are under common control; and/or
- (iv) the degree of existing or intended cross-promotion between the channels.

8. VACATED EPG NUMBERS

8.1 When the EPG number for a channel is withdrawn by FREESAT for any reason, FREESAT will consider re-allocating the EPG number to another channel, in accordance with paragraph 8.3 below, or may alternatively and at its absolute discretion leave the vacated EPG number unallocated.

8.2 If a channel is temporarily unavailable on an EPG number for technical reasons (or other unavoidable reasons as reasonably determined by FREESAT) and the channel provider has demonstrated that (and FREESAT considers that) the channel provider does intend to make that channel available again within a reasonable period of time, FREESAT shall not consider the channel to have been withdrawn. Freesat shall decide what constitutes a reasonable period of time in each case in its absolute discretion.

8.3 Subject to FREESAT’s obligations to afford appropriate prominence to public service channels in accordance with section 6, where there is a vacated EPG number and subject to section 8.1 above, FREESAT will apply the following order of priority in determining to which channel (including both those which are already on the FREESAT platform and those which have submitted a Launch Application Form in accordance with section 3) it will allocate the vacated EPG number to:

- (i) a channel which is Associated with the channel which is immediately above the vacated EPG number;
- (ii) a channel which is Associated with the channel which is immediately below the vacated EPG number;
- (iii) a channel which is Associated with the channel which is two places above the vacated EPG number;
- (iv) a channel which is Associated with the channel which is two places below the vacated EPG number;
- (v) a different channel (Associated or otherwise) where FREESAT considers that it would best serve viewer convenience and expectations.

In order to provide assistance with the interpretation of this paragraph 8.3, a worked example is set out in Schedule 1 to this Policy.

8.4 FREESAT reserves the right to seek to close gaps between EPG numbers within its genres if such gaps arise due to channels coming off the FREESAT platform. FREESAT shall adopt an approach of moving channels up the genre based on EPG numbers so that channels move closer to the top of the relevant genre in order to close such gaps (the “Shuffle-Up Approach”). Where FREESAT seeks to employ the Shuffle-Up Approach, it shall write to all channel providers with channels occupying the relevant EPG numbers confirming that it intends to close the gaps and what EPG numbers are, and may become, available. FREESAT shall apply the principles set out in sections 6 and 7 and paragraph 8.3 when seeking to close EPG number gaps in a genre, but nothing in this paragraph 8.4 shall oblige a channel provider to move its channel from one EPG number to another if it elects not to do so (with the exception of any legal or regulatory requirement imposed on FREESAT). In the event that a channel provider makes such an election and a channel is not moved, the next eligible channel will be offered the available EPG number.

9. EVOLUTION OF CHANNELS

9.1 FREESAT accepts that any channel may evolve over time (including by way of change of name and change of content) and that, in such circumstances, the channel provider may wish to retain the existing EPG number for that channel. However, in order for a channel to retain its existing EPG number it must fit within the relevant genre listed in paragraph 4.1 and FREESAT may move the channel to another genre in accordance with paragraph 4.4.

9.2 If a channel provider wishes to change the name of a channel on the FREESAT platform, it must:

- (i) provide FREESAT with at least 60 days’ written notice of the proposed name change and date; and
- (ii) ensure that it has any regulatory permissions to make the name change.

If the proposed name change is on a temporary basis (for example during the Christmas period), the channel provider must confirm in writing to FREESAT the proposed date for the reversion to the original name as well as the proposed

date the temporary change is to be made. For the avoidance of doubt, changing the name of a service on a temporary basis shall amount to two name changes for the purposes of paragraph 9.3 below.

9.3 FREESAT shall only process up to two names changes a year per channel. Any channel provider who wishes to change the name of a channel more than twice per year may make a further request of FREESAT, but FREESAT reserves the right to either refuse the name change or charge an administration fee for processing the name change, at FREESAT's absolute discretion.

10. CHARGES

10.1 FREESAT reserves the right to levy charges in respect of the submission of the Launch Application Form, any configuration charges incurred by Freesat on behalf of the channel and the provision of any EPG services including the allocation and use of any EPG number. In addition, FREESAT may suspend or withdraw the allocation or use of EPG number(s) if any such charges are not properly paid in accordance with FREESAT's payment terms as set out in the EPG Agreement

11. INFORMATION PROVISION AND MONITORING

11.1 FREESAT is not obliged to monitor the content of the channels that are on the FREESAT platform in order to ensure that they continue to comply with any representations made to FREESAT by the channel provider about the channel or to investigate allegations brought by channel providers about such ongoing compliance. However, FREESAT reserves the right at its discretion to monitor the content of channels and to investigate allegations brought by other channel providers.

11.2 Channel providers shall at their cost provide all such information as FREESAT requests in order to enable it:

- (i) to conduct any monitoring or investigations which FREESAT at its discretion wishes to conduct; and/or
- (ii) to provide viewers with scheduling information.

11.3 Channel providers must take steps to ensure that all information provided by it or on its behalf is accurate, complete and up-to-date.

12. REVIEWS

12.1 FREESAT will carry out periodic reviews of the Policy, which are likely to be every two years, or earlier at the discretion of FREESAT.

12.2 Following a review of the Policy, FREESAT will provide reasonable notice (where possible not less than 2 months) to channel providers who will be affected by any change.

Everyone TV Devices Limited

Updated and effective from 7 February 2017

Schedule 1 – Worked Example for Paragraph 8.3

310 - Bob's Movies; Channel Provider - Bob's Movies Ltd ("Bob")

311 - Bob's Movies 2; Channel Provider - Bob's Movies Ltd

312 - Jill's Movies; Channel Provider - Jill's Movies Ltd ("Jill")

313 - Jill's Movies 2; Channel Provider - Jill's Movies Ltd

314 - Movies Gold; Channel Provider - Metal Movies Limited ("Metal")

315 - Fresh Movies; Channel Provider - Fresh Movies Limited ("Fresh")

Jill's Movies 2 is removed from the Freesat platform and EPG number 313 becomes vacated. FREESAT would apply the following order of priority in order to allocate EPG number 313. For the avoidance of doubt, none of the movies channels listed above are public service channels, nor has EPG number 313 been reserved by any channel provider following the removal of Jill's Movies 2.

EPG number 313 would first be offered to Jill, the channel provider for Jill's Movies (312), the channel that is immediately above vacated EPG number 313. Assuming Jill did not want to launch an Associated channel...

EPG number 313 would then be offered to Metal, the channel provider for Movies Gold (314), the channel that is immediately below the vacated EPG number 313. Assuming Metal did not want to launch an Associated channel...

EPG number 313 would then be offered to Bob, the channel provider for Bob's Movies 2 (311), the channel that is two places above the vacated EPG number 313. Assuming Bob did not want to launch an Associated channel...

EPG number 313 would then be offered to Fresh, the channel provider for Fresh Movies (315), the channel that is two places above the vacated EPG number 313. Assuming Fresh did not want to launch an Associated channel...

EPG number 313 would be offered to a different channel (Associated or otherwise) where FREESAT considers that it would best serve viewer convenience and expectations.