

Prasar Bharati
(India's Public Service Broadcaster)
Prasar Bharati House
Copernicus Marg, New Delhi -110001

No: P-1/014(103)/2021-Ops.

Dated: 31.03.2021

Notification
(No. 02/2021-Ops.)

Prasar Bharati, hereby, notifies the "Policy Guidelines for acquisition of Licensed Ready-Made Audio-Visual Content" in consonance with the decision taken by the Prasar Bharati Board in its 158th meeting held on 15.11.2019. These guidelines are applicable in supersession of all the earlier guidelines issued on such acquisitions.

2. These guidelines elaborate the norms and procedures to be followed for acquisition of ready-made content on license basis from genuine rights owners which *inter-alia* includes producers, production houses, broadcasters, and vendors for its various analogue and digital channels and platforms.

3. These Policy Guidelines, as annexed, are being placed on Prasar Bharati website www.prasarbharati.gov.in for the information of all the stakeholders.


(Prakash Veer)
DDG (Operations)

Copy to:

- i) Staff Officer to CEO, Prasar Bharati
- ii) PPS to Member(Finance), Prasar Bharati
- iii) DG,DD; DG,AIR; DG,N&CA; DG,NSD
- iv) E-in-C(BO); E-in-C(CS&SI)
- v) ADG(P), DGDD
- vi) ADG(Tech), PBS
- vii) All Zonal Heads (Content Ops.)
- viii) DDG(Content Sourcing), PBS
- ix) DDG(Corporate Governance), PBS
- x) Head of Sales, PBS
- xi) DDG(Tech), PBS for placing this notification on the Prasar Bharati Website

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Policy Guidelines for acquisition of Licensed Ready-Made Audio-Visual Content

1. Objective

With the objective of procuring good quality content relevant to its requirements, Prasar Bharati may acquire on license basis, ready-made television content (the content) from genuine rights owners which *inter-alia* includes producers, production houses, broadcasters, and vendors for its various analogue & digital channels and platforms. These guidelines provide norms and procedures for the same.

2. Criteria for Acquisition

- a) The content shall be ready-made and available off-the-shelf.
- b) The content shall be acquired directly from the genuine rights owner.
- c) Rights to be licensed to Prasar Bharati must be subsisting during the entire term for which such rights are to be licensed and should be free from any dispute and encumbrances.
- d) The content must not have been aired, either fully or partly, from any Free-to-Air (FTA) distribution platform (like "DD Free Dish") in the territory of India through terrestrial, cable or Direct-to-Home mode during previous three calendar years.
- e) The content shall be either iconic or one that had enjoyed high popularity and mass appeal in the target groups relevant for Doordarshan during its earlier broadcasts as evidenced by viewership data measurement metric as in vogue in the television industry during the relevant period, achievements in terms of awards and certificates, critical reviews published in reputed newspapers, magazines and websites. In particular, the benchmarking for the content aired from October, 2015 onward will be based on Gross Impressions in Lakhs (GILs) from BARC software in the specified TG (Target Group). For International content and Digital content produced for OTT Platforms that have never been aired on linear television in India, equivalent analytics/viewership data may be provided apart from publicly available data that establishes the popularity, credibility and performance of the content.

- f) The content shall be in conformity with Programme Code and Advertising Code of Doordarshan.
- g) The content shall be suitable for family viewing and must provide engaging, healthy, purposive, and wholesome viewing experience, and shall be in accordance with the mandate given to Prasar Bharati as per section 12 of the Prasar Bharati (Broadcasting Corporation of India) Act, 1990.
- h) The content shall be as per the technical specifications prescribed by Prasar Bharati from time to time.

3. Nature of Rights to be acquired

- a) Prasar Bharati will acquire licenses from rights owners for multiple/single broadcast(s) of the content over its multiple/single channel(s) and platform(s) and for such period as specified in notification inviting proposals for acquisition of content, within the territory of India, subject to natural spill over of signals outside Indian territory for technological reasons as well as the following provisions:
 - (i) Simultaneous broadcast through any combination of terrestrial, cable, Direct-to-Home, webcasting, web streaming including VoD or any other technological means shall be treated as single broadcast.
 - (ii) Repeat broadcast during 24-hour transmission cycle shall not be treated as separate broadcast.
 - (iii) During the tenure of license for a term up to three years, the rights owner shall neither broadcast nor cause the content to be broadcast from any other FTA channel on any terrestrial, cable and DTH platform. Licenses granted for a period of more than three years shall be on completely exclusive broadcast basis within the territory of India.

4. Eligibility Criteria

- a) The rights owner may be an individual, proprietary firm or any legal entity including partnership firm, limited liability partnership or company.
- b) The rights owner should possess legally valid, undisputed and unencumbered rights in the content being offered for licensing to Prasar Bharati and is not under any legal disability in relation to entering into agreement with Prasar Bharati for grant of license on the terms and conditions agreed between the parties.

- c) The rights owner should not owe any dues to Prasar Bharati in respect of its past business transactions. In case of any partnership firm or company, none of its partners, promoters, or directors, as the case may be, should either be a defaulter in his individual capacity or have had any past association with any defaulting partnership firm or company, as partner, promoter, or director, as applicable. A rights holder, who has any outstanding dues to Prasar Bharati, shall mandatorily disclose this aspect in his offer. Prasar Bharati may acquire the content from such rights owners with such terms and conditions as approved by an Empowered Committee defined in sub-clause (a) of Clause 12 of these guidelines.
- d) The rights owner should not be under any subsisting debarment from doing business with Prasar Bharati, or any Ministry or Department of the Central or any State Government, or any statutory autonomous body, or any public sector undertaking, on account of any corrupt, unethical, or coercive business practice. Rights holder who are charge sheeted in any criminal case are also not eligible to apply.
- e) A consortium in any form will not be eligible.

5. Modes of Acquisition

Acquisition of content shall be through either of the following two modes:

- (i) Open call for offers
- (ii) Direct acquisition of the content

6. Acquisition through Open call for offers

6.1 Process of submitting offers

- a) Under this category, Prasar Bharati will call for offers from eligible rights owners through notification on its website and any other medium as per its discretion, detailing genre, slot duration, language, technical specifications, nature of rights to be acquired, number of broadcasts, channels, and other information as considered relevant.
- b) The offers will generally be invited from time to time well in advance so as to ensure advance planning in respect of content requirement and adequate time to the in-house Sales and Marketing team to ascertain return on investments.
- c) Prasar Bharati will, in accordance with its content requirements, invite rights owners to get registered online for supplying content. The notice for registration will be

announced on Prasar Bharati's website as also any other mode of publicity as per Prasar Bharati's discretion.

- d) Applicants who fail to get themselves registered within the prescribed time period in response to the announcement but wish to submit offers for content in accordance with these guidelines will be allowed to do so till permitted period for submission of offers as specified in the notification as per sub-clause (b) above on payment of such registration fee as determined by Prasar Bharati.
- e) In response to the notification, registered rights owners may submit their offers online in the prescribed format along with the required documents. Offers shall be uploaded on the specified web portal in the manner as provided in such notification.
- f) Rights owners shall be required to remit non-refundable processing fee of Rs.10,000/- by NEFT/RTGS in the specified account of Prasar Bharati, separately in respect of each offer. Processing fee is not payable In respect of proposals from Ministries/ Departments/ undertakings (either of Central Government or State Government),

6.2 Scrutiny of offers

- a) The offers submitted online will be initially examined by a Scrutiny Committee constituted for this purpose in terms of the following criteria:
 - (i) fulfilment of the eligibility criteria;
 - (ii) providing desired information fully and clearly;
 - (iii) submission of scanned copies of desired documents; and
 - (iv) payment of processing fee.
- b) If any offer meets the eligibility criteria and processing fee has also been duly paid then such offers may not be out-rightly rejected on some minor deficiencies in terms of information provided or documents submitted. In such cases, rights owners shall be informed of such deficiencies through e-mail and asked to remove them within ten days.
- c) Scrutiny process may be completed ordinarily within 30 days and then the offers complete in all respects shall be submitted before the Content Acquisition Committee for shortlisting.

6.3 Shortlisting of offers

- a) There shall be a Content Acquisition Committee to be constituted with the approval of CEO, Prasar Bharati for shortlisting the scrutinized offers. The committee may

include one or more outside experts preferably in the subject matter of the content to be acquired or involved in television production, if required. The Content Acquisition Committee shall examine these scrutinized offers and shall be guided by the following criteria:

- (i) Suitability of the content for the channel(s) for which it is proposed to be acquired.
 - (ii) Iconic nature or past performance of the content in terms of credible viewership data, awards, certificates, reviews, etc.
 - (iii) Public service mandate of Prasar Bharati
 - (iv) Variety and balance in the content mix of channels/platforms
 - (v) Suitability of the content in view of coming events, occasions, anniversaries, festivals, etc.
 - (vi) Any other criteria as considered suitable by the committee.
- b) The committee may, if so required, call for sample episodes of the content for preview. It may also, if considered necessary, invite the rights owner for clarifications or for negotiations on terms of acquisition.
- c) The committee shall also recommend the amount of license fee payable to rights owners of shortlisted contents.
- d) If required, the committee will negotiate with rights holder on license fee.
- e) The recommendations of the committee in respect of all the offers considered by it (whether shortlisted or not) along with recommended rights fee shall be placed before the Competent Authority.
- f) Rights owners will be intimated of the final outcomes of their offers within two weeks of the approval by the Competent Authority, through e-mail.
- g) In case of shortlisted offers, the intimation sent, as per sub-clause (f) of this clause, shall make it clear that acquisition shall be subject to the content being found to be suitable for broadcast in all respects, including production values, substance, compliance with Programme and Commercial Codes and prescribed technical specifications, as also verification of documents and completion of contractual and other formalities.

7. Direct Acquisition of the Content

- a) To meet specific content requirements, Prasar Bharati, may, at any point of time, acquire high quality content directly from rights owners on perpetual or short term basis
- b) Prasar Bharati may identify at its own initiative, appropriate iconic and high-quality readymade content that has been broadcast earlier on some other television channel or any over-the-top(OTT) platform. While identifying such content, viewership measurement data in currency in the television industry during the relevant period, awards won, certificates received, programme reviews in reputed newspapers, magazines or websites, or any other credible source may be used as guiding factors.
- c) Prasar Bharati, on its initiative, may get in touch with the concerned rights owners and in case of such rights owners being interested, ask them to submit on-line formal offer in the prescribed format along with necessary documents at the designated e-mail address/web portal. The rights owners shall not be required to pay any processing fee.
- d) Offers thus received shall be scrutinized and evaluated as stipulated for 'Open call of offers' as indicated in Clause 6 of these guidelines. The scrutinized and evaluated offers shall be placed before the Empowered Committee.

8. Agreement

Rights owners of shortlisted offers shall be required to enter into an agreement with Prasar Bharati in the prescribed format on terms and conditions as specified *therein*. Such terms and conditions may *inter-alia* include details regarding content to be acquired, mode and timeline for delivery of the content and associated material, nature, term and territory of the license, license fee to be paid, indemnities and warranties to be given, and other stipulations as considered relevant.

9. Delivery of the Content and Preview

- a) After the agreement between Prasar Bharati and the rights owner is entered into, rights owner shall submit all the episodes of the content, finished in all respects to Content Bank in Prasar Bharati within the time line provided in the agreement.
- b) Episodes of the content shall be submitted by the rights owner, in the storage media and/or its uploading on cloud, as per technical specifications stipulated in the agreement, at its own expense. No such expense shall be reimbursable by Prasar Bharati.

- c) Officer in-charge of Content Sourcing or any other officer, so authorised, shall constitute a preview team ordinarily comprise of in-house officials for previewing of episodes. Outside experts may also be involved, if required.
- d) Preview team shall complete preview of the episodes of the content within the timeline provided in the agreement and apprise the rights owner for the changes, if required, to make it in conformity with the programme and commercial codes & prescribed technical specifications, in the content in writing. Rights owner shall carry out such changes and resubmit the content after carrying out desired changes. Revised content shall be again previewed by preview team for ascertaining that all the changes as communicated to the rights owner have been carried out.
- e) If the revised content submitted is not containing the necessary changes as mentioned in sub-clause (d), and requires further changes, a processing fee of Rs 2000/- per episode shall be charged for each preview.
- f) Preview Team shall submit its detailed preview report in this regard to the Officer-in-charge.

10. Payment

Prasar Bharati shall release the payment of license fee to the rights owner within 30 days of the acceptance of the preview report of the content.

11. General

- a) Officials or outside experts serving on any committee shall be required to give a declaration that neither they nor their family members or any of their blood relatives are in any way associated with any of the offers under consideration of such committee.
- b) Serving employees of Prasar Bharati and their dependents will not be eligible to submit any offer for acquisition.
- c) Normally, content will be acquired for broadcast in a half hour or one hour slot. Prasar Bharati will accept the content of 23-24 minutes for half an hour slot, and 46-48 minutes for one hour slot. In case the duration of the content is less than 23 minutes/46 minutes, as the case may be, for half an hour and one hour slot, Prasar Bharati may accept episodes of such content of reduced duration on pro-rata reduction basis in license fee (with 23/46 minutes as reference point) in case such duration is well justified in terms of programming need, provided the duration of such is not less than 20 minutes for half hour slot and not less than 40 minute duration for one hour slot.

- d) Prasar Bharati shall have complete and unhindered right to monetize the acquired contents through accepting sponsorships, or booking of advertisements before, in-between, and after broadcasts, or through any other mode of content monetization as per the industry practice. Revenue earned through content monetization shall be fully retained by Prasar Bharati.
- e) Rights owners must provide correct information while submitting their offers. If it is found at any stage during consideration of the offer that the information provided was not correct, the offer shall be summarily rejected. In case such fact comes to the notice of Prasar Bharati subsequent to the execution of the agreement, Prasar Bharati may terminate such Agreement at its discretion and any amount already paid to the rights owner shall immediately become due. Rights available to Prasar Bharati under this clause are without prejudice to other rights and remedies available to Prasar Bharati under the law. Any vendor who provides misleading information is liable to be blacklisted.
- f) Offerers who are in the habit of lodging complaints on regular basis against selection process undertaken by Prasar Bharati and whose complaints have been found to be frivolous or mischievous on more than one occasion, will liable to be disqualified from being an applicant for a period of two years. In such cases, there will be a formal disqualification proceeding for the purpose in which a show cause notice will be issued to the concerned entity before taking such action.
- h) All disputes shall be subject to the exclusive jurisdiction of the courts at Delhi

12. Exemption

- a) Notwithstanding anything contained in these guidelines, Prasar Bharati may, with the prior approval of the Empowered Committee, comprising of CEO and two members of Prasar Bharati Board to be nominated by the Chairman, accept any proposal under this scheme in relaxation of any of the provisions of these guidelines. The reasons for the same shall be recorded in writing.
- b) Decisions of the Empowered Committee shall be placed before Prasar Bharati Board for ratification
