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Date: 21 July 2019

To: All concerned re-broadcasters and international TV channel owners who provide rebroadcasting rights of TV channels to licensed re-broadcasters in the Maldives

CIRCULAR

Explanation of the requirement for non-exclusive agreements with the TV channel owners in the provision of re-broadcasting services

It has been brought to our notice by some licensed re-broadcasters in the Maldives that they have recently faced difficulties in obtaining re-broadcasting rights of certain international TV channels, and that owners/distributors of some of the TV channels have made exclusive arrangements with specific re-broadcasters, which have caused limitations on the ability of other re-broadcasters in obtaining re-broadcasting rights of the same channels.

In view of the above, Maldives Broadcasting Commission wishes to clarify in this circular, the extent to which non-exclusivity is applied to TV channel agreements in the currently enforced rebroadcasting regulations in the Maldives.

As per the provisions stipulated in the Rebroadcasting Regulation (No. 2019/R-179) and with particular reference to article 2(b.) (objective of facilitating healthy competition and limiting control of market to any one party), article 9(b.)(11) (requirement to submit the channel rights agreement with the licence application) and article 20 (requirement to have a non-exclusive channel rights agreement with channel owners), of this regulation, it is clear that the re-broadcasting rights for TV channels re-broadcasted in the networks operated by licensed re-broadcasters in the Maldives, must be obtained through agreements made with the respective channel owners or with their authorized distributors and that these agreements must be <u>non-exclusive</u>.

The overall understanding of the said articles is that a licensed re-broadcaster shall NOT be permitted to provide TV channels in their re-broadcasting service by signing <u>exclusive</u> agreements and/or making such arrangements with the owners or authorized distributors of the TV channels, in a manner which would limit the other licensed re-broadcasters operating in the Maldives from obtaining the re-broadcasting rights of the same channels.

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