



Regulation of TV-like Video On demand (VOD) Services

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Introduction

Since 19 December 2009, under the European AVMS (Audio Visual Media Service) Directive, UK-based TV-like VOD services have to abide by a set of minimum standards. These include:

- VOD content must not contain any incitement to hatred based on race, sex, religion or nationality;
- VOD service providers must ensure that material which might seriously impair the physical, mental or moral development of under eighteens must be made available in a way which secures that under eighteens will not normally see or hear it;
- sponsored VOD programmes and services must comply with applicable sponsorship requirements;
- VOD content must comply with applicable requirements on product placement;
- VOD advertising must be readily recognisable and cannot contain any surreptitious advertising or use subliminal advertising techniques;
- VOD advertising must not encourage behaviour that is prejudicial to the health or safety of people; and
- tobacco products, prescription-only medicines or medical treatments cannot be advertised on VOD services.

Ofcom has formally designated the Authority for Television On Demand (ATVOD) (formerly the Association for Television On Demand) as the co-regulator for editorial content, and the Advertising Standards Authority (ASA) as the co-regulator for advertising content. Links to the formal designations can be found at: <http://stakeholders.ofcom.org.uk/broadcasting/tv/video-on-demand/>

Advice for VOD service providers

Following changes to the Communications Act 2003 (as amended) (the Act), a TV-like VOD service (defined as an on-demand programme service (ODPS) under the legislation) is a service which satisfies the criteria set out in section 368A of the Act. Guidance is available on the ATVOD website at:

http://www.atvod.co.uk/uploads/files/Guidance_on_who_needs_to_notify_Ed3.1_Mar_2011.pdf to help a provider decide whether or not its service is an ODPS.

Anyone wishing to provide an ODPS must:

- give advance notification to ATVOD of their intention to provide such a service. Details of how to do so can be found on the ATVOD website at: http://www.atvod.co.uk/uploads/files/Guidance_on_how_to_notify_Ed1.1_Mar_2011.pdf;
- pay a regulatory fee to ATVOD; and
- retain a recording of all content (both editorial and advertising) for 42 days from the date it was last made available to users of the service

Compliance with these duties is a statutory obligation for providers of ODPS. Failure to comply may lead to enforcement action, including fines and, ultimately, a criminal prosecution for providing an illegal service.

Advice for complainants

Complaints about editorial or advertising content on regulated VOD services should be referred to ATVOD or the ASA as appropriate, at the addresses shown below.

Complaints about editorial content (i.e. programming) on regulated VOD services are dealt with by ATVOD.

ATVOD's address is:

ATVOD
Thames Court
1 Victoria Street
Windsor
SL4 1YB

Complaints about VOD editorial content should be sent to ATVOD on the online form at:

<http://www.atvod.co.uk/complaints/submit-a-complaint>

Complaints about advertising content on regulated VOD services are dealt with by the ASA.

The ASA's address is:

Advertising Standards Authority, Mid City Place
71 High Holborn

London
WC1V 6QT

Complaints about VOD advertising content should be sent to the ASA on the online form at:
<http://www.asa.org.uk/Complaints-and-ASA-action/How-to-complain/Online-Form.aspx>

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