

## Telecommunications - Taiwan

### WiMAX Rules Revised to Include Content Control

January 21 2009

The National Communications Commission (NCC) has proposed several new amendments to the Regulations on Wireless Broadband Access Services in response to the advent of worldwide interoperability for microwave access (WiMAX) technology. To meet administrative statute requirements, the NCC held a public hearing on November 28 2008 to solicit public opinion on the amendments. Addressing the trend of digital convergence, the proposed amendments aim to:

- define 'multimedia services' as voice, data and video services transmitted via an interactive platform established by the operator;
- define 'content of channel' as programmes and advertisements that are arranged by content providers and cannot be altered by the user;
- oblige WiMAX operators to obtain approvals or licences pursuant to broadcasting laws (ie, based on the same regulatory considerations as other broadcasting services) before offering content through multimedia services; and
- oblige WiMAX operators to provide their subscribers with detailed pricing information.

There is no streamlined regulation on multimedia services. The NCC expects to apply the traditionally stringent rules for broadcasting services to multimedia services via WiMAX technology. The laws mean that no WiMAX operator can transmit multimedia content without obtaining a separate content licence.

During the hearing, industry players complained that since all audiovisual content carried on the WiMAX platform is subject to separate licences under the broadcasting laws, the NCC is effectively being authorized to play the role of gatekeeper for channel programming supply into Taiwan. In this digital age, such *ex ante* regulation is becoming increasingly prevalent across the converging fields of telecommunications and broadcasting.

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