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NCC plans to tighten OTT TV services

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Introduction

On 25 May 2022, the National Communications Commission (NCC) revised its proposal of over-the-top television (OTT TV) regulations, in which a select group of OTT TV players would be subject to heavy-handed rules, similar to those applied to existing cable and satellite TV operators, in addition to general obligations posted on content provision. A full copy of the new draft regulation is expected to be available for public consultation in latter half of 2022.

Special obligations

Although the response that was received during the last public consultation in July 2020 (for more detail please see "[NCC suspends OTT TV regulation proposal](#)") had expressed concerns on heavy-handed regulatory approach for OTT services in Taiwan, under the new regulatory framework, the NCC has identified that some sizeable OTT TV players would be required to bear special obligations following their mandatory prior registration with the NCC. These obligations include:

- obtaining prior approval from the NCC regarding any change of registration;
- disclosing binding terms of use;
- strictly adhering to copyright protection rules, as well as content regulations issued by the NCC including minimum requirement of local production;
- issuing a strict code of conduct when becoming a member of a self-regulated organisation; and
- demanding prior notice and compensation to users and customers for early termination.

Other key provisions

The NCC spokesperson explained that Taiwanese OTT TV players that already have a notable subscriber base would be required to have prior registration when the new law comes into effect. Among them are LiTV and CATCHPLAY, which are independent operators, and operators that are affiliates to existing telecoms, such as:

- Hami Video (Chunghwa Telecom);
- my Video (Taiwan Mobile); and
- Friday (FarEasTone).

International players such as Netflix and LINE TV have been also referred to prospects of OTT TV licensed players in the coming future, even though they have not yet had business presences in Taiwan.

As for Chinese OTT TV services, they will not be governed under the proposed new OTT TV regulation, according to the NCC spokesman. The Ministry of Economic Affairs banned the distribution of Chinese OTT TV services in Taiwan on 3 September 2020, under the authorisation given in the act governing relations between Taiwan and mainland China.

The NCC further introduces its counter measures against illegal OTT TV services to the draft framework of the OTT TV regulation by establishing its authority on registered telecoms service providers. OTT TV service providers failing to comply with the correction orders and copyright protection requirements given by the NCC could be forced to face service denial or access denial by registered telecoms operators.

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