



Broadcasting Decision CRTC 2013-146

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Route reference: 2012-475

Ottawa, 21 March 2013

Ethnic Channels Group Limited Across Canada

Application 2012-0734-0, received 12 June 2012
Public hearing in the National Capital Region
7 November 2012

Bollywood Movies TV – Specialty Category B service

*The Commission **approves** an application for a broadcasting licence to operate a specialty Category B service.*

*The Commission also **approves** the applicant's request relating to the broadcast of local and regional advertising.*

The application

1. Ethnic Channels Group Limited (ECGL) filed an application for a broadcasting licence to operate Bollywood Movies TV, a national, niche third-language ethnic specialty Category B service that would be devoted predominantly to Hindi movies and would target the Hindi-speaking community in Canada.
2. ECGL is controlled by Slava Levin.
3. The applicant proposed to draw programming from the following program categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time: 2(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(b), 11(a), 12, 13 and 14.
4. The applicant requested that it be authorized to devote up to 6 of the 12 minutes of advertising material permitted during each clock hour to the broadcast of local¹ and regional advertising.

¹ "Local advertising" is advertising that does not fall within the definition of national or regional advertising, i.e., advertising to persons who provide goods or services in more than one market and/or province.

5. The Commission received one intervention in opposition to the application from Asian Television Network International Limited (ATN), licensee of the ethnic specialty Category A service South Asian Television Network (SATV), to which the applicant replied. The public record for this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and decisions

6. After examining the public record for this application in light of applicable regulations and policies, the Commission considers that the issue it must address is whether Bollywood Movies TV will be a general interest service (offering programming from a broad spectrum of program genres and categories) or a niche service (focused on a specific programming genre or a particular target group).
7. In Broadcasting Public Notice 2005-104, the Commission adopted an open-entry approach to applications proposing new third-language ethnic Category 2 (now Category B) pay and specialty services. Under this approach, only applications for general interest services operating predominantly in the principal languages of the existing ethnic specialty Category A services, namely Cantonese, Greek, Hindi, Italian, Mandarin or Spanish, will be considered directly competitive with such services. Third-language ethnic specialty Category B services operating predominantly in languages other than the principal languages of ethnic specialty Category A services will generally be approved. Similarly, third-language niche services, whether or not they operate in any of those six languages, will also generally be approved.
8. In its intervention, ATN submitted that the application should be denied on the grounds that ECGL incorrectly categorized its proposed service as a niche service. ATN further argued that, given the wide range of programming proposed, Bollywood Movies TV should be considered a general interest service that would target a broad demographic and as such, would compete directly with the ethnic specialty Category A service SATV.
9. ECGL replied that the proposed service is a niche service since its nature of service definition is the same as that for its national, niche third-language ethnic specialty Category B service Bollywood SD – Hindi Movie Channel.² ECGL also indicated that, to ensure that its service not be categorized as a general interest service, it would adhere to a condition of licence whereby at least 50% of all programming broadcast each broadcast week shall be devoted to programming drawn from program categories 7(d) and 7(e) combined. Finally, ECGL submitted that its proposed program categories are more limited in some areas than those authorized for ATN's national, niche third-language ethnic Category 2 specialty programming undertaking

² The Commission approved ECGL's application for a broadcasting licence to operate Bollywood SD – Hindi Movie Channel in Broadcasting Decision 2012-129.

Hindi Movie Channel,³ which is authorized to draw programming from categories 4 and 11(b), among others.

10. The Commission is of the view that ECGL has demonstrated that its service is a niche service and not a general interest service that would compete directly with the Category A service SATV, and that its proposed nature of service definition and conditions of licence are consistent with those previously approved by the Commission in Broadcasting Decision 2012-129 for the specialty Category B service Bollywood SD – Hindi Movie Channel.

Conclusion

11. The Commission is satisfied that the application complies with all applicable policies, terms and conditions, including those set out in Public Notice 2000-6, Broadcasting Public Notices 2005-104 and 2008-100, and Broadcasting Regulatory Policies 2010-786 and 2010-786-1. Furthermore, given that the service will offer no less than 90% of its programming during the broadcast week in the Hindi language, the Commission is satisfied that the service falls under the definition of a third-language service set out in the *Broadcasting Distribution Regulations* (the Regulations).
12. Accordingly, the Commission **approves** the application by Ethnic Channels Group Limited for a broadcasting licence to operate the national, niche third-language ethnic specialty Category B service Bollywood Movies TV. The Commission also **approves** the applicant's request for authority to broadcast up to six minutes per hour of local and regional advertising. The terms and **conditions of licence** are set out in the appendix to this decision.
13. The Commission notes that Bollywood Movies TV will devote at least 90% of its program schedule to programming in the Hindi language. In accordance with Broadcasting Public Notice 2005-104, the remainder of the program schedule (up to 10%) may be in one or both official languages. The Commission encourages the applicant to ensure that all such programming serves to promote Canada's linguistic duality.

Reminder

14. The Commission reminds the applicant that distribution of this service is subject to the requirements set out in the *Regulations*.

Secretary General

³ The Commission approved ATN's application for a broadcasting licence to operate Hindi Movie Channel in Broadcasting Decision 2009-361.

Related documents

- *Bollywood SD – Hindi Movie Channel – Specialty Category B service*, Broadcasting Decision CRTC 2012-129, 2 March 2012
- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011
- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-786, 25 October 2010
- *Hindi Movie Channel – Category 2 specialty service*, Broadcasting Decision CRTC 2009-361, 18 June 2009
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy*, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Revised approach for the consideration of broadcasting licence applications proposing new third-language ethnic Category 2 pay and specialty services*, Broadcasting Public Notice CRTC 2005-104, 23 November 2005
- *Licensing framework policy for new digital pay and specialty services*, Public Notice CRTC 2000-6, 13 January 2000

**This decision is to be appended to the licence.*

Appendix to Broadcasting Decision CRTC 2013-146

Terms, conditions of licence, expectations and encouragements for the specialty Category B service Bollywood Movies TV

Terms

A licence will be issued once the applicant has satisfied the Commission with supporting documentation that the following requirements have been met:

- the applicant has entered into a distribution agreement with at least one licensed distributor; and
- the applicant has informed the Commission in writing that it is prepared to commence operations and has provided the Commission with a launch date for the service. The undertaking must be operational at the earliest possible date and in any event no later than 48 months from the date of this decision.

The licence will expire 31 August 2019.

Conditions of licence

1. The licensee shall adhere to the conditions set out in Appendix 1 to *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011, except for condition 7d), which will not apply, and condition 7a), which is replaced by the following:

Except as otherwise provided in subparagraphs b) and c), the licensee shall not broadcast more than twelve (12) minutes of advertising material during each clock hour, no more than six (6) minutes of which may consist of local and regional advertising.

For the purposes of this condition of licence, “local advertising” is advertising that does not fall within the definitions of national and regional advertising, i.e., advertising to persons who provide goods or services in more than one market and/or province.

2. In regard to the nature of service:
 - a) The licensee shall provide a national, niche third-language ethnic specialty Category B service devoted predominantly to Hindi movies and targeted to the Hindi-speaking community in Canada.
 - b) The programming shall be drawn exclusively from the following program categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:

- 2 (b) Long-form documentary
 - 7 Drama and comedy
 - (a) Ongoing dramatic series
 - (b) Ongoing comedy series (sitcoms)
 - (c) Specials, mini-series or made-for-TV feature films
 - (d) Theatrical feature films aired on TV
 - (e) Animated television programs and films
 - (f) Programs of comedy sketches, improvisation, unscripted works, stand-up comedy
 - (g) Other drama
 - 8 (a) Music and dance other than music video programs or clips
 - (b) Music video clips
 - 11 (a) General entertainment and human interest
 - 12 Interstitials
 - 13 Public service announcements
 - 14 Infomercials, promotional and corporate videos
- c) The licensee shall devote at least 50% of the programming broadcast during the broadcast week to programs drawn from program categories 7(d) and 7(e) combined.
 - d) The licensee shall broadcast at least 90% of all programming broadcast during the broadcast week in the Hindi language.

3. The service approved hereby is designated as a Category B service.

For the purposes of the conditions of this licence, “broadcast day” refers to the 24-hour period beginning each day at 6 a.m. or any other period approved by the Commission.

Expectations

The standard expectations applicable to this licensee are set out in Appendix 1 to *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011, as amended from time to time.

Encouragements

The standard encouragements applicable to this licensee are set out in Appendix 1 to *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011, as amended from time to time.

The Commission encourages the licensee to ensure that the portion of the service’s program schedule that is broadcast in the English and/or French languages serves to promote Canada’s linguistic duality.