



Coimisiún
na Meán

Registration Rules for Audiovisual On- Demand Media Service Providers

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Preface

Coimisiún na Meán, having power pursuant to section 46H(1) of the Broadcasting Act 2009 as amended, makes the following Rules which may be referred to as the “*Registration Rules for Media Service Providers*”.

If you require further information or clarification relating to these Rules, please contact VODregistration@cnam.ie and a member of staff will assist.



1. Interpretation

In these Rules, unless the context otherwise requires:

“the 2009 Act”	means the Broadcasting Act 2009 as amended.
“audiovisual broadcasting service”	means an audiovisual media service provided for simultaneous or near-simultaneous viewing of audiovisual programmes on the basis of a programme schedule.
“audiovisual media service”	means a service, within the meaning of Articles 56 and 57 of the Treaty on the Functioning of the European Union, where — (a) the principal purpose of the service is devoted to, or (b) the principal purpose of a dissociable section of the service is devoted to, providing audiovisual programmes, by electronic communications networks, to the general public, under the editorial responsibility of the provider of the service, in order to inform, entertain or educate.
“audiovisual on-demand media service”	means an audiovisual media service provided for the viewing of programmes at the moment chosen by the user and at the user’s request on the basis of a catalogue of programmes selected by the provider of the service.
“audiovisual programme”	means a set of moving images with or without sound which, in the case of an audiovisual media service, constitutes an individual item, irrespective of its length, within a programme schedule or a catalogue.
“Commission”	means Coimisiún na Meán.
“media service provider”	means a person who provides an audiovisual media service.



2. The Information to be included in the Register

- 2.1 The Register of Media Service Providers established and maintained by the Commission for the purposes of section 46A of the 2009 Act shall include the following information in respect of each media service provider subject to registration -
- (a) The name or names of the media service provider.
 - (b) The contact details of the media service provider as notified to the Commission.
 - (c) The name or names of each audiovisual on-demand media service provided by the media service provider.
 - (d) In each case, a description of the nature of the service and the nature of the content provided by the service of the media service provider.
 - (e) A statement of the basis upon which the media service provider is under the jurisdiction of the State.

3. The Information to be provided by media service providers

- 3.1 A media service provider that is subject to registration at the commencement of Part 3A of the 2009 Act, or which subsequently becomes subject to registration, shall provide a notification in writing to the Commission in accordance with Rule 3.2 which contains the following matters and information -
- (a) The name or names of the media service provider.
 - (b) The contact details of the media service provider.
 - (c) The name or names of each audiovisual on-demand media service provided by the media service provider.
 - (d) In each case, a description of the nature of the service and the nature of the content provided by the service.
 - (e) A statement of the basis upon which the media service provider considers that it is under the jurisdiction of the State.
 - (f) Such further or other matters as may be prescribed by the Commission.
- 3.2 The notification in writing required to be provided to the Commission by each media service provider which is subject to registration shall be provided on the prescribed Notification Form at Schedule 1. The requirements of the notification specified in Rule 3.1 and the prescribed Notification Form does not prevent the provision of additional information by a media service provider where such further information is considered to be relevant to the potential registration of the media service provider. A MS Word version of the Notification form at Schedule 1 to these Rules is also available at the Commission's website [here](#).



4. Notification of Changes to the Information in the Register

- 4.1 Pursuant to section 46C of the 2009 Act, media service providers registered in the Register are required to give a notification to the Commission of any change to the matters prescribed by Rule 2.1 which have been included in the Register. Such notification is required to be made to the Commission not later than ten (10) working days from the date on which the relevant change or changes have occurred.
- 4.2 The notification of changes to information in the Register is required to be provided to the Commission in writing by the media service provider concerned on the prescribed Notification of Changes to Information in the Register Form at Schedule 1.
- 4.3 The media service provider concerned is required to clearly identify in the prescribed Notification of Changes to Information in the Register Form, at Schedule 1, the information in the Register that has changed and to provide full details of the new information which constitutes or identifies the changes that are required to be made to the Register.

5. Review and Correction of the Register by the Commission

- 5.1 The Commission will notify the media service provider concerned in writing if following a review of the provider's entry in the Register, the Commission forms a provisional view that the media service provider is not subject to registration or that the information included in the Register is incorrect. In such notification of the findings of the review, the Commission will identify the changes which it proposes to make to the entry relating to the media service provider concerned in the event the information included in the Register is considered to be incorrect.
- 5.2 In the notification provided pursuant to Rule 5.1, the Commission will invite the media service provider concerned to make any submissions or representations within 10 working days in respect of its provisional view notified to the media service provider pursuant to Rule 5.1. The Commission may extend the time period for the making of submissions or representations by the media service provider concerned for such further period as it considers to be reasonable in the circumstances having due regard to the importance of the information contained in the Register being correct.
- 5.3 The Commission will not be required to notify the media service provider concerned in accordance with Rule 5.1 or to invite the media service provider concerned to make submissions or representations to the Commission in accordance with Rule 5.2 if it is not practicable to do so. Where it is not practicable for the Commission to notify the media service provider concerned in accordance with Rule 5.1 or to invite the media service provider concerned to make submissions or representations to the Commission in accordance with Rule 5.2, the Commission is required to decide whether to make any amendment to the Register as expeditiously as is practicable.
- 5.4 Following the expiration of 10 working days from the date upon which the media service provider concerned is invited to make submissions or representations to the Commission or following the expiration of any extension of time provided by the Commission pursuant to Rule 5.2, the Commission is required to decide whether to make any amendment to the Register as expeditiously as is practicable.
- 5.5 In the event that the Commission decides to make any amendment to the Register in accordance with section 46E(2) of the 2009 Act, the Commission shall provide a statement in writing to the relevant media service provider of its decision in this regard.

6. Requests for Further Information by the Commission

- 6.1 The Commission may serve a notice in writing to request further information from a media service provider which has made a notification to the Commission that:
- (a) the media service provider is subject to registration pursuant to section 46B of the 2009 Act,
or
 - (b) that there has been a change in the matters relating to the provider or the services provided by the provider recorded in the Register pursuant to section 46C of the 2009 Act.
- 6.2 A notice in writing requesting further information from a media service provider in respect of a notification that the provider is subject to registration pursuant to section 46B:
- (a) may be made for the purposes of determining whether the media service provider is subject to registration and/or for the purposes of determining the appropriate entry which is required to be made in the Register;
 - (b) shall specify the time period within which the media service provider is required to comply with the request;
 - (c) shall inform the media service provider that any failure to comply with the request may result in the Commission issuing a direction to comply pursuant to section 46F.
- 6.3 A notice in writing requesting further information from a media service provider in respect of a notification that there has been a change in the matters relating to the provider or the services provided by the provider recorded in the Register pursuant to section 46C:
- (a) shall specify the time period within which the media service provider is required to comply with the request;
 - (b) shall inform the media service provider that any failure to comply with the request may result in the Commission issuing a direction to comply pursuant to section 46F.

7. Directions by the Commission for failing to comply with section 46B

- 7.1 When it appears to the Commission that a media service provider is subject to registration and has failed to provide a notification to the Commission in accordance with section 46B(3), the Commission may issue a direction to comply to such media service provider.
- 7.2 Before issuing a direction in accordance with Rule 7.1 herein, the Commission is required to notify the relevant media service provider of its apparent failure to comply with section 46B(3) and to provide the said provider with an opportunity to make representations to the Commission in respect of its apparent failure within not less than five (5) working days.
- 7.3 A direction in writing by the Commission requiring a media service provider to make a notification to the Commission pursuant to section 46B shall include:
- (a) the reasons for the Commission's provisional decision that the media service provider is subject to registration;

- (b) the reasons for the Commission's provisional decision that the media service provider has failed to comply with section 46B(3);
- (c) the time period within which the media service provider is required to comply with the direction;
- (d) notice that the media service provider may appeal the direction of the Commission to the Circuit Court within 28 days of the receipt of the direction;
- (e) notice that a failure to comply with a direction made under section 46F without reasonable excuse will constitute a category 2 offence.

8. Directions by the Commission for failing to comply with section 46C

- 8.1 When it appears to the Commission that a media service provider has failed to make a notification to the Commission pursuant to section 46C of a change or changes to the information recorded in the Register in relation to the provider or the services provided by the provider not later than ten (10) working days from the date the relevant change or changes occurred, the Commission may issue a direction to comply to such media service provider.
- 8.2 Before issuing a direction in accordance with Rule 8.1 herein, the Commission is required to notify the relevant media service provider of its apparent failure to comply with section 46C of the 2009 Act and to provide the said provider with an opportunity to make representations to the Commission in respect of its apparent failure within not less than five (5) working days.
- 8.3 A direction in writing by the Commission requiring a media service provider to make a notification to the Commission pursuant to section 46C of a change or changes to the information recorded in the Register in relation to the provider or the services provided by the provider shall include:
- (a) the reasons for the Commission's provisional decision that there has been a change or changes to the information recorded in the Register in relation to the provider or the services provided by the provider;
 - (b) the reasons for the Commission's provisional decision that the media service provider has failed to comply with section 46C;
 - (c) the time period within which the media service provider is required to comply with the direction;
 - (d) notice that the media service provider may appeal the direction of the Commission to the Circuit Court within 28 days of the receipt of the direction;
 - (e) notice that a failure to comply with a direction made under section 46F without reasonable excuse will constitute a category 2 offence.



9. Directions by the Commission for failure to comply with section 46D(2) or section 46E(4)

- 9.1 When it appears to the Commission that a media service provider has failed to provide further information requested by the Commission in accordance with section 46D(2) or section 46E(4), the Commission may issue a direction to comply to such media service provider.
- 9.2 Before issuing a direction in accordance with Rule 9.1 herein, the Commission is required to notify the relevant media service provider of its apparent failure to comply with section 46D(2) or with section 46E(4) and to provide the said provider with an opportunity to make representations to the Commission in respect of its apparent failure within not less than five (5) working days.
- 9.3 A direction in writing by the Commission requiring a media service provider to comply with a request for further information made by the Commission pursuant to section 46D(2) or section 46E(4) shall include:
- (a) full particulars of the request or requests for further information which the media service provider has failed to comply with;
 - (b) the reasons for the Commission's decision that the media service provider has failed to comply with section 46D(2) or with section 46E(4);
 - (c) the time period within which the media service provider is required to comply with the direction;
 - (d) notice that a failure to comply with a direction made under section 46F without reasonable excuse will constitute a category 2 offence.



Schedule 1

Notification Form – Form 1

1. The name or names of the media service provider.

Please provide the following information –

- 1.1 The name or names of the media service provider that owns the on-demand service/s being provided. Please specify whether the service provider is a legal or a natural person.
- 1.2 If the media service provider is a legal entity e.g. a body corporate, co-operative society etc., please provide the company registration/identification number or equivalent documentation.
- 1.3 If the media service provider holds or has previously operated a broadcasting or on-demand service, please provide details in this regard.

2. The contact details of the media service provider.

Please provide the following information –

- 2.1 Registered Office/Branch Address of the media service provider.
- 2.2 Contact details by which the **public** can contact the media service provider, including in respect of the service/s being operated.
- 2.3 Contact details for the individual who will deal with the Commission on the **notification** process.
- 2.4 Contact details for the individual dealing with **compliance** matters, should the service be included on the statutory register following notification.
- 2.5 Name and addresses of the **directors** of the media service provider.

3. The name or names of each audiovisual on-demand media service provided by the media service provider.

Please provide the following information –

- 3.1 The trading name of the on-demand service/s that is being operated including, where different, the name used for promotion and branding to the public of each service.



4. In each case, a description of the nature of the service and the nature of the content provided by the service provided by the media service.

4.1 Nature of the Service/s

Please provide the following information –

- 4.1.1 **A brief description of the nature of the service.** This shall include whether the service provides original content, provides a catch-up facility, archive services or other services. Where the service provides a mix of the above, each type of service shall be detailed.
- 4.1.2 **Information on the funding model for each service.** This should indicate whether the service/s is using a transactional, subscription, advertiser-funded service or other funding model.¹ Where the service is free-to-view, the funding model shall be detailed e.g., the service is free, but advertiser funded.²
- 4.1.3 **Information on the target audience for the service.** This should include whether the target audience is the Irish public or elsewhere. If elsewhere, the other jurisdictions that are the target audience shall be listed including information on whether there is a primary target audience in another jurisdiction and whether the jurisdiction is a member of the European Union or outside of the EU.
- 4.1.4 **Information on how the different ways in which the on-demand service can be accessed by the public.** This should include any information on access via apps, online, set-top boxes (including those under the direct control of the media service provider) or other avenues.

4.2 Nature of the Content

Please provide the following information –

- 4.2.1 **A brief description of the nature of the content.** This should include the genre of programme/s that are provided, the age group/s at which the content is aimed, and other information considered relevant by the media service provider.
- 4.2.2 **Information on how the service will ensure the content does not impair the physical, mental or moral development of children (those under 18 years of age).** This should include information on the use of tools such as PIN numbers, classification systems and other mechanisms appropriate for the protection of children, having regard to the nature of the service and the content provided. Please provide specific details about how any tools are applied operationally.
- 4.2.3 **Information on how the service will ensure content is accessible.** This should include details on the steps that the media service provider will take including, but not limited to the provision of subtitling, captioning, sign language (Irish Sign Language in the case of services targeting Irish audiences), and audio description, as respects programmes made available in its catalogue/s, to promote the understanding and enjoyment of those programmes by (a) persons who are deaf or have a hearing impairment, (b) persons who

¹ Including public funding.

² A free-to-view service include a service funded by a television licence fee or similar mechanism.

are blind or partially sighted, and persons who have a hearing impairment and are partially sighted.

5. A statement of the basis upon which the media service provider considers that it is under the jurisdiction of the State.

Please provide the following information –

5.1 With specific reference to the provisions of the 2009 Act, please outline how the media service provider is under the jurisdiction of the State.

6. A statement of the basis upon which the media service provider considers that it is a “relevant media service provider.”

Please answer the following questions –

6.1 Does the media service provider or a related person³ publish a newspaper or periodical consisting substantially of news and comment on current affairs?

6.2 Is the media service provider or a related person a broadcaster?

6.3 Does the media service provider or a related person provide programme material consisting substantially of news and comment on current affairs?

6.4 Does the media service provider or a related person make available on an electronic communications network any written, audio, audiovisual or photographic material consisting substantially of news and comment on current affairs under their editorial control?

6.5 Are the annual sales derived from one or more of the activities identified above greater than €2 million?

³ A person is related if the person is part of the same group of companies (within the meaning given to that term by section 8 of the Companies Act 2014).



Notification of Changes to information in the Register Form – Form 2

1. The name or names of the media service provider.

Please identify any changes made to the following information [If there have been no changes, please state “*Not Applicable*” and proceed to section 2 below] –

- 1.1 The name or names of the media service provider that owns the on-demand service/s being provided. Please specify any changes to the name or names of the media service provider.
- 1.2 If the new name of the media service provider is a legal entity e.g. a body corporate, co-operative society etc., please provide the company registration/identification number or equivalent documentation.
- 1.3 If the new name of the media service provider holds or has previously operated a broadcasting or on-demand service, please provide details in this regard.

2. The contact details of the media service provider.

Please identify any changes to the following information [If there have been no changes, please state “*Not Applicable*” and proceed to section 3 below]

- 2.1 Registered Office/Branch Address of any new media service provider.
- 2.2 Any new contact details by which the **public** can contact the media service provider, including in respect of the service/s being operated.
- 2.3 Any new contact details for the individual who will deal with the Commission on the **notification** process.
- 2.4 Any new contact details for the individual dealing with **compliance** matters, should the service be included on the statutory register following notification.
- 2.5 Any changes to the names and addresses of the **directors** of the media service provider.

3. The name or names of each audiovisual on-demand media service provided by the media service provider.

Please identify any changes made to the following information [If there have been no changes, please state “*Not Applicable*” and proceed to section 4 below]

- 3.1 The trading name of the on-demand service/s that is being operated including, where different, the name used for promotion and branding to the public of each service.

4. In each case, a description of the nature of the service and the nature of the content provided by the service provided by the media service.

4.1 Nature of the Service/s

Please identify any changes made to the following information [If there have been no changes, please state “*Not Applicable*” and proceed to section 4.2 below] -

- 4.1.1 **A brief description of any change to the nature of the service.** This shall include whether the service provides original content, provides a catch-up facility, archive services or other services. Where the service provides a mix of the above, each type of service shall be detailed.
- 4.1.2 **Information on any change to the funding model for each service.** This should indicate whether the service/s is using a transactional, subscription, advertiser-funded service or other funding model.⁴ Where the service is free-to-view, the funding model shall be detailed e.g., the service is free to users, but advertiser funded.⁵
- 4.1.3 **Information on any change to the target audience for the service.** This should include whether the target audience is the Irish public or elsewhere. If elsewhere, the other jurisdictions that are the target audience shall be listed including information on whether there is a primary target audience in another jurisdiction and whether the jurisdiction is a member of the European Union or outside of the EU.
- 4.1.4 **Information on any change to how the different ways in which the on-demand service can be accessed by the public.** This should include any information on access via apps, online, set-top boxes (including those under the direct control of the media service provider) or other avenues.

4.2 Nature of the Content

Please identify any changes made to the following information [If there have been no changes, please state “*Not Applicable*” and proceed to section 5 below] –

- 4.2.1 **A brief description of the nature of any change to the content.** This should include the genre of programme/s that are provided, the age group/s at which the content is aimed, and other information considered relevant by the media service provider.
- 4.2.2 **Information on any change to how the service will ensure the content does not impair the physical, mental or moral development of children (those under 18 years of age).** This should include information on the use of tools such as PIN numbers, classification systems and other mechanisms appropriate for the protection of children, having regard to the nature of the service and the content provided. Please provide specific details about how any tools are applied operationally.
- 4.2.3 **Information on how the service will ensure content is accessible.** This should include details on the steps that the media service provider will take including, but not limited to the provision of subtitling, captioning, sign language (Irish Sign Language in the case of services targeting Irish audiences), and audio description, as respects programmes made

⁴ Including public funding.

⁵ A free-to-view service include a service funded by a television licence fee or similar mechanism.

available in its catalogue/s, to promote the understanding and enjoyment of those programmes by (a) persons who are deaf or have a hearing impairment, (b) persons who are blind or partially sighted, and persons who have a hearing impairment and are partially sighted.

5. A statement of the basis upon which the media service provider considers that it is under the jurisdiction of the State.

Please identify any changes made to the following information [If there have been no changes, please state *“Not Applicable”*]

5.1 By reference to the provisions of the 2009 Act, please identify any changes to how the media service provider is under the jurisdiction of the State

6. A statement of the basis upon which the media service provider considers that it is a “relevant media service provider.”

Please answer the following questions if any changes have been made to the information. [If there have been no changes, please state *“Not Applicable”*]

6.1 Does the media service provider or a related person⁶ publish a newspaper or periodical consisting substantially of news and comment on current affairs?

6.2 Is the media service provider or a related person a broadcaster?

6.3 Does the media service provider or a related person provide programme material consisting substantially of news and comment on current affairs?

6.4 Does the media service provider or a related person make available on an electronic communications network any written, audio, audiovisual or photographic material consisting substantially of news and comment on current affairs under their editorial control?

6.5 Are the annual sales derived from one or more of the activities identified above greater than €2 million?

⁶ A person is related if the person is part of the same group of companies (within the meaning given to that term by section 8 of the Companies Act 2014).

