

PRESS RELEASE

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Contact: Telecommunications Regulatory Commission

Telephone: 468-4165

E-mail: dstoutt@trc.vg

Telecommunications Regulatory Commission Published Proposals to Address Availability of Programmes on BVI Cable TV

Tuesday, May 10, 2011 – the Telecommunications Regulatory Commission (“TRC”) has today published on its website www.trc.vg (under Documents -> Policies) its proposals to resolve issues related to availability of programmes on the network of BVI Cable TV.

The central element of the TRC’s proposals is a draft of the Retransmission of Programmes Act (a text of which has been drafted by the TRC). This Act would enable and, in certain circumstances mandate, access to the programmes suitable to the public of the Virgin Islands without unduly limiting rights of owners of intellectual property rights associated with such programmes.

The proposed Act would essentially be a safeguard measure. It would afford preference to direct agreements between distributors of programmes and respective owners of rights. Where such right owners negotiate in good faith with an objective to make appropriate content available to residents of the Virgin Islands, no specific powers of this Act would normally be applicable. However, where a local distributor of programmes is unable to obtain such rights, the Act would provide a mechanism for the content to be made available to the local public. The Act would also ensure that owners of respective rights would in any case be properly compensated for the use of their content.

In order to ensure that benefits of the Act to the public of the Virgin Islands would not solely depend on the local distributor of programmes, the draft Act provides for a possibility to mandate retransmission of specific programmes were a strong public interest exists. This is particularly important as currently distribution of packages of television programmes is done by only one company.

The TRC based its proposals on extensive research of legal frameworks and practices of various jurisdictions, including the European Union and the United States. However, it recognizes that the resolution of the respective issues clearly goes beyond the TRC’s remit and expertise.

Therefore, it proposed establishing a working group, which would include respective government authorities, private sector, consumers, and the public at large. This working group would review the draft Act and prepare its final version for consideration by the Cabinet and, subsequently, the House of Assembly.

Mr. Tomas Lamanauskas, CEO of the TRC, commented that “we have listened to public dissatisfaction caused by recent changes in programming available through BVI Cable TV. Such changes may have been difficult to evade. However this does not mean that a solution cannot be found. Although the Telecommunications Act, 2006 does not place content into the direct remit of the TRC, we have considered our duty to act on the legitimate public concerns.” He further added that “the resolution of the issues in hand, however, requires strong collaboration of various public and private stakeholders. The TRC is prepared to continue providing all the necessary support to such efforts. We would also like to thank BVI Cable TV and its new owners for their input so far.” Mr. Lamanauskas also noted that “issues related to the available programming, although catching most of the public attention, are only a part of the full picture. We are continuing working with BVI Cable TV and its owners in addressing host of other matters, such as a back-log of outstanding subscription requests, need to increase quality of services, digitisation of their network as well as enabling broadband internet services.”

The TRC submitted the above-mentioned proposals to the Cabinet on March 21, 2011.

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Notes to Editors:

- 1) Annex: Proposals of the Telecommunications Regulatory Commission on resolution of issues related to programming available through BVI Cable TV.
- 2) The Telecommunications Regulatory Commission (TRC) is a statutory body responsible for regulating the telecommunications sector of the Virgin Islands, protecting interests of users of telecommunications services, promoting the development of telecommunications throughout the Virgin Islands and advising the Minister of Communications and Works on telecommunications policies.