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Dear James,

We refer to ICSTIS' Public Consultation for Introducing Prior Permission for Premium Rate Services Used in Television And Radio Programmes .

We would like to comment on the following questions:-

**Question 1:**

**Do you agree with this definition of Broadcast Premium Rate Services?  
If not, why not and what would you propose instead?**

We understand and concur with ICSTIS' definition of the use of premium rate services in broadcast programming as 'Broadcast Premium Rate Services' that are:

*"premium rate services which are promoted on television or radio and which provide a facility for interaction or the provision of information, whether in the form of votes, entries, bids or otherwise howsoever".*

We also note that in Section 4, Broadcast Premium Rate Services Requiring Permission And Proposals For Exemptions, you state that *"It is also intended to cover PRS that have yet to be devised"*.

We welcome this approach, as the advance of New Media technology can provide numerous applications that may well fall into the future PRS realm.

For clarity, we suggest that ICSTIS specifically confirms that lower-rate mobile tariffs incurred in such as GMTV's Viewers' Text Opinions (25p), Text News Subscriptions(25p twice per day), WAP site subscription (one-off 25p) and User Generated MMS/Video (50p) also fall into the Prior Permission Licence regime.

**Question 4:**

**Do you agree with our proposed conditions for prior permission in relation to conduct as set out above?**

**Have we omitted anything that is critical to considering risk?**

a) *"Viewers and listeners must not be led to believe that a recorded programme featuring premium rate participation is being broadcast live".*

GMTV considers that this statement should not apply to items which do not suggest that viewers can interact with live programmes.

For example, some episodes of GMTV's "LK Today" programme are pre-recorded. GMTV would seek to be able to run competitions as inserts in such pre-recorded programmes. The winners of those competitions would be announced the following week.

We do not consider that, where there is no implication that viewers can interact with the programme itself, that it should be necessary to specifically state that the programme itself is not being broadcast live.

b) *"In any competition where a prize is worth £5,000 or more, there must be independent third party verification of the fairness of winner selection".*

GMTV considers the limit too low and suggests £20,000 is a more appropriate figure.

Further, we are concerned that "independent third party" implies that someone not connected with the programme or service provider should be physically present at each draw. We would seek assurances from ICSTIS that an independently certified computer-controlled winner picking process - with automatic auditing and verification - should be adequate.

We consider that further clarification is required. We would recommend a Deloitte-audited tamper-proof computer system, which would select the finalist list for us.

GMTV would award the prize to the first valid correct answer on that list.

c) *"Pre-broadcast selection of potential competition winners is not permitted unless necessary to prevent a contravention of competition rules or broadcasting regulations".*

GMTV does not consider that such a rule is necessary or desirable - as long as the winner selection process itself is properly certified and audited.

In order to eliminate the time pressures leading to connectivity, capacity and latency issues in mobile networks and other systems, and so as to accommodate the free postal entry route required by the Gambling Act, GMTV plans to run its TV competitions with a delay of one week before announcing the winner on-air.

We would select the winner to each competition off-air prior to broadcast, using a Deloitte-audited tamper-proof computer system.

As worded, we believe that this *'pre-broadcast selection of potential competition winners'* restriction could lead to additional and unnecessary time pressures on production staff - with the obvious attendant problems which similar issues have caused in the past.

**Question 15:**

**Do you agree with our proposals to introduce prior permission for Broadcast PRS where the primary focus of the need to obtain prior permission will be on service providers alone?  
If not, why not?**

As an information provider GMTV would quite clearly work alongside any Service Provider partner to comply absolutely with any Prior Permission Licence regime introduced by ICSTIS.

However, GMTV concludes that the ultimate responsibility for all compliance rests with the Service Provider, which is the central pivot in the value chain in any Broadcast Premium Rate activity.

In addition to the above points, we would be interested to know how long any proposed Premium Rate Services Permission would last and would be monitored. Are there plans for any annual renewal scheme to be introduced?

We hope that ICSTIS finds these comments helpful. If we can be of further assistance please do not hesitate to contact us.

Yours sincerely,

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