



Telecommunications Authority of Trinidad and Tobago

PUBLIC CONSULTATION COMMENT SUBMISSION FORM

Policy Name: Discussion Paper on Android Boxes in Trinidad and Tobago

In the information submitted below, please indicate what information should be considered as confidential by the Authority.

1. Respondent Category:

- (a) Regional regulatory or governmental agencies
- (b) Existing service and/ or facility providers and affiliates
- (c) Potential service and/ or facility providers and affiliates
- (d) Service provider associations/ clubs/ groups
- (e) Consumers/ consumer groups
- (f) General public

2. Interest

(Provide details of any relationship with/ interest in any of the above respondent categories):

The Trinidad and Tobago Computer Society (TTCS ; <http://tcs.tt/>) is a computer user group formed in 1997. We:

- are a forum where computers, related technologies and related social issues are discussed;
- keep current with the events in the local Information Technology and telecommunications industries ;
- “Network local computer users” so that they can share knowledge and improve upon their experiences with modern technology.
- hold membership in several international organisations and advise on technology issues in Trinidad and Tobago and the region.

3. Contact Information:

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Contact Number: 1-868-684-1796 (note: contact number should be treated as confidential)

4. Comments:

Policy Section	Comments	Recommendations
<p>1. Introduction</p> <p>1.1. Background</p> <p>Recent statistics have shown falling revenues within the subscription TV industry. In response to this, some service providers have claimed the threat of “Android boxes” as a possible explanation for the declining figures, advocating that the Authority intervenes.</p> <p>An Android TV box, as it is commonly referred to locally, is a set-top box running on an Android operating system. It may also be referred to as a streaming media device (as in the United States) or a Kodi box (as in Europe). Essentially, they are all the same type of device, which enables end users to stream content on the Internet for viewing on a television set.</p> <p>Typically, Android boxes are sold at a “one-off” price with no recurrent fees and, in many cases, are advertised as a replacement for cable television. In some instances, they are sold with pre-installed software such as Kodi which is an open source media player that acts as a centralised hub for the user’s entertainment. However, for many users, the software’s biggest appeal lies in its add-ons, some of which are legal, such as YouTube and Hulu, whilst others are not. Third-party add-ons and plugins allow easy unencumbered access to pirated content. As a result, users can access copyrighted content such as live sports, latest episodes of TV shows, newest movie premieres, for free. For this reason, Android boxes¹ preloaded with the Kodi media player or other add-ons which provide access to pirated</p>	<p>The reasons for falling subscription TV models are not only due to piracy but due to changing habits from consumers, especially more Internet savvy ones who want</p> <ul style="list-style-type: none"> ● to have choices on what to watch from streaming online services like YouTube, Hulu and Netflix. ● to have choice on what device they want to watch be it their television, computer, mobile phone or tablet ● to decide when they want to watch content and be able to stop and resume watching content when they want or able to. ● having more options than to just watch TV on a schedule such as browsing/posting online (websites, social media) or playing online games on their computer or mobile devices. <p>The appeal of paying for subscriber TV to watch a limited subset of TV channels and content with ads and to be constrained by the schedule of what TV channels are broadcasting at specific times is NOT likely to appeal to Internet savvy users.</p> <p>The success of Netflix shows that persons are willing to pay for content, as well as persons buying video content from services such as Apple or to watch some ads when watching online video from services like YouTube.</p>	<p>TATT should therefore NOT impose protectionist measures to protect failing business models offered by the subscription TV industry. There are opportunities for such TV subscriber providers to innovate such as making more TV content available online ; to invest in showing local content online for persons to subscribe to. Such availability of content online could allow for different tiers of broadband pricing (for example access to local content / video)</p>

<p>content have been the target of many intellectual property offices' legal actions around the world.</p> <p>(1 It is worth noting here that the Kodi software and the above-discussed add-ons can also be installed on most Internet-connected devices, such as computers and smartphones. Thus, in principle, the findings discussed in this discussion paper can be extended to any device similarly loaded with the Kodi software and add-ons.)</p>	<p>The proliferation of cinema megacomplexes in Trinidad and Tobago also point to persons that are willing to pay to watch the latest movie releases.</p> <p>Re: Android boxes, there are considerable legal and non infringing uses for Android boxes. Some Television service providers' set top "cable" boxes run Android as well as many Smart TVs.</p> <p>Furthermore, as the footnote implies, any computer running Windows, MacOS, Linux or any mobile device running iOS or Android can be used to view pirated content as well.</p>	

Policy Section	Comments	Recommendations
<p>1.2. Rationale</p> <p>Android TV boxes have become increasingly popular in Trinidad and Tobago. Retailers have positioned themselves both in the physical and virtual landscape, offering the product in stores as well as online (e.g. on social-media platforms such as Facebook). Consumers are enticed by taglines such as "no more cable bills", "no dish to install"</p>	<p>The term "Android TV Boxes" is somewhat vague for this discussion, since:</p> <ul style="list-style-type: none"> a) Not all Android TV Boxes are illegal; e.g. Digicel's Set Top Boxes (STB) appear to run on a version of Android) b) Other Set Top Boxes may run on other operating systems and still be unlicensed. 	<p>Thus a more accurate name might be "Unlicensed Video Streaming boxes" or "Unlicensed TV boxes". This has the added benefit of also covering hacked STBs that might have been de-authorized (or not-as-yet authorised) by actual cable providers.</p>

and “one-time fee”. Additionally, retailers also promise access to local content, particularly popular TV shows like Crime Watch as well as the TV6 News.

Retailers also advertise their products as “locally pre-configured” with the Kodi software and a host of live add-ons (apps), giving thousands of free access to HD movies and premium live TV channels. Some providers even offer a “full software update service”, that is, an after-sale service that updates consumers’ Android boxes, ensuring continuous access to the latest add-ons.

It is worth noting that the above descriptions are not the only features of the Android boxes and consumers may purchase the boxes for reasons unrelated to obtaining access to pirated content. Consumers can use the box to convert their older model televisions into “smart” televisions, allowing users to surf the Internet, watch home videos, etc. On this note, the concern lies with the illegal add-ons to which configured boxes allow easy access to copyrighted content.

This paper focuses on the retailers of these configured boxes, hereinafter referred to as Android boxes.

Policy Section	Comments	Recommendations
<p>2. Impact of Android Boxes — The Service Provider Perspective</p> <p>The rise of the Internet has created an alternative distribution channel for media services. Change has also been experienced in the devices used to access the Internet. In addition to traditional media devices such as desktops, laptops and tablets, consumers now have at their disposal a plethora of devices to access online services. These include, inter alia, gaming consoles (e.g., Xbox One, PlayStation) and digital media receivers (e.g., Android boxes). Unlike traditional media devices, newer devices, in particular Android boxes, which are a type of media receiver, have garnered much attention from multi-channel subscription service TV broadcasters in Trinidad and Tobago and in some jurisdictions around the globe.</p> <p>In the context of Trinidad and Tobago, there has been a deluge of Android boxes in the market, as evidenced by advertisements on social and traditional media. While these provide an alternative source of audio visual content for end users, their presence in the market has fuelled complaints by pay TV broadcasters regarding their loss of subscribership and revenue. A look at the data provided to the Authority by the service providers over the past 5 years shows that after successive increases in pay TV subscriptions between 2013 to 2015, this market experienced a small decline in subscriptions in 2016 followed by an increase of 19.4% (approximately 40,000 subscriptions) in 2017. A similar trend was observed in the fixed broadband market. The number of fixed broadband subscriptions increased gradually during the period 2013 to 2015, declined in 2016, and subsequently increased in 2017. Figure 1 illustrates the five-year trend of pay TV</p>	<p>There seems to be a false conclusion that subscription rates are falling because of the use of Android Boxes.</p> <p>There are several legitimate streaming alternatives such as Netflix , Hulu, Android Prime, Apple iTunes, HBO Go, SlingTV and others that consumers can turn to instead of paying for a cable connection.</p> <p>Content providers in the US withholding premium content from Trinidad, or forcing providers to show content in Spanish is not sustainable.</p> <p>Just because there are more ads seen for Android boxes doesn't correlate to a "deluge" of Android boxes in the market. The word "deluge" may be hyperbole without more facts to back such a statement.</p>	<p>Service Providers need to provide services that customers actually want to use, with content that they want to see. If upstream content providers are blocking access to prime content then the business is no longer viable and needs to be re-examined.</p> <p>Is TATT accepting the evaluation of the presence of Android boxes from participants in the process who have a vested interest in inflating such numbers? It would be more useful for the Authority to commission a proper, independent survey of actual Android box use in T&T, which might also gather important information about whether customers are as satisfied with the products as the popular sentiment suggests. TATT should always be in the position of hosting discussions based on absolute, verified fact rather than conjecture offered by third parties with clear agendas in the discussion.</p>

subscriptions over the period 2013 – 2017. Figure 2 illustrates the five-year trend of broadband subscriptions for the same period.

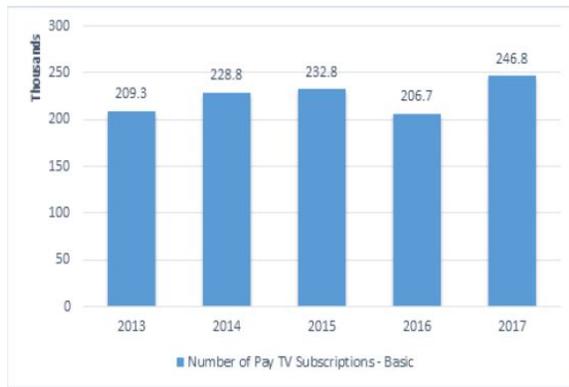


Figure 1. Number of Pay TV Subscriptions (Basic) 2013 – 2017

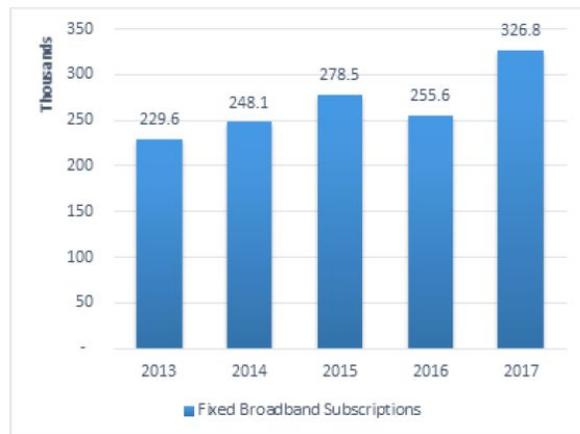


Figure 2. Number of Fixed Broadband Subscriptions (Basic) 2013 – 2017

In August 2017, the Authority consulted with key stakeholders within the industry to elicit feedback on the proliferation of Android boxes, with specific focus on the impact of the boxes on their business models. At this forum, it was established that,

although service providers have experienced falls in revenues and subscriptions, the problem was not specifically brought on by android boxes per se but the installed software giving access to pirated content. The service providers differed in their proposed approaches to the issue. Some expressed support for an interim measure, calling for the blocking of websites hosting pirated content, while others voiced their concerns over the logistical and administrative challenges this option presents. It was also proposed that, with the support of organisations such as World Intellectual Property Organisation (WIPO) and Trinidad and Tobago Broadcasting Association (TTPBA), public education campaigns be deployed, specifically informing consumers of the legal and security risks they are exposed to through the use of these devices and their related software.

Policy Section	Comments	Recommendations
<p>3. Impact of Android Boxes — The Consumer Perspective</p> <p>As the world becomes more digitalised and consumers become more technologically savvy, they are demanding more from their entertainment platforms. Consumers have a myriad of content at their disposal, available to them at any time, in any mix, through many delivery options and devices. Streaming services are becoming exponentially more popular particularly among millennials. This has resulted in a market ripe for streaming devices such as Android boxes to flourish.</p> <p>Consumers are lured by advertising promising “free” movies and TV shows for a one-time fee to obtain the box. While these boxes can be purchased for a variety of reasons, it is suspected that most users purchase the device to stream content for free. Research indicates consumers may gravitate towards this option, as opposed to legitimately purchasing the content, for a number of reasons. The first reason may be that they are unable or unwilling to pay for streaming content. This is not surprising given price increases occurring within the industry. As an example, in 2016, and again in 2017, some pay TV service providers increased the prices of their cable television packages by approximately 11%.</p> <p>Another rationale is, that in many instances, the content consumers are interested in is not legally available for viewing within the jurisdiction, or is available only after a delayed period from its initial broadcast. Non-availability or delayed availability of content often occurs as a result of geo-blocking² or the “windowing” strategy³ adopted by broadcasters and film studios when releasing their content into different markets. Additionally, subscription television broadcasters have indicated that, in their</p>	<p>This attempts to paint that all consumers not paying for subscription TV are pirating and this is not accurate for a variety of reasons noted in our response to 1.1.</p> <p>Re: “consumers often do not realise that most of the content available online is illegal” - There is a LOT of legal content online.</p> <p>There is too much unsubstantiated opinion in this document. More citations should be included to support such statements in this section.</p>	<p>As per our response to item 2, above, TATT should be deliberating this matter from a position of evaluated fact, not conjecture. There is too much unsubstantiated opinion in this document for a matter as serious as this. People are using these devices. We do not have any clear sense of how many are being used in the market, whether purchasers are satisfied with the product and what it is being used for.</p> <p>TATT is in a position to bring clarity to these suppositions and should do so.</p>

attempts to acquire more content, they have encountered problems such as prohibitive costs and US broadcasters' refusal to offer distribution rights in the Caribbean, mainly because the market is considered too insignificant. As a result, consumers turn to alternative sources to satisfy their entertainment needs.

2 Geo-blocking is a form of technological protection where access to content is restricted based upon the user's geographical location.

3 The process of "windowing" involves the sale of content through different channels or "windows" (in this case regions) by arranging the sequence of releases based on most profitable order. Thus the "window" with the least expected revenues would experience the greatest delay.

Thirdly, consumers often do not realise that most of the content available online is illegal and has infringed the copyrights of content owners. Users may rely on the popularity of the devices as well as the lack of any enforcement to convince themselves that the services provided are legitimate. Moreover, consumers are often under the impression that piracy is a "victimless crime"; unaware of how the unauthorised use of copyrighted content affects the entertainment industry and the wider economy.

In response to queries of the legality of the boxes, one local retailer advised that "Copyright laws are exempt from temporary reproductions of copyrighted works." This however may be a misleading statement as many countries have considered streaming as akin to reproduction, thereby challenging the legality of the boxes. It remains to be seen whether this view will be taken in Trinidad and Tobago.

It is worth mentioning that consumers using Android boxes, or any Internet-connected device for that matter, may not fully appreciate the security risks they open themselves to by visiting sites with pirated content via the Kodi software. Experts warn of the increased exposure to malware and other

cybersecurity and privacy issues that are typically associated with “pirate” add-ons.		
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Policy Section	Comments	Recommendations
<p>4. The Global Perspective</p> <p>In 2016, Canadian cable companies Bell Canada, Rogers Communications Canada Inc. and other cable providers filed, and were granted, in the Federal Court an injunction against at least 45 Canadian dealers who were selling fully loaded Android boxes. The court ordered a temporary ban on the sale of the boxes with pre-installed and configured apps that allowed customers to watch copyrighted content for minimum cost. The injunction was later upheld by the Court of Appeal after an appeal of the first ruling by the defendants.</p> <p>In the United Kingdom, there have been convictions by the court under the common law for the sale, supply or use of set-top boxes used for illicit streaming. For instance, the Premier League received a conviction against two persons in the case of R v William O’Leary and Terence O’Reilly (2016) under conspiracy to defraud (common law offence). In that case, the defendants were held liable for supplying devices to pubs and individuals, which facilitated piracy. The court held that the defendants conspired with persons unknown to defraud the broadcasters of pay TV services, the Premier League Football Association and other persons, by supplying devices and services that facilitated the viewing of pay TV without appropriate payment to said broadcasters.</p> <p>In June 2015, Australia amended its copyright law to empower the Federal Court of Australia to order Internet service providers to block non-domestic websites whose primary purpose</p>	<p>Just to note that the bans applied to “fully loaded” devices not banning devices running Android per se.</p> <p>There are inexpensive Windows devices that could be used to fulfill the same roles as Android devices (https://www.digitaltrends.com/computing/best-stick-pcs/) - a reminder that Android devices aren’t the issue.</p>	

is to infringe or to facilitate the infringement of copyright (whether or not in Australia). In August 2017, the Court handed down a judgement ordering several telecommunications service providers to block access to over one hundred international websites that allowed users to download pirated TV shows and movies.

In April 2017, the European Court of Justice ruled in the case of Stichting Brein v Jack Frederik Wullems, acting under the name of Filmspeler, that selling devices pre-configured to obtain copyright-infringing content is illegal. This case was referred to the European Court by the Dutch District Court in 2015 for its consideration as to whether it was illegal to sell a product (media player) with pre-installed add-ons containing hyperlinks to websites from where copyrighted works such as movies, television shows and live broadcasts are made available without the copyright holders' permission.

According to the European Court ruling, the streaming of copyrighted works that are obtained from websites without obtaining permission from copyright holders can be considered illegal as it infringes on the European Union's Copyright Directive No. 2001/29.

Policy Section	Comments	Recommendations
<p>5. Discussion on the Legislative Remit of the Authority</p> <p>This section explores the legislative remit of the Authority. It examines whether specific sections of the legislative and regulatory framework provide solutions to the challenges presented by the proliferation of android boxes and their associated software in Trinidad and Tobago.</p> <p>5.3. Intellectual Property Infringement</p> <p>In accordance with the <i>Concession for the Operation of a Public Telecommunications Network and/or provision of Public Telecommunications and/or Broadcasting Services</i>, concessionaires should not infringe the intellectual property rights of any person in the broadcast of any of its programmes.</p> <p>Concession D.13 states as follows: <i>“The concessionaire shall not broadcast any programmes, information or other material without first obtaining all required permissions from the relevant owners of any intellectual property in such programmes, information and other material, and shall not otherwise infringe the intellectual property rights of any person.”</i></p> <p>Furthermore, in accordance with the concession document, all concessionaires are required to adhere to the laws of Trinidad and Tobago, as indicated by concession condition A.2:</p> <p><i>“The concessionaire shall comply with the Act, all regulations or other instruments made under the Act, the conditions of this</i></p>	<p>So the law already allows for Copyright holders to bring cases in court against those who infringe their copyright. .</p> <p>Let copyright holders (FLOW, TSTT, Digicel, HBO, Disney et al) and others bring copyright cases against the shops that sell these devices. They can do so currently under our existing laws.</p> <p>It is important to note that the Kodi software itself is not illegal and the Kodi developers are attempting its protect its trademark when used by “fully loaded Android boxes”. See https://kodi.tv/article/piracy-box-sellers-and-youtube-promoters-are-killing-kodi</p>	<p>The laws already exist for companies to bring legal cases against shops that sell fully loaded Android devices marketed and advertised to circumvent copyright.</p> <p>There may be an opportunity for the Kodi name to be properly trademarked by the Kodi developers here in Trinidad and Tobago and infringing trademark claims filed against persons that use the Kodi name for “fully loaded Android boxes”</p> <p>Let copyright holders (FLOW, TSTT, Digicel, HBO, Disney et al) and others bring copyright cases against the shops that sell these devices.</p> <p>If new legislation is brought then the copyright owners themselves, or the companies themselves, they need to bear the full cost of the compliance process for submission, review and a decision on infringing sites etc.</p>

Concession, and all laws in force from time to time in the Republic of Trinidad and Tobago.”

All authorised telecommunications and broadcast service providers are, therefore, required to comply with the Copyright Act of Trinidad and Tobago.

However, Android box retailers do not hold a concession with the Authority and as such, they are not under any obligation to comply with the above - mentioned concession conditions. Notwithstanding this, as an entity they must comply with the wider laws of Trinidad and Tobago, inclusive of the Copyright Act.

5.3.1 Copyright Act of Trinidad and Tobago

The Copyright Act of Trinidad and Tobago Chap. 82:80 (governs the rights provided by copyright and related rights. The creators of works (e.g.sound recordings, films, television shows etc.) such as performers, producers and broadcasting organisations have certain rights under copyright law.

The legislative framework allows creators to control and/or be compensated for the various ways in which their work is used and enjoyed by others.

Creators want to maintain control over their works, so the main idea behind copyright is to prevent others from copying those works without permission, in whatever form that copying may take. The creators of the works will hold the exclusive right to use or authorise others to use the work on agreed terms.

According to the Copyright Act, broadcasting is *“the communication of a work, a performance or a sound recording to the public in any country or territory by wireless transmission,including transmission by satellite, and “broadcast” and “rebroadcasting” have corresponding meanings”*.

In accordance with section 24(1) of the Copyright Act a broadcasting organisation has the right to authorise or prohibit any of the following acts:

- “(a) the rebroadcasting of its broadcast;*
- (b) the communication to the public of its broadcast;*
- (c) the fixation of its broadcast;*
- (d) the reproduction of a fixation of its broadcast.”*

It is to be noted that even broadcasting organisations that are headquartered outside of Trinidad and Tobago are protected under the provisions of the Copyright Act, by virtue of any international convention or agreement to which Trinidad and Tobago is a party. For instance, the works produced by a broadcasting organisation such as HBO would be protected under the Copyright Act, as the 55(4) states:

“The provisions of this Act shall also apply to performers, producers of sound recordings and broadcasting organisations protected by virtue of and in accordance with any international convention or other international agreement to which Trinidad and Tobago is party.”

Additionally , Trinidad and Tobago is party to various copyright related international treaties.

More specifically, we are members of the two WIPO treaties that govern mutual intellectual property law, minimum protection, and enforcement requirements that were designed to strengthen copyright protections on the Internet. These are the WIPO Copyright Treaty (WCT) and the WIPO Performers and Producers Rights Treaty (WPPT) of 1996. These are the main international treaties that address copyright and related rights on the Internet and clarify that existing rights continue to apply in the digital environment.

Being a party to such international treaties means that there is a requirement for Trinidad and Tobago to provide full protection within our territory to local as well as foreign rights holders.

Furthermore, pursuant to the Copyright Act, the following shall constitute an infringement of copyrights and neighbouring rights:

the manufacture or importation for sale or rental of any device or means specifically designed or adapted to circumvent any device or means intended to prevent or restrict reproduction of a work or to impair the quality of copies made (the latter device or means hereinafter referred to as "copy-protection or copy-management device or means")

Therefore, a fully loaded Android box will include add-ons that enable users to access illegal streams through software such as Kodi. Whether there is a breach of the above-mentioned clause is dependent on whether it can be successfully argued that not only has the broadcast content rights holder developed a means of restricting the reproduction of their broadcast but also if a fully loaded android box has been adapted to circumvent said means.

Additionally, an infringe infringement of copyrights and neighbouring rights also constitute:

the manufacture or importation for sale or rental of any device or means that is susceptible to enable or assist the reception of an encrypted programme, which is broadcast or otherwise communicated to the public, including by satellite, by those who are not entitled to receive the programme.

To declare Android boxes as a copyright

<p>infringement device, in accordance with 34A (1) (b), it must first be determined that the boxes facilitate the unauthorised reception of encrypted Broadcast content.</p> <p>It should be noted that the Authority’s regulatory scope is limited to authorised telecommunications and broadcast service providers, and any breach of the Copyright Act by persons who are not said providers will fall under the jurisdiction of the Intellectual Property Office of Trinidad and Tobago.</p>		
<p>5.3.2 Blocking of copyrighted material by service providers</p> <p>As it relates to websites which host copyrighted material illegally, Android boxes are one of many devices used to access copyrighted material on websites. Therefore, an outright ban on the sale of the boxes only removes one of the many avenues (e.g., cell phones, tablets and gaming consoles) available to users to access illegal content. We have noted that, in some jurisdictions , as an alternative to or in addition to regulating the device, the courts are empowered under the country’s copyright legislation to order Internet service providers to block copyright-infringing websites .</p> <p>Local Internet Service Providers (ISPs) have expressed that they do not see themselves as arbiters of what is lawful or unlawful content . As a result, they have indicated that they will be amenable to blocking access to websites hosting illegal content as declared by the court.</p> <p>However, it should also be noted that the Copyright Act only gives a general power to the court to grant injunctions prohibiting copyright infringement and not a specific power to order an Internet service provider to block access, as has been observed in other jurisdictions.</p>	<p>There have been live sporting events streamed over Facebook, files for movies are provided on Google Docs, Megaupload and other file sharing sites which have enormous non-infringing use and are part of the daily lives of many internet users. ISPs cannot block these sites.</p> <p>New sites pop up everyday on the internet and tracking all of them is time consuming. It saps the time and resources of legal departments and becomes a “make work” scheme for outside contractors to be paid by tax payers to create and monitor infringing sites.</p> <p>There would need to be a strong and fair legislative process and clear guidelines on what sites are considered infringing and what the bar is for an infringing site. This process must be run through our country’s court system and allow for rebuttals or defense. There is the very real concern of this being used to censor political speech and various other rights.</p>	

Section 38(1) of the Copyright Act states as follows:

“The Court shall have the authority

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(a) to grant injunctions to prohibit the committing, or continuation of committing, of an infringement of any right protected under this Act”

Policy Section	Comments	Recommendations
<p>6. Recommendations</p> <p>Given the limitations of the legislative and regulatory remit of the Authority discussed in the previous section, the Authority recommends adopting persuasive measures which focus on The promotion of a culture that respects and values the creative work of others. This involves the adoption of an approach that firstly, increases consumers' sensitivity to the protection of copyrighted content and, Secondly, encourages consumers to opt for legal channels when seeking to meet their entertainment needs. The latter may require reforms within the subscription TV market that ensure consumers are receiving value services at appropriately priced levels that match their demand.</p> <p>Further, the recommended approach calls for the Authority's collaboration with relevant agencies to ensure the enforcement of copyright laws.</p> <p>6.1.Consumer Awareness Campaigns</p> <p>The Authority may consider collaborating with the Intellectual Property Office of Trinidad and Tobago and other relevant interest groups to raise awareness to help consumers understand the value of property rights. In this regard, consumer awareness campaigns can be modelled after those in other Jurisdictions where there has been some success with antipiracy campaigns. These include both campaigns geared at long-term and short-term solutions such as Italy's "Rispettiamo La Creativita" (Respect Creativity) and the UK's "Get it right from a genuine site" campaigns. This action, However ,may be of limited effect if local consumers cannot see a</p>		<p>ISPs and service providers need to add value to customers. The complaints are well known. Companies can even invest in local industry to create our own content and distribute that. A market can be built that would protect their profits. Cable and scheduled television is dying worldwide, and blocking Android boxes is not going to save it.</p> <p>The policing of intellectual property in Trinidad and Tobago has been anemic at best. Every iteration of technology powered piracy, from the widespread theft and distribution of music on the sidewalks of the nation to the equally brazen sale of movies on the same basis right up to the installation of these infringing businesses in brick and mortar stores, there has been a demonstrated dearth of will, manpower and sustained effort at policing intellectual property theft.</p> <p>How is TATT, or any other state agency, going to find the resources to police virtual piracy taking place in private residences? More compellingly, is this a proper use of the time and limited resources of the Authority and what value does it bring to Trinidad and Tobago generally?</p> <p>Yes, the act of creation should be</p>

direct benefit to them arising from the protection of a foreign-based industry.

Perhaps a more cogent approach would be to highlight to consumers and retailers of fully loaded Android boxes the various forms of exposure they may likely face by engaging in the infringements of copyrighted material. Measures such as educating consumers on what forms of content access are illegal, and more importantly, where legal content can be accessed, both offline and online can be undertaken.

Likewise, consumers can also be warned of potential risks to malware and other security compromising factors that are associated with Kodi and add-ons.

6.2. Market-Based Solutions

The Authority may also consider the encouragement of a market-based approach to this issue, that is, encouraging service providers to set prices commensurate with what consumers are willing to pay. Given the price increases by service providers within the context of an economic downturn, it is worth considering whether or not prices are currently aligned to existing market conditions. Where determined otherwise, the solution may be better - priced subscription TV services. This solution, however, may not prove effective, particularly where consumers are unable to access the content they want. Service providers should thus be prompted to develop attractive services that offer the content consumers demand, on platforms they demand it, e.g .online. Accessing and delivering content that consumers demand, however, may require concerted commercial actions by key stakeholders to overcome the major obstacles they face, such as restricted access to desired content based on our jurisdiction.

respected and protected. Shouldn't our first efforts be directed toward the creation of our own content, the marketing of its value and the protection of its copyright?

On that issue, the Authority can assist to negotiate with foreign content providers to offer their services to the Caribbean.

6.3. Collaboration with Relevant Agencies

In addition to the above, the Authority also proposes collaborating with relevant agencies to ensure the protection of copyrighted content in Trinidad and Tobago. The agency responsible for this is the Intellectual Property Office (IPO). This is a local government agency within the Ministry of Legal Affairs that is charged with the responsibility of handling the registration and conflict resolution of intellectual property rights . In this regard, the Authority proposes collaborating with this agency to encourage actions towards the identification and enforcement of any copyright infringement laws, of which the sale or rental of Android boxes may violate (see section 5.3.1 of this document).

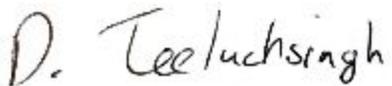
Additionally, the Authority may liaise with agencies such as Alianza contra Piratería de Televisión Paga the 'Alianza'⁶ to explore options aimed at monitoring and investigating cases of copyright infringements. This may include identifying websites which host unlawful content, specifically unauthorised copyrighted material. Subsequent to this, the Authority can then advocate enforcement actions against copyright infringements by the relevant authorities.

(6 This is an association created by a group of pay-TV operators, programmers and technology providers to combat piracy that takes place through the unlawful use of free-to-air receivers)

The information and comments stated above can be published by the Authority for the purposes of consultation except those which are considered confidential.

Agree

Do not agree

Signature: 

Position of signatory: Assistant Secretary
(This is only applicable for stakeholder categories **a** to **e**)

All comments should be submitted to the Authority:
via e-mail to consultation@tatt.org.tt (in MS Word format) and
by regular mail or by hand to the Authority's office at #5 Eighth Avenue Extension, Barataria, Trinidad.