

*NewMediaMarkets***Brussels insights industry with mobile mandate plan**

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■ REGULATION EUROPE

**Brussels incites industry
with mobile mandate plan**

By Joe Warner

The European Commission has taken a major step towards mandating a single technology for mobile television by requesting the "full and rapid disclosure" of the intellectual property rights held for the DVB-H standard.

The move, which has caused concern among companies that believe the market should be the arbiter of technology choices, is intended to drive the deployment of mobile television across the European Union. The Commission believes that a common standard is needed and that if the industry cannot agree then Brussels will have to mandate one.

In mid-May the Commission sent a written request for details of the patent owners of the DVB-H standard's various components to the DVB Project, the Geneva-based body for digital broadcasting standards.

The DVB's intellectual property rights (IPR) module is to meet this week to discuss the request. It is understood that a "patent pool" – an association of companies with intellectual property rights relating to a standard – has not yet been created.

The Commission's request follows a speech on May 10 by Viviane Reding, the commissioner for information society and media, in which – for the second time in three months – she advocated DVB-H as the best candidate for a common European standard for mobile television.

Her previous reference was during a speech in March at the CeBit technology fair in Hannover (*NMM* March 23, 2007).

One UK technology executive said that the Commissioner's language on mandating DVB-H was "becoming stronger and much more direct" and that the industry was increasingly concerned that the Commission was sending "confusing messages" by pursuing this line while also maintaining its stance of being technology-neutral.

Reding's directorate is to issue a statement on mobile television which might include mandating DVB-H. This is expected in the summer, probably July, but it could be postponed until the end of the year, said the commissioner, "to give the industry a little longer [...] to agree a common standard".

In her latest speech, Reding said that while "competition among different standards can, for some time, be a good way to let the market identify the best solution", Europe had been waiting too long. "The opportunities are slipping away," she said. "It is time

to break the deadlock.”

Her comments provoked a backlash from companies likely to be key players in mobile television.

Sheila Cassells, head of regulatory affairs at BSkyB, called the latest developments “very bizarre” because the commissioner had stated last December, at the ITU Telecom World congress in Hong Kong, that it was not the role of regulators to express technological preferences.

Adriana Mattei, head of market development at UK transmission company Arqiva, said: “We are concerned that investment in mobile broadcast TV is being deterred as a result of potential regulatory intervention across Europe.”

Arqiva has invested several million pounds in mobile television and conducted trials with O2 and BSkyB using both DVB-H and the proprietary MediaFlo system.

Kamil Grajski, president of FloForum, the industry association formed to promote MediaFlo, said that the mobile-television industry was “already a global, competitive and multi-standard industry” and that the key issue was not the technology of the handsets but the availability of spectrum.

Mattei agreed that the early availability of frequency remained key: “To a degree the technology which might then be employed would be determined by the spectrum band on offer.”

Criticism of Reding’s stance was not limited to the commercial sector. Professor Jens Arnbak, founding chairman of the European Regulators Group, which co-ordinates national regulators across the European Union, said: “Why would you wish, at this early stage, to insist on any one standard when we know that many other technologies are in development?”

Arnbak said that regulation from Brussels could “clear the way” for the successful deployment of multimedia services, but only if it were open, transparent and flexible to allow innovation.

Peter MacAvock, executive director of the DVB Project, said that the body “has a good ongoing dialogue” with the Commission, though communications are not publicised unless requested by the DVB Steering Board and with the Commission’s agreement.

MacAvock added that the DVB Project was based on its standards providing the “best compromise between innovation and implementability”, and that it favours a market-led implementation of its standards.

Licensing fees

The Commission is keen to understand the intellectual property rights involved in the DVB-H standard in order to address one of the main concerns of potential users.

This is the risk that unexpected licence fees might be imposed

on the standard's users several years after its publication, as was the case with the DVB-MHP standard for interactive television (*NMM* March 10, 2006).

The major concern is that once mass-market deployments have taken place "it would be difficult if not impossible to remove any element whose IPR costs were subsequently found to be commercially unsatisfactory", one source said.

The costs of licensing DVB-H have yet to be published, but this is only one potential problem.

The source added that the Commission had talked only of mandating the "transport layer" of DVB-H, which provides end-to-end connectivity, but there was no guarantee that handsets would work across borders if different countries used different security layers.

Mike Bargauan, vice president at Italian research and development firm MB International, added: "We need to start using DVB-H, MediaFlo and any other standard as soon as possible not for technology reasons, but to see which content consumers are interested in: that's the real question."