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**REGULATORY GUIDELINES ON LANDING RIGHTS
FOR
BROADCASTING SATELLITE SERVICE IN BANGLADESH**

**BANGLADESH TELECOMMUNICATION REGULATORY COMMISSION
(www.btrc.gov.bd)**

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1. INTRODUCTION

- 1.01 Bangladesh has launched its first geostationary communication and broadcasting satellite, Bangabandhu Satellite 1 (BS-1), on 12 May 2018. Recognizing the vast demand for satellite transponders within Bangladesh, the Government took the initiative to launch this satellite, with the objective to reduce foreign exchange expenditure for satellite based communications and broadcasting services, and to earn foreign revenue from channels willing to provide service in Bangladesh.
- 1.02 These Guidelines will ensure that the country's own satellite is effectively utilized to provide satellite-based broadcasting services to the viewers in Bangladesh. In this regard no person or entity shall uplink or downlink a satellite television channel, which is not allowed under the terms and conditions of these Guidelines.
- 1.03 These Guidelines, should be read in conjunction with concerned License, any subsequent legislation and prevalent laws or sector policies framed by the Government and other rules, regulations, decrees, orders, decisions, guidelines, directives and documents of general application issued by the Government from time to time.
- 1.04 Necessary License from Ministry of Information (MoI) and permission from Bangladesh Telecommunication Regulatory Commission (BTRC) are required for downlink and uplink satellite television channel in and from Bangladesh.
- 1.05 These Guidelines may be withdrawn, revised, updated or amended from time to time, without any prior notice to take into consideration various factors including, but not limited to, any threat to public health, National security and of Court orders.

2. ABBREVIATION AND DEFINITION

The abbreviations and definitions of the terms used in these guidelines are annexed herewith as APPENDIX-1.

3. OBJECTIVES

The objectives of these Guidelines are:

- (i) to specify the terms and conditions that the licensed entities have to follow, in relation to downlink contents of satellite television channels inside Bangladesh which are uplinked from Bangladesh and/or outside Bangladesh through Bangabandhu Satellite or other satellite.
- (ii) to specify terms and conditions for the Satellite Television Channel Operators in relation to uplink content of satellite television channels from Bangladesh and/or outside Bangladesh.
- (iii) to issue landing rights permission/ authorization to the foreign satellite operator for uplink and downlink satellite television channel contents in order to broadcast within Bangladesh.

4. LEGAL REQUIREMENTS

The legal statutes governing the telecommunication industry in Bangladesh which will be applicable to the Licensee are given below:

- (a) The National Broadcasting Policy 2014
- (b) The Broadcasting Act 2018 (to be approved by the Government).
- (c) The National Telecom Policy-2018
- (d) The Cable Television Network Operation and Licensing Guideline 2010.
- (d) The Bangladesh Telecommunication Regulation Act, 2001 (as amended).
- (e) The Wireless Telegraphy Act, 1933 and The Telegraph Act, 1885, for matters which are not covered by the Bangladesh Telecommunication Regulation Act, 2001 (as amended).
- (f) The Bangladesh Telecommunication Regulatory Commission (Licensing Procedure) Regulations, 2004 (as amended).
- (g) The Bangladesh Telecommunication Regulatory Commission (Interconnection) Regulations, 2004 (as amended).
- (h) The Information and Communication Technologies Act, 2006 (as amended).
- (i) Any other Act, Ordinance, Order, Rules, Regulation(s), by law(s) or any other law being in force in Bangladesh.
- (j) The Guidelines/Directives/Orders and Decisions issued under the Bangladesh Telecommunication Regulation Act, 2001.
- (k) Respective Guidelines and Licenses of the Licensees.
- (l) The related Act(s), Ordinance(s), Orders, Rule(s), Regulation(s), by law(s), Guidelines/Directives/Orders and Decisions issued in the countries where the services of the Licensee are feasible.

5. TITLE

These Guidelines are to be termed as “Regulatory Guidelines on Landing Rights for Broadcasting Satellite Service in Bangladesh”.

6. ELIGIBILITY CRITERIA FOR UPLINK AND DOWLINK SATELLITE TELEVISION CHANNEL'S CONTENT

6.01 DTH Operators, Multiple System Operator (MSOs), Distributor, Bangladesh Television, and other entities Licensed from MoI/BTRC for broadcasting satellite television channel will be recognized as Licensee for the purpose of downlink contents through satellite within Bangladesh.

6.02 The Licensee applying for permission to downlink a channel which is uplinked from home or abroad, must be a proprietorship, partnership and companies registered under 'Joint Stock of Companies and Firms' under the Companies Act 1994 of Bangladesh.

6.03 The Licensee shall have its commercial and operational presence in Bangladesh.

6.04 The Licensee shall have agreement in accordance with these Guidelines and their licensing condition with the principal of the Satellite Television Channel for downlinking and distribution of that Satellite Television Channel in Bangladesh.

6.05 Foreign Satellite Television Channel Operators can broadcast their channel in Bangladesh only through the Licensees of MoI as mentioned in their respective License and in these guidelines.

6.06 The Licensee shall have agreement in accordance with these Guidelines and their licensing condition with the satellite operator for uplink, downlink and distribution of Satellite Television Channel in Bangladesh. The Licensee will be allowed to make agreement with satellite operator for the particular satellites which have Landing Rights Permission/ Authorization from BTRC.

6.07 The Licensee shall pay the necessary fees to the BTRC mentioned in Fees and Charges (Clause 9) of these guidelines.

6.08 The Licensee shall furnish, technical details such as Nomenclature, Make, Model, Name and Address of the Manufacturers of the equipment/ instruments and satellite to be used for uplink, downlink and distribution, the Block Schematic System Diagram and also demonstrate the facilities for monitoring and storing playout record of last 90 (ninety) days.

6.09 Licensees, Multiple System Operator (MSO)s , Cable Operators, BCSCL shall obtain NOC and Customs Clearance Certificate from BTRC for importing any telecommunication equipment (i.e. earth station equipment, decoders, multiplexers, distribution equipment etc.) related to their service as mentioned in these guidelines.

7. GENERIC DIAGRAM OF UPLINK, DOWLINK AND DISTRIBUTION OF SATELLITE TELEVISION CHANNELS' CONTENT

The uplink, downlink and distribution of satellite television channels contents will be as per the generic diagram given below. The satellites having landing rights permission/ authorization from BTRC will be allowed to use for uplink and downlink permitted satellite television channels. BTRC will issue landing rights permission/ authorization to the satellite operator/ Licensee and

publish the list from time to time in its website (www.btrc.gov.bd). MoI will publish the list of Satellite Television Channels permitted to broadcast in Bangladesh.

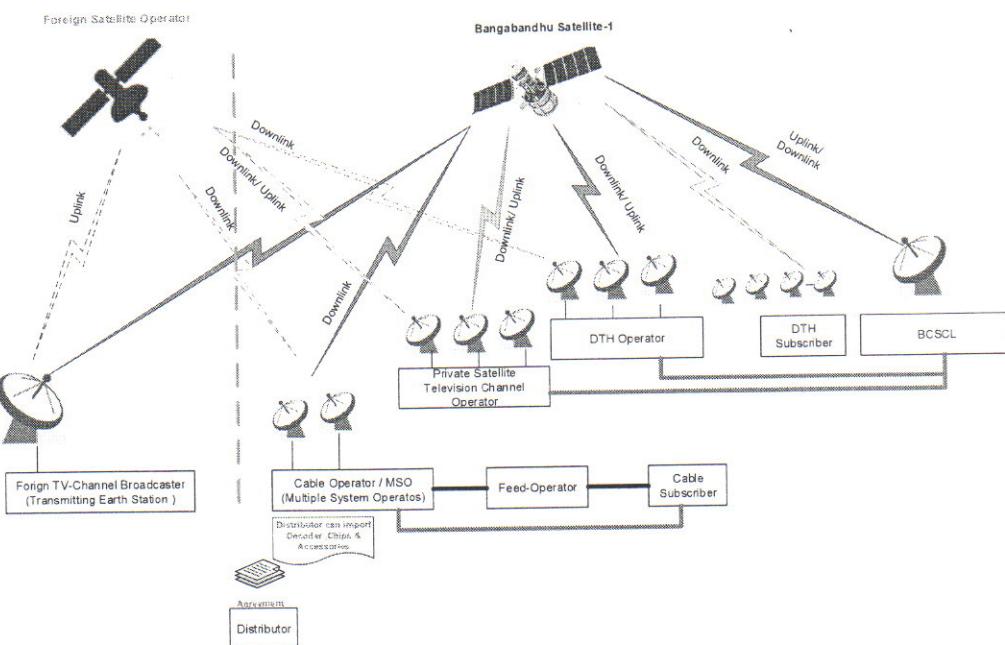


Figure-1: Broadcasting Satellite Service in Bangladesh

8. TERMS AND CONDITIONS FOR UPLINK, DOWNLINK AND DISTRIBUTION

8.01 The Licensee while applying to the MoI for obtaining the uplink and/or downlink permission of a Satellite Television Channel must meet the following criteria:

- The Distributor, DTH Operators and other entities licensed from MoI shall be permitted and eligible for the permission to apply for uplink, downlink Satellite Television Channels, if it is mentioned in their respective License. The Licensee will be allowed to downlink satellite television channels which are permitted by MoI. The Licensee must obtain permission from MoI for downlink in Bangladesh.
- The Foreign Satellite Television Channels those will be permitted by MoI for downlink in Bangladesh, must have License/Permission from their respective country.
- The Licensee shall apply for uplink and downlink Foreign Satellite Television Channel to MoI by filling-up the form in Appendix-2 along with the agreement.
- The satellite television channels which are already permitted to uplink/downlink for broadcasting in Bangladesh have to renew their permission within 90 (ninety) days after the issuance of these guidelines.

8.02 The Licensee will apply to BTRC by filling-up the form in Appendix-2 along with the agreement for utilizing satellite to uplink and/or downlink satellite television channels. The Licensee must meet the following criterion:

- (i) The Distributor, DTH Operator and other entities licensed from MoI shall be permitted/eligible for the permission to utilize satellite for uplink and/or downlink Satellite Television Channels according to their respective license. BTRC will permit and assign frequency only to the authorized Licensees of MoI for uplink/downlink/distribution as per their licensing condition.
- (ii) The Licensee will be permitted to uplink and downlink only if they use the satellites authorized by BTRC.

8.03 The Licensee shall use the facilities of Bangabandhu Satellite for uplink and/or downlink satellite television content. The Licensee shall make necessary arrangements with required equipment to utilize the facilities of Bangabandhu Satellite in co-ordination with Bangladesh Communication Satellite Company Limited (BCSCL).

8.04 If BCSCL is unable to provide transponder facilities only then BTRC may permit the Licensee to uplink/downlink through other satellites.

8.05 In special circumstances and for backup link BTRC may allow any satellite to provide television content uplink/downlink facilities to the Licensee.

8.06 The transponder capacity of Bangabandhu Satellite shall be used to uplink from Bangladesh, as long as BCSCL can offer available transponder bandwidth.

8.07 To provide uplink and/or downlink service to the Bangladeshi Satellite Television Channel Operators in the area where Bangabandhu Satellite's footprint is not available BCSCL may utilize the facilities of other satellite operators in joint collaboration with the permission of BTRC.

8.08 The Satellite Television Channel Operators and DTH Operators may uplink to Bangabandhu Satellite through their own earth station or by using the ground station facilities of BCSCL.

8.09 Satellite used to uplink from outside Bangladesh for the viewers in Bangladesh the Satellite must be co-ordinated in Bangladesh. Satellites which are not co-ordinated with Bangladesh shall not be used to uplink/ downlink satellite television content to/from Bangladesh.

8.10 To uplink the contents of satellite television from Bangladesh the entity must have Satellite Television Channel License or DTH Operator License of MoI.

8.11 To uplink from outside Bangladesh for the viewers of Bangladesh the content provider television channel operator shall have an agreement with a licensed entity of MoI.

8.12 For live broadcasting of any events within Bangladesh, Television Channel Operators shall use Bangabandhu Satellite for uplink and downlink. However, for live broadcasting if it is not possible by BCSCL only then they will be permitted to use other permitted satellites or backup satellites. Live broadcasting of any particular event from other countries, uplink and downlink

through other satellites may be allowed on a case by case basis for specific period of time with the approval of MoI and BTRC.

- 8.13 For broadcasting any news and/or other event(s) covering not more than two hours in twenty four hours duration may be uplink and downlink through any satellite.
- 8.14 The Licensee permitted to downlink satellite television channels shall comply with the National Broadcasting Policy 2014. The Distributors and the DTH Operators shall also comply with the Cable Television Network Operation and Licensing Guideline 2010, and Direct To Home Licensing Guideline (to be issued by the Government) respectively.
- 8.15 The Licensee shall adhere to any other code/standards guidelines/restrictions prescribed by MoI for regulation of content on television channels from time to time.
- 8.16 The Licensee shall adhere to the norms, rules and regulations prescribed by any regulatory authority set up to regulate and monitor the Broadcast Services in the country.
- 8.17 The Licensee shall have to uplink/downlink the satellite television channel through the permitted satellite within one year from the date of the permission being granted by BTRC. Failing to which the permission will liable to be withdrawn without any notice in this regard. However, the Licensee shall be afforded a reasonable opportunity of being heard before such a withdrawal.
- 8.18 The Licensee shall obtain prior approval of the MoI and BTRC before undertaking any upgradation, expansion or any other changes in the uplink, downlink and distribution system/network configuration.
- 8.19 The Licensee shall provide the necessary monitoring facility at its own cost for monitoring of programmes or content by the representative of the MoI or any other Government Law Enforcement Agencies (LEA) as and when required.
- 8.20 In the event of any war, calamity/national security concerns, the Government shall have the right to prohibit the downlink/ reception/ transmission and retransmission of any channels or satellites for a specific period of time.
- 8.21 BTRC shall have the right to suspend the permission of any satellite operator to uplink and/or downlink Satellite Television Channel through specific satellite or satellites for a specific period of time due to public interest or in the interest of national security. The Licensee shall immediately comply with any directives/instructions issued by BTRC and/or MoI in this regard.

9. CONDITIONS AND OBLIGATIONS FOR FRANCHISEES AND OTHER STAKEHOLDERS/ INDIVIDUAL USERS

- 9.01 Multiple System Operator (MSOs) and Cable Operators shall obtain Satellite TV Channel signal reception decoders only from Licensees. They shall not provide any direct downlink equipment to their subscribers. The cable operators, BTV, BCSCL are authorized to use signal reception

decoder for downlink satellite television channel contents, but are not authorized to provide downlink equipment to their subscribers.

- 9.02 Individual Subscribers may obtain set-top box from Licensees and from the authorized equipment vendor licensed from BTRC. Vendor Licensees will be authorized to import decoder which are only technically and conditionally compliant under the provisions of these guidelines to downlink. DTH operators will provide technical support and services to the individual user of these set-top boxes.
- 9.03 Public and Private organizations who are not licensed for broadcasting services may downlink satellite television content for their organizational usage through the reception decoders of the authorised Licensees with permission from MoI and BTRC.
- 9.04 Multiple System Operator (MSO)s and Cable Operators who are already in operation must obtain post-facto approval for its broadcasting signal transmitter/ receiver from BTRC within 90 (ninety) days of the issuance of these guidelines.

10. VALIDITY PERIOD OF PERMISSION

- 10.01 The period of permission for uplink and downlink any satellite television channel will remain valid until the validity of the License or up to the specific period as permitted by MoI.
- 10.02 The period of permission to use satellite for uplink/ downlink any satellite television channel will remain valid until the permitted period of BTRC.
- 10.03 If there is any change/ amendment/ cancellation in the agreement between the Satellite Television Channel and the authorized entity for uplink/downlink of satellite television channel within the licensing period, prior permission from MoI and BTRC will be required.
- 10.04 Adding new channel through permitted and new satellite for uplink and downlink, the Licensee shall take permission from MoI and BTRC by submitting the draft agreement to be executed between the Licensee and satellite television channel.
- 10.05 The Licensee shall have to take permission from BTRC before changing satellite for uplink and downlink.

11. FEES AND CHARGES

The Licensees shall be required to pay various fees, contribution and charges to BTRC. The following sections summarizes the fees and charges structure. These fees and charges are excluding of spectrum fees & charges, VAT and taxes imposed by any other competent authority. In such cases, VAT and taxes shall be paid to the concerned authority. The fees and charges as described below shall have to be paid within the stipulated time. The due amount may be paid within 60 (sixty) Gregorian calendar days after the due date by paying late fee as fine at the rate of 15% (fifteen percent) per annum as compensation to the Government, without prejudice to rights and authorities of the

Government to take any action as per law. If the amount is not paid within the 60 (sixty) Gregorian calendar days as stipulated, necessary actions shall be taken by the Government as per the provisions of the concerned License and the Act.

11.01 FEES AND CHARGES FOR UPLINK

Uplink Details	Types of Fees and Charges (per channel per annum)	Amount (in BDT)
Uplink from Bangladesh	Uplink of Bangladeshi Satellite Television Channel through the Ground Segment Facilities of BCSCL	1,00,000.00
	Uplink of Foreign Satellite Television Channel through the Ground Segment Facilities of BCSCL	30,00,000.00
	Uplink of Bangladeshi Satellite Television Channel to Bangabandhu Satellite by own Arrangement	1,25,000.00
	Uplink through other permitted Satellites	2,50,00,000.00
Uplink from Outside Bangladesh	Uplink through Bangabandhu Satellite	50,00,000.00
	Uplink through other permitted Satellites	3,50,00,000.00

11.02 FEES AND CHARGES FOR DOWNLINK

Downlink Details	Types of Fees and Charges (per channel per annum)	Amount (in BDT)
Downlinking in Bangladesh	Downlink from Bangabandhu Satellite	No Charge
	Downlink from other Satellite	25,00,000.00

11.03 FEES AND CHARGES FOR UPLINK AND DOWNLINK OF LIVE EVENTS

For broadcasting live events, news and other emergency events, the Licensees shall be allowed to use satellite service with prior permission of BTRC. However, in emergency situation if the prior permission is not possible, the Licensee shall take post-facto permission within 30 (thirty) days of the said broadcasting. It is suggested that Licensee will take yearly prior permission in bulk in terms of hours of live broadcasting as they deemed feasible for them. To cover the national events by state owned television operators, no permission and charges will be applicable. For other live events and new following charges will be applicable.

Types of Fees and Charges (per Channel per hour)	Amount (in BDT/channel/hour)
Uplink and Downlink through Bangabandhu Satellite/ Other existing Permitted Satellite(s)	No Charge
Uplink and Downlink through other Satellite(s) which are not previously Permitted to Operate in Bangladesh	10,000.00

11.04 FEES AND CHARGES FOR JOINT ARRANGEMENT

If BCSCL makes arrangement with other permitted satellites in co-ordination with the Bangabandhu Satellite to provide uplink and downlink facilities to the Licensees then fees and charges mentioned in clause 11.01, 11.02 and 11.03 will be similar to that of using BCSCL/Bangabandhu Satellite's facilities.

12. DISPUTE RESOLUTION

In the event of any disputes among Licensees, they shall take necessary steps to resolve the issue amicably within 30 (thirty) Gregorian Calendar days. If the issue is not resolved within the said period the Licensee(s) may refer the matter as per law(s) of Bangladesh to the MoI for resolution of the same. The MoI may decide as it consider appropriate to resolve the dispute and the same shall be binding on the concerned parties.

13. INTERPRETATION

In case of any doubt regarding interpretation of any of the provisions of these guidelines, the clarification of the MoI and BTRC shall be final and binding.

14. LEGAL ACTION

In case, any Licensee violates any provisions of these guidelines, legal action may be taken according to the existing laws of the country.

15. MISCELLANEOUS

- 15.01 Any dispute, controversy or claim arising out of, or in connection with, these Guidelines, or the breach, termination or invalidity thereof, shall be settled by the BTRC and its decision shall binding.
- 15.02 The Licensee shall follow the Code of Practice as approved by the MoI and/or BTRC from time to time. The decision of the MoI and/or BTRC in this case is binding on the Licensee.

15.03 The Licensee shall ensure that the licensed system and the licensed services do not cause any damage to, or interference with, any communication systems or communication services of any other Operator.

15.04 The Licensee shall conduct its operations and shall establish its licensed system in a manner so that it is not a safety hazard and is not contravention of any relevant law, rule or regulation.

15.05 The Licensee shall not discontinue providing licensed services in any area unless the Licensee notifies the MoI and/or BTRC, probable affected customers and other stakeholders at least 90 (ninety) days prior written notice of such discontinuation. The Licensee shall take prior written approval from the MoI and/or BTRC before such discontinuation of service. However, services to the affected user/subscribers may be disconnected as per the "Service Level Agreement" approved by the MoI and/or BTRC.

15.06 The Licensee shall not violate any Intellectual Property Rights of any person, body or associations and shall be held responsible for any such violation under the relevant laws of the land.

15.07 The Licensee shall take prior written permission for formation of any company/joint venture entity/partnership entity in Bangladesh for providing any type of broadcasting /telecom related services. The Licensee shall also have to take prior written permission for holding share in or being a partner of the existing entity who is providing any broadcasting /telecom service in Bangladesh.

15.08 The MoI, BTRC and/or any other Government departments shall not be liable for any loss, damage, claim, charge, expense which may be incurred as a result of or in relation to the activities of the License, its employees, agents or authorized representatives.

15.09 All directions issued by the MoI/BTRC shall remain confidential and the Licensee shall not disclose the same unless with the prior approval of the BTRC.

15.10 Notwithstanding anything contained elsewhere or in this License the MoI/BTRC reserves the right at its discretion to make the terms and conditions of this License publicly available in any media and format whether on the MoI/BTRC's or any other official Government website, in any manner it deems fit and proper.

15.11 The Licensee shall pay the necessary fees and charges and furnish the necessary documents in a timely manner.

15.12 Only equipment models or types approved by the BTRC shall be used in Licensed radio communications networks and systems. In case of an equipment model or type has not been approved, clearance for the use of such equipment must be obtained from the BTRC.

15.13 The Licensee shall follow the ITU-R recommendations to the use of radio communications equipment and as directed by the BTRC from time to time.

15.14 The Licensee shall observe the requirements of any applicable international conventions on communications to the extent that such a convention imposes obligations on Bangladesh unless expressly exempted by the BTRC.

15.15 The Licensee shall take prior written permission from the BTRC before selling any of its radio equipment.

15.16 All correspondence from the MoI and/or BTRC shall be in writing and shall be sent to the Licensee's official place of business.

15.17 Unless repugnant to the context—

- (i) all headings are for convenience only and shall not affect the interpretation of the provisions of these Guidelines;
- (ii) the words importing the singular or plural shall be deemed to include the plural or singular respectively;
- (iii) any expression in masculine gender shall denote both genders;
- (iv) any reference in these Guidelines to a person shall be deemed to include natural and legal persons;
- (v) all references to legislation or Guidelines or directions issued by the MoI and/or BTRC shall include all amendments made from time to time;
- (vi) the term to legislation or Guidelines or direction
- (vii) any reference in these Guidelines or directten includes a reference to official facsimile transmission, official e-mail, or comparable means of communication;

15.18 These Guideline shall be governed by and construed in accordance with the laws of Bangladesh.

15.19 These Guidelines are issued with the approval of the appropriate authority.

(Signature of the representative of the issuing authority)

APPENDIX-1

INTERPRETATIONS AND DEFINITIONS

Definitions:

Unless the context otherwise requires, the different terms and expressions used in these guidelines shall have the following meaning assigned to them. The headings are given for the sake of convenience only and do not carry any special meaning.

1. **Licensee** in relation to downlink satellite television content, refers to the DTH Operators, Multiple System Operator (MSOs), Distributors of Cable Television Network, Bangladeshi Satellite Television Channel Operators who are licensed from MoI to operate in Bangladesh. In relation to uplink satellite television content, it refers to the DTH Operators, Bangladeshi Satellite Television Channel Operators who are licensed from MoI to operate in Bangladesh.
2. **Cable Operator** are licensed operators as mentioned in Cable Television Guideline 2010.
3. **Satellite Television Channel** refers to the television program that is delivered to the viewers by relaying it from a communications satellite orbiting the Earth.
4. **Bangladeshi Satellite Television Channel** refers to the **Satellite Television Channel** whose country of origin is in Bangladesh and which are being Licensed from MoI.
5. **Foreign Satellite Television Channel** refers the to **Satellite Television Channel** whose country of origin is outside of Bangladesh and which are being permitted to broadcast in Bangladesh by MoI. They are not the Licensee of MoI.
6. **Bangabandhu Satellite** refers to the communication and broadcasting satellite (titled Bangabandhu Satellite -1) launched by Bangladesh on 12 May 2018. It will also refer to other upcoming communication and broadcasting satellites in its constellation.
7. **Backup Link** refers to the alternative satellite link other than Bangabandhu Satellie used by the Licensee for uplink and downlink satellite television content.
8. **Landing Rights Permission/ Authorization** refers to the permission/ authorization for using satellite signal for broadcasting television content in Bangladesh.
9. **Satellite Operator** refers to the organisations which either own or operate communications satellites or market transponder capacity on behalf of operators.