

Re: Response to TV Prominence Consultation

Dear ACMA,

Please find attached Panasonic Australia's response to the TV prominence consultation questions.

Question 1:

Do you have any views on the ACMA's proposed approach?

The proposed timeframe for implementing the TV prominence rules should only apply to new models introduced to the market in 2026. Many existing models, including those released several years earlier, continue to be supplied without significant updates to hardware or software. For instance, certain models released as early as 2015 are still available today, with no substantial modifications. Applying the prominence rules to such models would be unnecessarily burdensome, particularly if they were not designed with the technical capacity to meet these new regulatory requirements.

Therefore, it is crucial that the timeframe focuses on devices specifically designed and introduced after 2026, while allowing older models to remain in the market without being subject to retroactive compliance obligations.

Question 2

What are your views on the proposed considerations when applying the primary purpose test? Is there anything else the ACMA should consider?

The proposed considerations for applying the primary purpose test are generally sound, but they could be further refined to better distinguish between multifunctional devices that primarily serve as TV access points and those that offer a broader range of features.

The intent behind TV prominence rules is to ensure local free-to-air services remain easily accessible. Devices like the Panasonic DMR-BWT955GL, a Personal Video Recorder (PVR), offer multiple functionalities beyond TV content management, including Blu-ray/DVD playback, content recording, media storage, and media streaming.

A key selling point for the DMR-BWT955GL is its three tuners, which enable users to capture and watch local free-to-air services at their convenience. This feature alone demonstrates compliance with TV prominence rules, as it allows consumers to access and enjoy free-to-air content without relying on internet-based services.

To ensure a fair application of the primary purpose test, the ACMA should consider the following additional factors:

- **Device functionality:** Devices primarily designed for content storage, recording, and playback, with TV service access as a secondary feature, should be exempt from TV prominence rules.
- **User interface:** If the device's user interface prioritizes content management or other media playback functions over TV services, it should be considered a multifunctional device.
- **Consumer behaviour:** Users who purchase devices like the DMR-BWT955GL typically prioritize features that enhance their ability to manage and enjoy recorded content.
- **PVR functionality:** Devices supporting multiple tuners that also support PVR functionality should be deemed compliant with TV prominence rules, as they provide essential tools for accessing and managing free-to-air content.

By incorporating these additional factors, the ACMA can more effectively distinguish between devices that primarily serve as TV access points and those that offer a broader range of functionalities.

The following list of Panasonic models serves as an example of devices that should not be identified as falling within scope when applying the primary purpose test:

Model	Description	Internet Connected	VOD Apps [†]	Tuner	PVR Function	In-scope for TV Prominence	Software Platform	AU Release date
DP-UB450GN DP-UB150GN	4K Ultra HD Blu-ray Player	Yes	Not supported	No	No	No**	Panasonic	2019
DP-UB820GN	Ultra HD Blu-ray Player	Yes	Yes	No	No	No**	Viera Cast [‡]	2018
DMP-BD84GN	Smart Network Blu-ray Player	Yes	Yes	No	No	No**	Viera Cast [‡]	2015
DMR-BWT955GL	Recorder: Smart Network 3D Blu-ray Disc™/ Recorder with Triple HD Tuner	Yes	Yes	Triple tuner	Yes	Yes*	Viera Cast [‡]	2015
DMR-BWT460GN	3D Blu-ray Disc/DVD Recorder with Twin HD Tuner and 500GB HDD	Yes	Not supported	Twin tuner	Yes	No	Panasonic	2016
DMR-PWT560GN	3D Blu-ray Disc/DVD Player and HDD Recorder with Twin HD Tuner	Yes	Yes	Twin tuner	Yes	Yes*	Viera Cast [‡]	2016
DMR-HWT260GN	Smart Network HDD Recorder with Twin HD Tuner and 1TB HDD	Yes	Yes	Twin tuner	Yes	Yes*	Panasonic	2016
DP-UB9000GN1	Premium Multi Format 4K UHD Blu-Ray Player with HCX Processor	Yes	Yes	No	No	No**	Viera Cast [‡]	2018

[†] BVOD apps, such as ABC iView (removed 7/02/2023) and SBS On Demand (removed 31/08/2021), are no longer available on the platform.

[‡]Viera Cast platform has reached its end of life with no further updates, support for new apps, or access to certain third-party services.

*May fall within -scope of TV prominence rules if the Free to Air broadcaster decides to support the App on the applicable platform

** Primary purpose of device is for the consumption of Blu-ray/DVD discs hence will not be in-scope.

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Question 3

Is there a device the ACMA has not mentioned in this paper that you think should be considered?

No comment

Question 4

Do you consider there is a need for the ACMA to clarify whether certain specific domestic reception equipment is, or is not, a regulated television device?

The increasing complexity and diversity of domestic reception equipment, especially those with multifunctional capabilities, has made it challenging to definitively determine which devices fall within the scope of regulated television devices. This ambiguity can lead to uncertainty for both consumers and industry stakeholders.

Specific areas where clarification is needed include:

- **Devices with multiple functionalities:** Devices that combine TV reception with other features, such as content recording, media playback, or streaming services, may require more nuanced guidelines.
- **Emerging technologies:** New technologies, such as smart home devices and internet-connected appliances, may blur the lines between traditional television reception and other functionalities.
- **Consumer expectations:** It's important to consider how consumers perceive and use these devices. If a device's primary purpose is to provide access to television services, even if it offers additional features, it should likely be considered a regulated television device.

By providing clear guidelines and definitions, the ACMA can help to ensure that regulatory burdens are applied appropriately and that consumers have a clear understanding of their rights and obligations.

Question 5

Should the ACMA exercise its discretion to make descriptions or requirements for a device's primary user interface? Should the descriptions or requirements refer to the primary user interface extending beyond the static landing page for access to VOD apps, to include scrolling (horizontally or vertically)? Do ribbon or row layouts require different consideration to grid layouts?

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No comment

Question 6

Do you support treating content aggregating interfaces differently from other regulated television devices when describing requirements for the primary user interface?

No comment

Question 7

To what extent do existing contractual arrangements between device manufacturers (or operating systems) and content services providers (such as SVOD providers) affect the ability to provide prominence to BVOD apps on the primary user interface?

No comment

Question 8

Should the ACMA determine circumstances in which a regulated television service is, or is not, taken to be 'offered'? Is the ordinary meaning of 'offered' adequate?

No comment

Question 9

Is there sufficient transparency about which apps are currently offered to which manufacturers?

No Comment

Question 10

What circumstances should the ACMA consider for a regulated television service to be, or not be, taken to be 'offered'?

No Comment

Question 11

Under what circumstances might a manufacturer 'reject' an app that meets its quality and timeliness criteria?

No Comment

Question 12

Are there different circumstances that the ACMA needs to consider for different kinds of regulated television services?

No Comment