## **Online Video Study in Thailand**

CONC, Thammasat Business School





Audiovisual markets in Thailand changed rapidly in recent years, benefiting local content producers more than foreign content producers as 90% of video content in Thailand is in Thai. Over-the-Top platforms (hereinafter, OTTs), also called online services, online content providers, or rich interaction applications (RIAs), continue to flourish and supporting local growth in Thailand. Users, producers, and consumers therefore benefit – culturally and economically - from an ever-increasing range of creation and distribution platforms, content and services.

The phrase 'OTT' originates in the telecoms industry and simply describes any application or service travelling over the Internet. This imprecise phrase therefore applies to any and all services running over the internet, from banking to government services. More specifically, RIAs correspond to applications that are used for a wide range of functions, allowing parties to interact with each other in a long and growing number of ways. (WIK, 2017)

It may not be practical to directly regulate OTTs or RIAs as telcos, broadcasters or cable casters are fundamentally differ by nature and feature a vast variety of business models. OTTs are also subjected to a variety of other national and international regulations, including intellectual property, security, cybersecurity, privacy, consumer protection, antitrust, and others. These regulations vary by country, resulting in high transaction costs and corresponding legal complexity for OTTs, which typically operate across multiple countries regardless of size.

Telco and broadcasting sectors in countries around the world have pressed for regulators to impose their own regulatory regimes against OTTs under a "level playing field" argument. This pressure is present in Thailand, where the National Broadcasting Commission (NBTC) is discussing the application of broadcasting type rules to OTTs that offer Video on Demand (VoD) services.

This study aims to map and understand the situation in Thailand and make recommendations to ensure that any proposal is fit for purpose and based on the public interest. As in any highly innovative ecosystem, in the online environment a ruleby-rule analysis is called for, rather than a broad stroke, impractical extension of traditional rules that may not be applicable to new services. The recommendations we point to in this study are based on the analysis of information and data obtained from bibliography review, case mapping, and interviews with stakeholders and industry experts.



The online audiovisual expansion brings numerous benefits to consumers, content creators, producers, companies and the whole economy, generating a strong demand for better internet infrastructure and data.

## **Consumers:**

- Consumers can gain immediate access to content faster and easier, anywhere and anytime that Internet access is available at sufficient speeds, via various devices. Compared to the traditional channels of broadcast and cablecast, consumers have more choice and more power.
- Consumers acquire new knowledge and transform that into income (THB 53,857/year) and savings (THB 13,218/year).
- The average consumer surplus is **116 THB per person**.



## **Benefits for Content Creators (both professionals and amateurs):**

- Content creators can create, reach and expand viewership without the content industry's traditional intermediaries.
- When compared to traditional platforms, these content creators can benefit from using OTT platforms as a creative space with a reduced production cost and lower barriers to entry.
- Case studies show that OTT platforms can give content creators the opportunity to transform their hobby into a career.
- Producers that had only traditional TV as a distribution channel can now also benefit and use OTT platforms as a new distribution and revenue channel, resulting in the expansion of their viewership and allowing for a better and more personalized engagement with their existing viewers.

## **Benefits for Thailand's Economy:**

 The entire economy also benefits. By using an input-output model, and estimating the impact of OTTs on employment, OTT players in Thailand generated THB 36.8 billion in 2016, and around 29,456 job positions were created to serve the production of online content industry in 2016<sup>1</sup>.



Source: <sup>1</sup>CONC analysis based on the data from Cebr analysis, jobsDB Thailand

While the potential economic and social benefits of online VoD business models are still emerging, this study focuses on providing an overview of the flourishing Thai market and on its benefits for content creators and consumers. The report also maps the positive contribution of this market to the Thai economy.

The report also draws on international OTT regulation discussions, finding no consensus or model regulation proposed, with some countries like Singapore deciding to step back and let innovation happen before any political or legal intervention. We also find that OTT regulatory debates, research and consultations are still in early stages in most countries around the world, with the exception of Europe, which has been discussing reforms for both the video and communications sectors for the past couple of years. Within those processes, EU, by design and based on best practices, undertook ample and ongoing stakeholders' participation in debating OTT regulation.

While this study focuses predominantly on video, it should also be noted that other OTT services, such as those involved in e-commerce, payments, messaging, the sharing economy and transportation services, would not necessarily fit into any regulatory model appropriate for video or telecom. OTT services cover a wide array of services and innovations, and it is unlikely that they would adequately be regulated under one umbrella 'OTT regulation'.

Regulators should engage with industry to identify policies that will enable citizens and entrepreneurs to benefit from OTT applications, without distorting the marketplace with ineffective policies.



This study identified the core influencers for the growth of the online content industry in Thailand, finding:

- demographic change, especially on consumer behavior and producers' opportunities to produce and share content in an easy and cheap way,
- digital transition<sup>1</sup>,
- increasing availability and quality of connectivity,
- decreasing price of broadband<sup>2</sup> and,
- increasing number of smartphone users<sup>3</sup>.

These factors have encouraged consumer demand for user-controllable Internet-based content and for the development of new technology for the constantly-connected mobile viewer.

This increasing demand for online content and services provided by OTTs also increases network access and data use demands, which network operators monetize. OTTs and network access providers thus complement each other. Technology, innovation, and consumer demand will continue to drive the evolution of the online audiovisual industry and traditional broadcasting, generating an increasing demand for better infrastructure.



## **Data Estimations:**

In Thailand, we observe an increasing number of local online content creators as well as a wider variety of offers by traditional broadcasters. Traditional broadcasters have added online channels as another distribution channel for their content.

In line with global trends, Thai consumers are spending less time on TV. From 2012 to 2016, the observed decrease, with a CAGR -6.0%, was from 3.2 hours per day to 2.5 hours per day. By 2020, we forecast that the time spent on traditional audiovisual mediums (e.g. TV set) will decrease to 1.9 hours per day, with CAGR of -6.4%. This will result in 19,755 million hours of total traditional audiovisual consumption in Thailand<sup>1</sup>.

In turn, the market value of the online content industry in Thailand reached THB 10,005 million in 2016, with CAGR of 37.6% between 2012-2016. It has been forecasted that by 2020 the online sector is expected to grow to THB 16,245 million at CAGR 12.9%. The traditional sector is expected to slightly decrease to THB 68,991 million mainly due to more consumer choices and changes in behavior.

## **Survey Results:**

This study also conducted an online consumer survey of Thai users across all ages and regions to understand online content consumption behavior. Some of our observations based on this survey are: Thai users are likely to shift towards online mediums, during 2012-2016, daily time spent on online audiovisual content grew significantly with CAGR of 12.2% from 2.4 to 3.8 hours per day. We predict that the time spent online will continue to grow, with CAGR of 5.5%, and in 2020 Thai users will be online for, at least, 4.7 hours per day. This forecast will drive the total online audiovisual consumption to reach 54,695 million hours per year in 2020<sup>1</sup>.



The NBTC has concluded that since the OTT market in Thailand is young, Thailand should, for now, keep the status quo and monitor for impacts, rather than intervene in the market through regulations or other measures.<sup>1</sup>

The NBTC also concluded that while many countries are aware of the rising use and potential impact of OTT video services on traditional telcos and broadcasters, there is no universally-accepted best practice or model for regulating OTTs. The NBTC, however, points to some key recommendations for the government to consider:

- Support good and creative local content created for and distributed through OTT platforms, including a *Content Support Fund* in Thailand to foster development of local content.
- Impose on OTTs licensing with 2 levels of implementation based on OTT company maturity and competition potential with broadcasters.
- Impose content quota, maturity system and accessibility requirements.



There is a real risk that **small local content providers** would be unrealizable by requirements such as licensing and **subjected to unnecessary regulatory barriers**. This would restrict local Thai providers from being able to compete and have their content distributed globally. **And deny Thailand and its citizens the very many social**, **cultural and economic benefits that arise from supporting local emerging artists and Thailand's creative sectors**.

The **adverseness on the industry and overall economy in Thailand should not be underestimated**. For example, economic modeling in a variety of industries has shown that licensing requirements especially on new and innovative services can significantly delay launch of new services.

At the very least platforms that do not exercise editorial control over the content in question should be out of scope. There should also be a distinction between TV like content vs other content, and user-generated-content (UGC) should clearly be out of scope.

Rather than jumping in and imposing overly broad and potentially counterproductive regulations. It may in the interest of any government to step back and carefully evaluate the benefits of online video services, and the potential costs of regulation.



We believe that a competitive online video ecosystem should provide local and global businesses opportunity to innovate as opposed to being restricted by prescriptive rules. Lower restriction should promote content creation, expansion of the local media industry and subsequently strengthen the position of Thailand as a regional and global hub for creative content creation.

Based on our findings, and on the early stage of the OTT Video market in Thailand, we make the following recommendations that focus on how the government can step-in to create an environment that generates economic growth and benefits Thai society.

**1. Treat digital literacy as a foundational issue:** Government and private sector should work together to promote digital literacy as targeted support scheme.

1.1. Digital literacy, including digital security, acts as a strong foundation to help the public make their own judgement and selection of content, supporting better decisions in regard to inappropriate content.

1.2. Specific digital literacy programs can also provide professional training in support of a new generation of talents and content creators.

**2. Support investment and partnerships:** Government should create incentives for both foreign and local investors to partner with local creators. It should also establish government supporting system to promote creative content production in Thailand . In particular it can further expand DEPA supporting funds that currently provide financial support for new and existing players in the creative content business. All of these aim to create high-paid local jobs and expand the Thai media industry. This would subsequently contribute towards increasing the overall competitiveness of the country.

**3. Allow self-regulation.** Self-regulation has proven itself an effective way to address emerging challenges in fast moving industries. The self regulation body should be represented by key stakeholders in a public-private partnership manner.

**4**. **Adopt a reactive as opposed to proactive approach:** Introduce regulations and amend laws only when required to tackle a specific problem that cannot otherwise be solved by self-regulation, rather than predicting the rules to address an issue which may not have come fully into focus yet. This is especially when technology has not fully developed.

**5. Review and simplify:** Review the current regulations applied to broadcasters and cable broadcasters based on a rule-byrule analysis and forgo or level down regulations that are not justifiable due to technology and market changes as well as the needed flexibility that these traditional business require to catch-up and innovate.

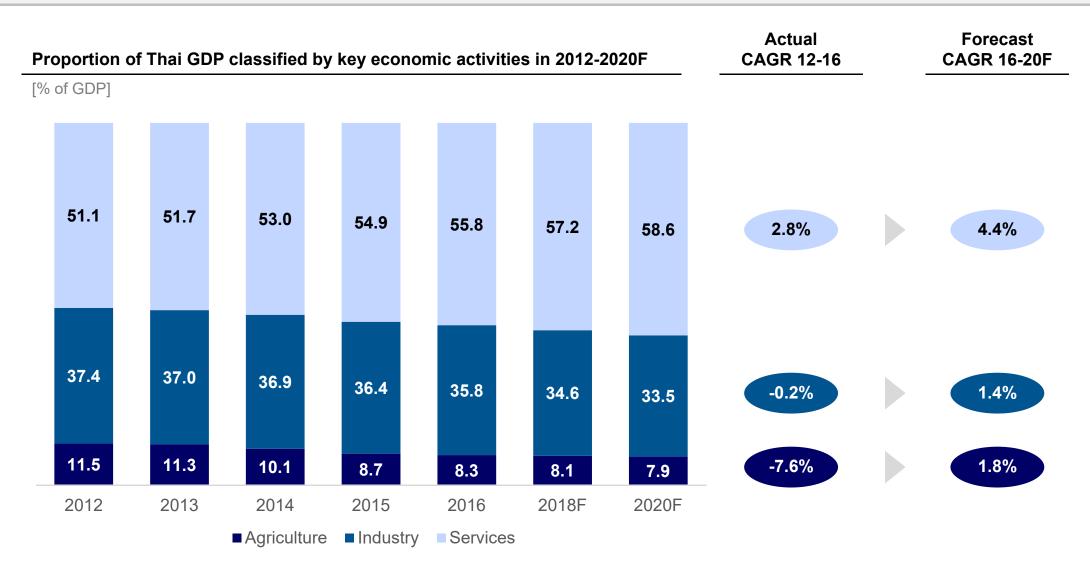
6. Engage in dialogue: Existing regulatory bodies such as NBTC should better discuss and engage with the industry and stakeholders in order to generate appropriate informal and formal response to fast-changing industrial landscape.



## Thailand economy



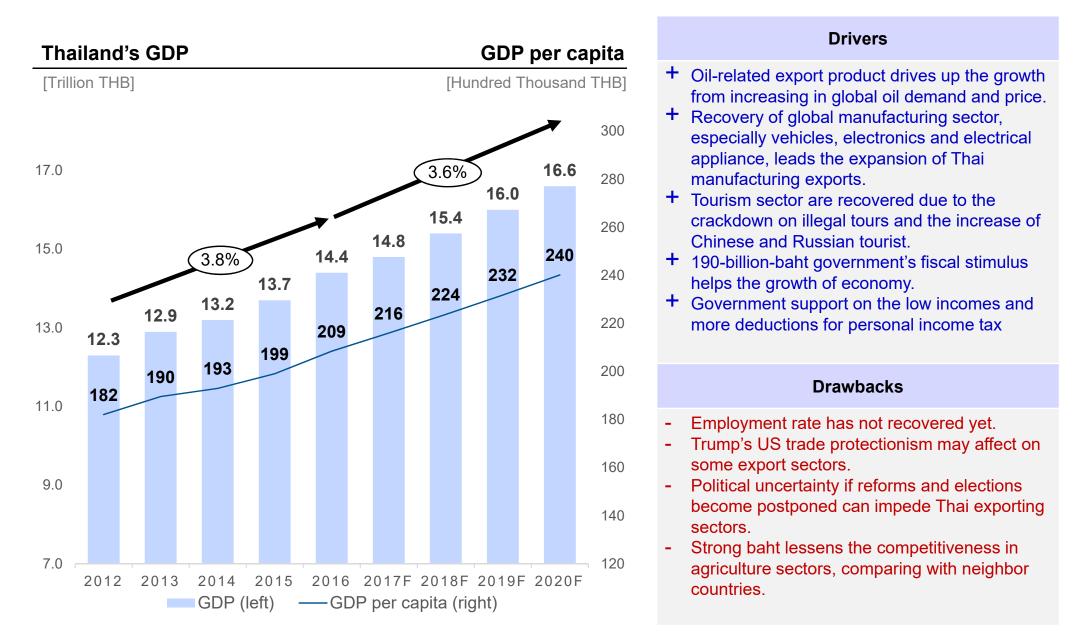
## Thailand's GDP is composed of three key activities, which are agriculture, industry, and service sector. Service sector dominates more than half of Thai GDP.



## Service sector had the fastest growth from 2012 to 2016 and is forecasted to grow CAGR 4.4% in the next five years.

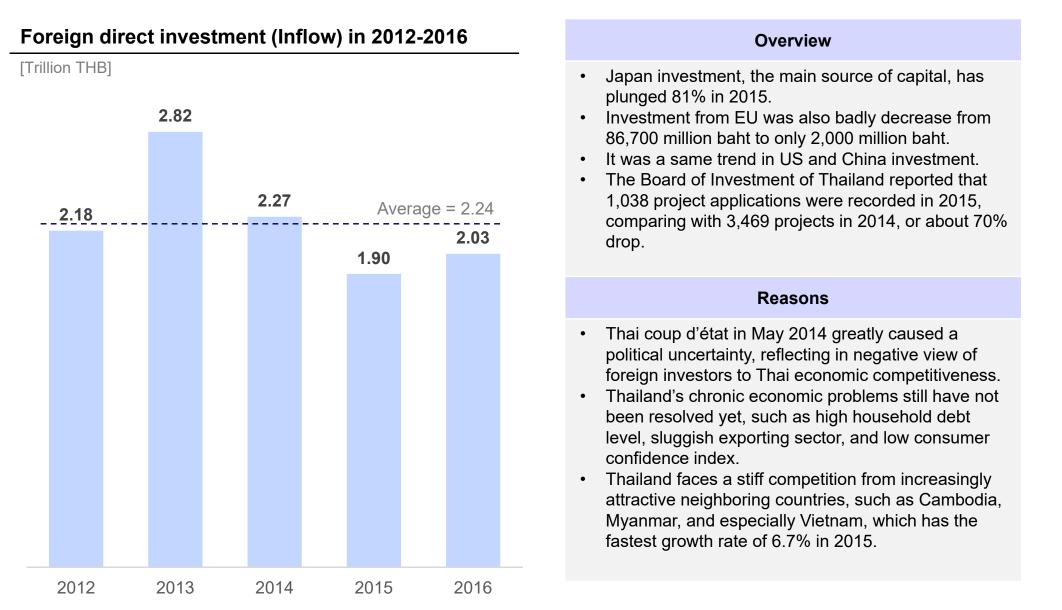


## EIC forecasts the growth of GDP to be 3.6% due to the increase in private consumption, public investment, and expand in manufacturing and tourist sector.



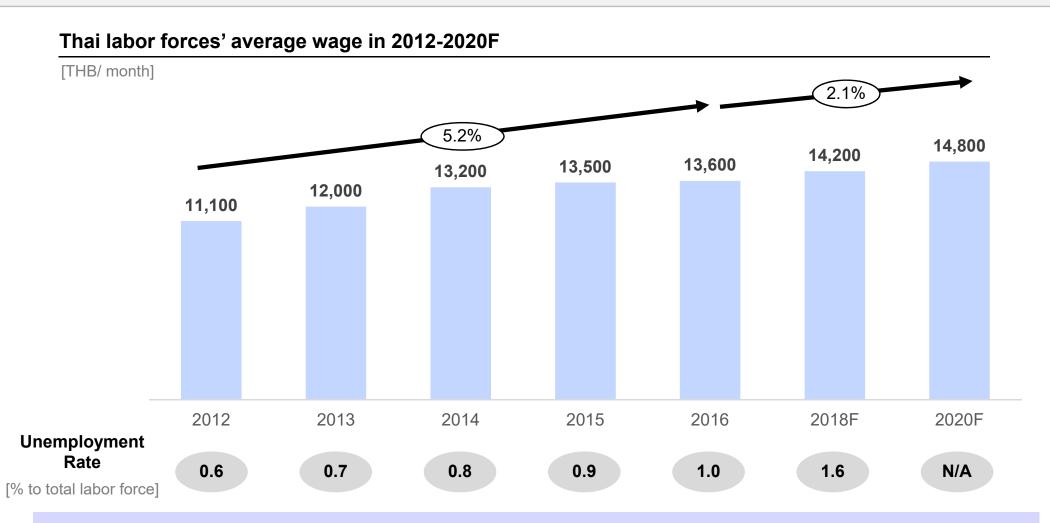


# In 2016, the inflow of foreign direct investment (FDI) dropped below the last five years' average due to political instability, economic problems, and neighboring countries attractiveness.





Despite the average wage of Thai labor forces has been increasing over the time, the rate of unemployment is climbing up as well because of low investment and lack of necessary skills, especially in technology.



Lack of investment in the country leads to the shortage of new job opportunities. In addition, most of new graduates lack skills that are necessary to meet the demand of industry. With the coming of robotic age, 72% of job in the country is in risk of being replaced by robots.



## Based on the Inclusive Internet Index, Thailand ranked 31<sup>st</sup> out of 86 countries globally and also is in the top third of both Asian and upper-middle-income nations.

## **Overall rankings in 2017**

Rank	Country
1 <sup>st</sup>	Sweden
2 <sup>nd</sup>	Singapore
3 <sup>rd</sup>	United States
4 <sup>th</sup>	Denmark
5 <sup>th</sup>	South Korea
28 <sup>th</sup>	Malaysia
29 <sup>th</sup>	Argentina
30 <sup>th</sup>	Estonia
31 <sup>st</sup>	Thailand
32 <sup>nd</sup>	Brazil
33 <sup>rd</sup>	Colombia

### How the rankings work

The overall Index score based on the scores of the Availability, Affordability, Relevance, and Readiness categories.



#### Availability

This category examines the quality and breath of available infrastructure required for access and levels of Internet usage.



### Affordability

This category examines the cost of access relative to income and the level of competition in the Internet marketplace.



### Relevance

This category examines the existence and extent of local language content and relevant content.



### Readiness

This category examines the capacity to access the Internet, including skills, cultural acceptance, and supporting policy.



## Thailand is connected; however, the connectivity needs relevance, especially the local content, which ranks at 76<sup>th</sup> out of 86 countries.

	Score (Out of 100)	Ranking (Out of 86)			
Overall	77.8	31 <sup>st</sup>			
<b>Availability</b>	74.5	27 <sup>th</sup>			
Affordability	84.6	26 <sup>th</sup>			
Relevance	75.2	49 <sup>th</sup>			
Readiness	75.2	26 <sup>th</sup>			

Thailand score and rankings in 4 aspects

### Thailand's relevance index



Relevance

This category examines the existence and extent of local language content and relevant content.

#### **Local Content**

Rank: 76<sup>th</sup> - (71.4/100)

Local content measures the availability of the Internet content in the local language(s).

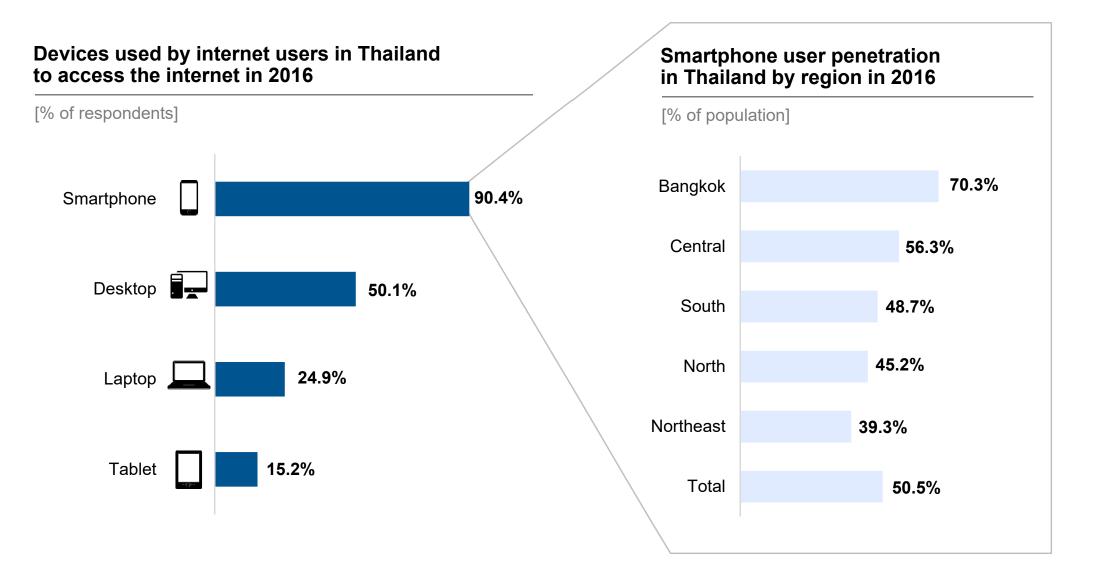
### **Relevant Content**

Rank: 23<sup>th</sup> – (79/100)

Relevant content measure the availability of news, finance, health entertainment and business information. While the definition of "relevant" can vary, these types of content are common, "e-Content" refers to electronics or mobile content



## More than 90% of internet users in Thailand use smartphone to access internet. However, the device is prevalent only in Bangkok, the country's capital.





## Section 1 Global overview of online audiovisual industry

This section includes global media trends, consumption behaviors, development phase of global online broadcasting industry, OTT business model, definition of OTT for the scope of this study and categories of audiovisual OTT

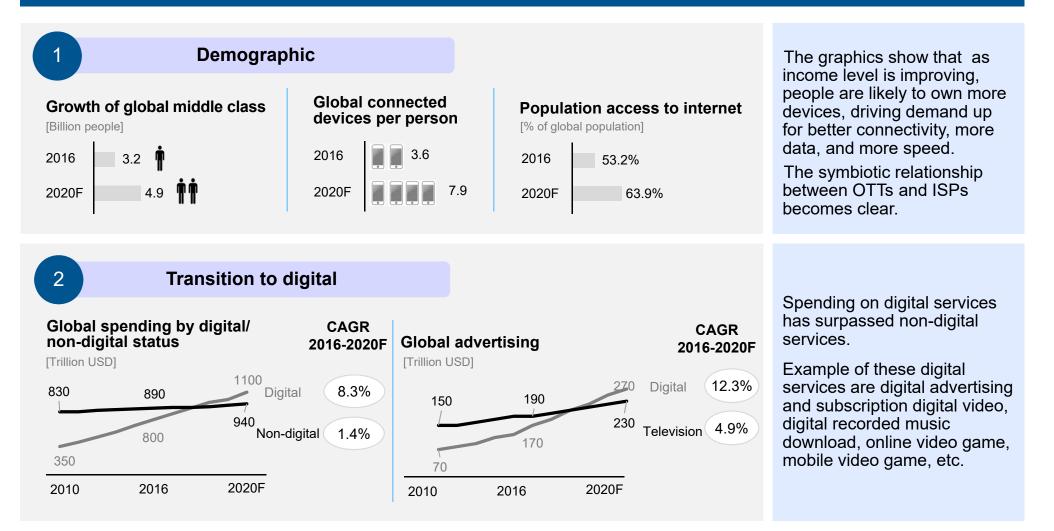
Section 2 Online audiovisual industry in Thailand

Section 3 Domestic regulation and international practices

Section 4 Recommendation

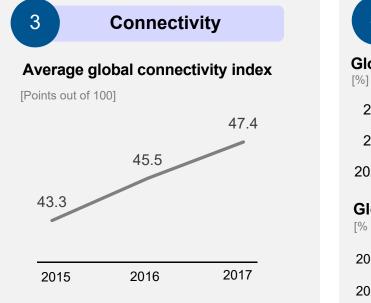


The growth of global online content industry is driven by 5 main factors: demographic change, digital transition, increasing availability and quality of connectivity, decreasing price of broadband and, increasing number of smartphone users.

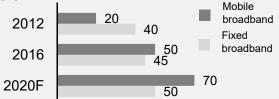




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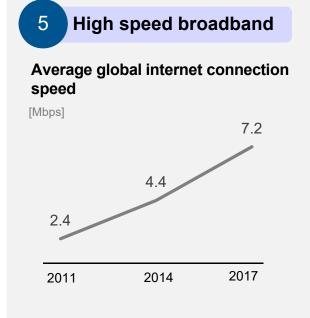


## 4 Ascendancy of Mobile Global broadband penetration



#### Global mobile data traffic



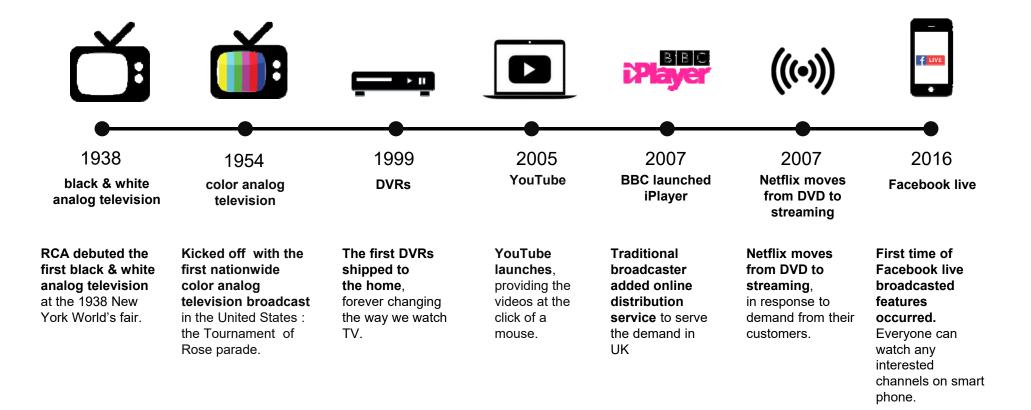


The Global Connectivity Index, created by Huawei in 2014, aims at analyzing a broad spectrum of indicators for Smart infrastructure and digital transformation in 50 countries, accounting for 90% of global GDP. The GCI measures 40 indicators in 4 pillars; Supply, Demand, Experience and Potential. Mobile broadband has surpassed fixed broadband in terms of global penetration as the number of smartphone has rocketed up. Majority of data traffic is used for online video streaming. There is a significant development in the average speed of internet broadband due to new technology, which helps consumer access to online content faster and more convenient.

Note: <sup>1</sup> Others include Web, data and VoIP, Audio streaming ,and File sharing.

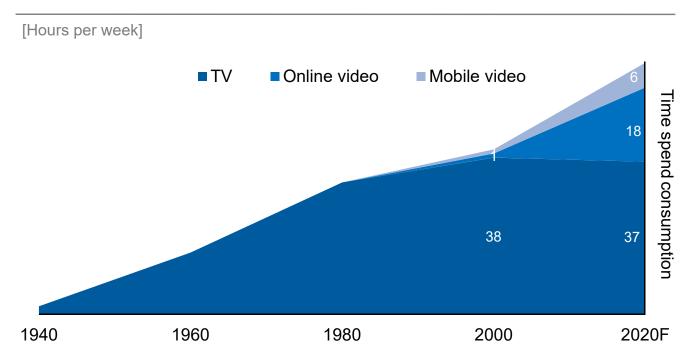
Source: CONC analysis based on the data from Brookings, GlobalWebIndex, McKensey & Company, Statista, Huawei

## Transition to Digital: Development phase of global online broadcasting industry





## Transition to Digital: New consumption behaviors in media industry

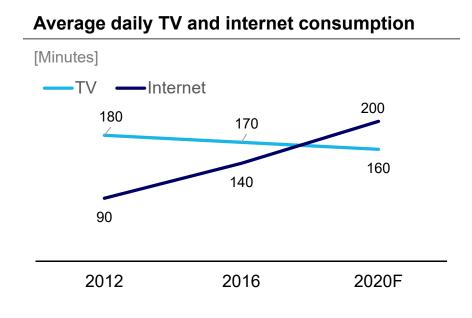


#### Global video consumption

### Consumer in the center: mobility and control

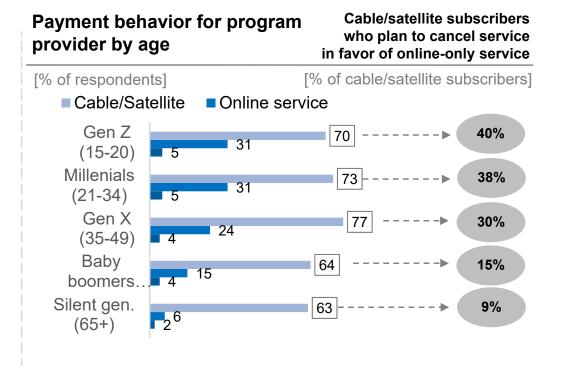
While traditional TV watch time is still higher, it is expected that people will spend more time watching content via portable devices. And there will be a significantly increase in time spending on online video and mobile video since these two channels provide consumer more choices of content and time-space watching opportunities than traditional TV.





People are spending more and more time engaging with and watching content online. Another observed phenomena is that more and more people are "cutting the cord", and canceling their expensive cable subscription.

In some countries, consumers are still plugged into business with big payed TV providers, but are only paying for broadband rather than the "triple play" combo with landline, cable, and Internet bundled.

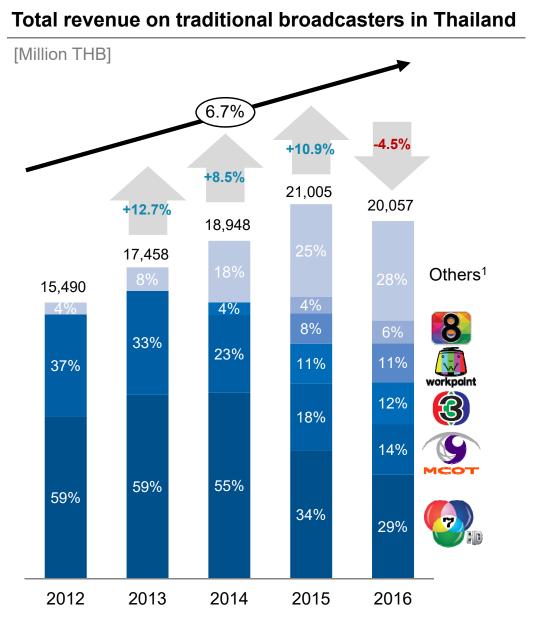


Currently spending on traditional pay TV is higher than online pay TV. However when analyze in detail, respondents from Gen Z and Millennial generation are planning to cancel their traditional pay TV subscription in favor of maintaining only online pay TV subscription.

The change in behavior of new generation might eventually result in online pay TV overtaking the traditional one.



## Key traditional players' revenue proportions have been decreasing in Thailand since 2014.

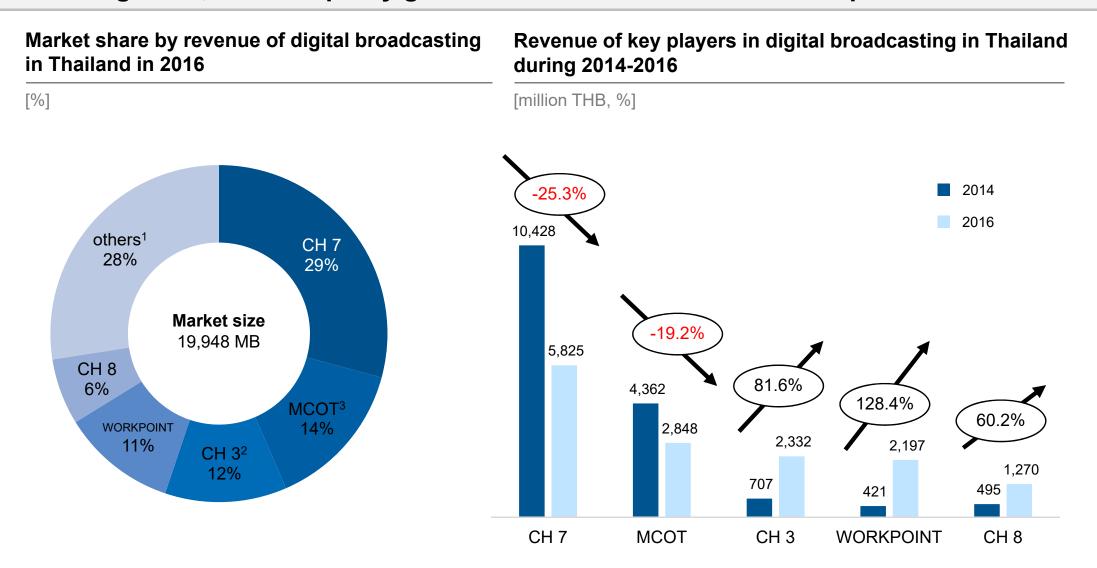


## **Drivers** + Thai people who have television which is about 22 million households can freely access with digital TV in low cost. + Traditional TV is remaining the main medium for brand advertising for mass market. **Drawbacks** Cost: The NBTC provided DTTV<sup>2</sup> license via auction with very high license cost. The auctions generated a total of THB 50.9 billion with winning bids averaging 2.3 times of the starting price. Production of traditional TV is expensive in every step of value chain, especially in broadcasting Consumer behavior gradually changed to watch online medias by their mobile devices, so do the advertising has changed to spread online which is another potential channel. Note: <sup>1</sup> Others include MONO29, True 4u, GMM25, Thairath TV, GMM ONE, TNN24, Bright TV, Nation TV, PPTV HD, Amarin, Spring News, NOW, Voice TV, and New TV. Note: <sup>2</sup> DDTV was first launched by the respond of NBTC in 2014.



Source: CONC analysis based on the data from Department of Business Development, Ministry of Commerce

Although CH7 has the most market share of digital broadcasting industry in 2016 in term of revenue, its CAGR has declined continuously. However, Workpoint has a strong revenue growth, which is partly generated from its contents on OTT platforms.



Note: 1 Others include MONO29, true4U, GMM25, Thairath TV, one31, TNN24, Bright TV, Nation, PPTV, Amarin 34HD, Spring NEWS, NOW26, VOICE TV and NEW TV. 2 CH 3 includes CH3 Family, 3 SD, and 3 HD. 3 MCOT includes MCOT HD and MCOT Family.

Source: CONC analysis based on the data from Department of Business Development, Ministry of Commerce

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## There are currently 26 channels are competing in digital TV industry in 2017.



Note: Data as of October 20, 2017

14 channels of public TV did not have to be auction.

Source: CONC analysis based on the data from NBTC



### **OTT Business Models**

- OTT's business models develop at a fast pace and change the traditional revenue split.
  - Advertisement is the main revenue source of many OTTs.
  - Paid subscriptions start to work for larger customer base OTTs.
  - Freemium apps have thrived as an innovative monetization strategy.
  - Cloud storage as an add-on service has ramped profitability.
  - Business intelligence is the most powerful tool of content distributors.
  - Best-effort free services surpass traditional revenues.
  - Online service as a part of traditional broadcaster such as BBC iPlayer or HBO Now
- Flexibility and innovation are the only way operators can monetize on future opportunities.



While studies have identified over 139 RIAs/OTTs (WIK, 2017) as some of the most frequently used, some key apps in millions of visitors are:

29

## Global key communications OTT (RIAs) players in 2016

 900

 800

 800

 610

 600

 600

 560

 300

#### [Millions of visitors/users/subscribers]

### Global key audiovisual OTT players in 2016

[Millions of visitors/users/subscribers]

Video services

You Tube		1000			
YOUKU	256				
ও	200				
NETFLIX	65				
Audio services					
SiriusXIII	23				
8	20				
<b>€</b> MUSIC	11				
<b>Jacobi Prezion</b>	6				



## By content

#### Mass content

- Content in the interest of public
- Available in the dominant or foreign language with subtitle
- e.g. movie

#### Niche content

- Content produced to serve a specific group of audiences
- e.g. cooking shows, cartoon

### User generated content

 Content produced by independent users in the video sharing platforms

## By provider

#### Independent provider

• Established by providers who are not related to existing provider



#### Content provider

 Established by movie or TV producers



#### Free TV provider

- Established by Free TV
   broadcasters
- For an alternative distribution channel



## Established as an add-on feature to existing satellite, cable and IPTV customers Sing: Conversions

#### Telco provider

Pay TV provider

• Established for the benefit from utilizing their network and subscriber base



### **Collaborated provider**

hulu

• Established by collaboration between existing providers

Toggle

## By business model

#### AVod

- Advertising-based VOD
- OTT providers with revenues from advertising.



#### SVoD

- Subscription VOD
- OTT providers that charge a membership fee.





# Section 1 Global and regional overview of Online audiovisual industry

## Section 2 Online audiovisual industry in Thailand

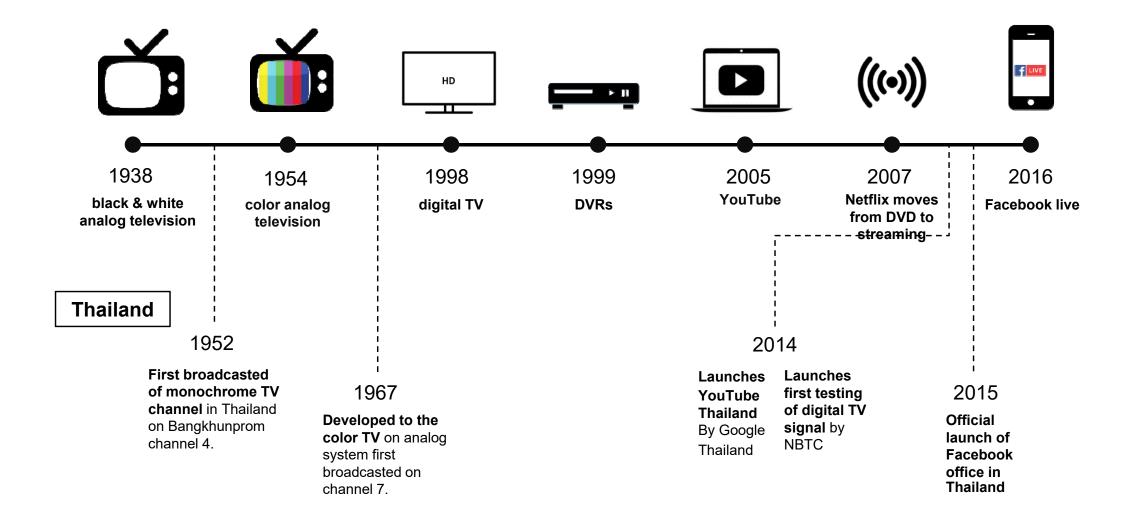
This section covers the characteristics of the national online audiovisual market, in both the production and consumption sides. It also points to the benefit of this market to the Thai consumers. It brings comparison data w/r/t traditional broadcasting channels and TV digital channels.

Section 3 Domestic regulation and international practices

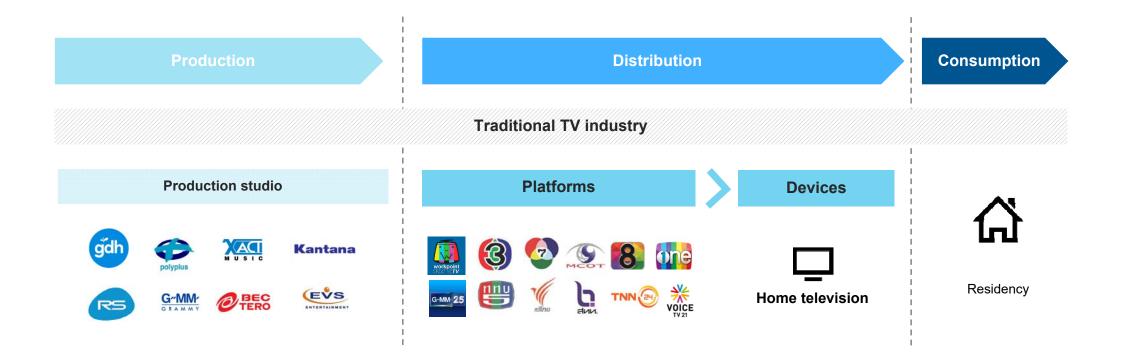
Section 4 Recommendation



## **Development phases of broadcasting industry in Thailand**





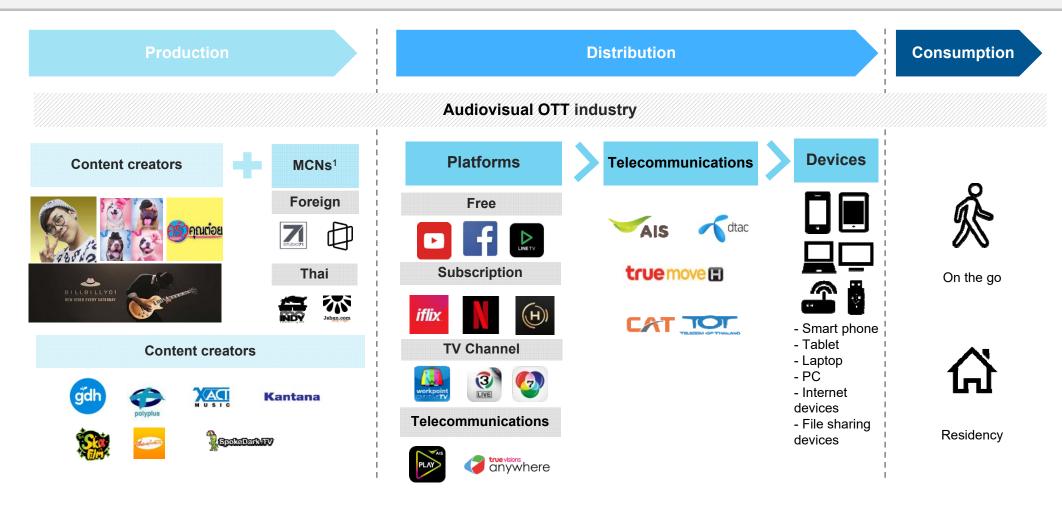


Content is created locally or imported by studio/production houses that distribute it to broadcasters (traditional TV platforms). The local broadcasters deliver content to the consumer's home TV through cable or satellite technology.

The content is consumed at home, offering lower choice of content, time and place to viewer.



## **Online Content Value Chain in Thailand**

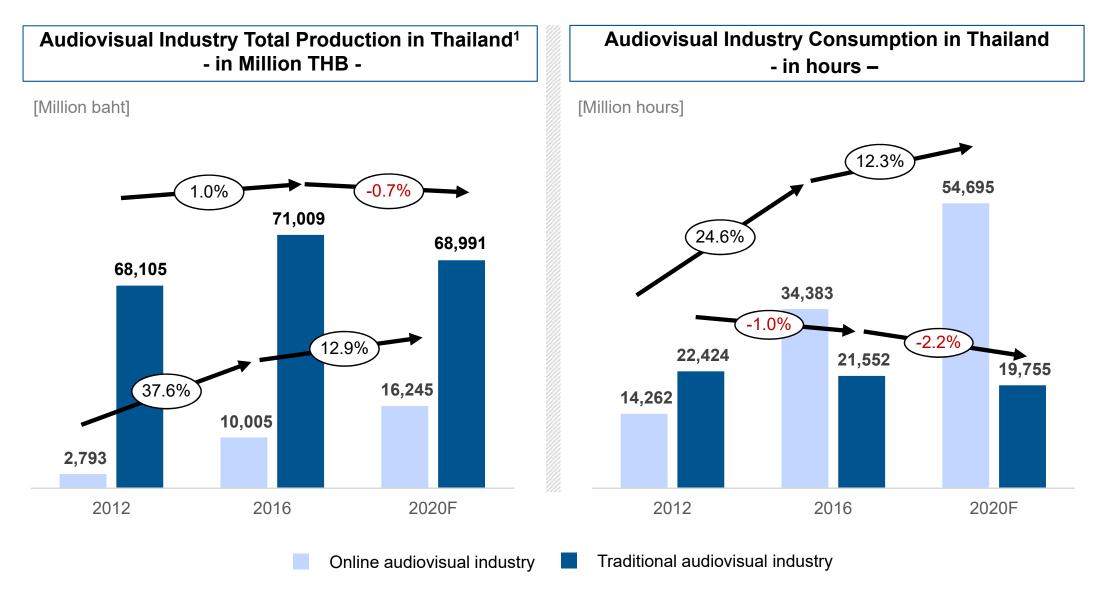


Content is created by studio/production houses or individual creators (amateurs or professionals), who directly distribute to consumers through online platforms. Creators can work individually or with a platform partner, called MCNs. Consumers can access the content using any device connected to the internet (via, e.g., data, broadband, etc.), with control w/r/t time, place, and on-demand content.

Note: <sup>1</sup>MCNs stand for Multi-Channel Networks.

Source: CONC analysis based on the data from Time Consulting, industry experts interview

## Historical data and growth of online vs traditional audiovisual industry in terms of production and consumption.

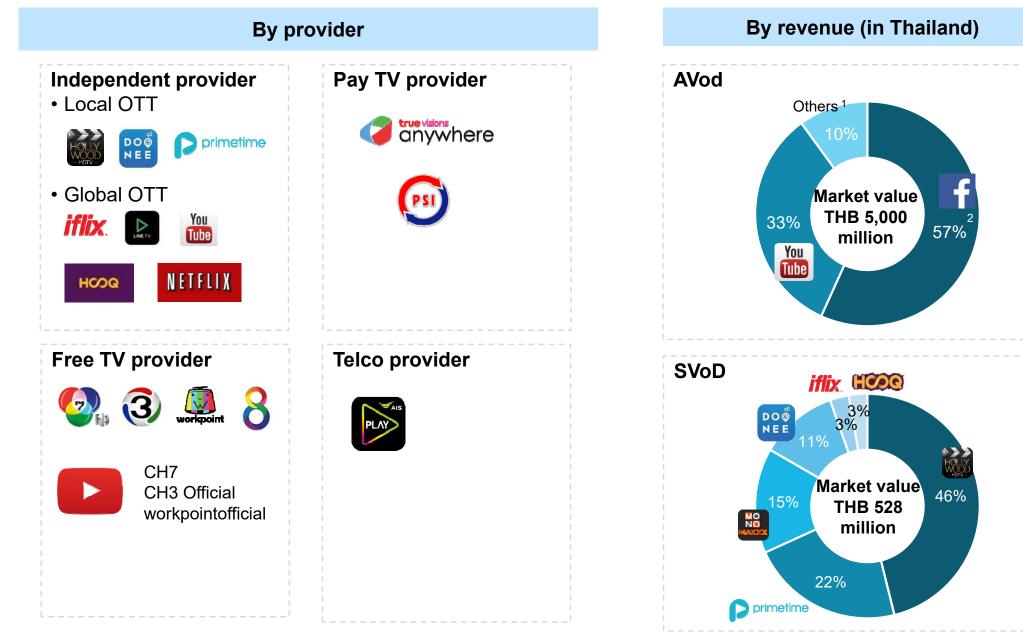


Note: <sup>1</sup> Industry's total production is represented by the total size of SVoD and AVoD market

Source: CONC analysis based on the data from DAAT and online consumer survey (n=409)

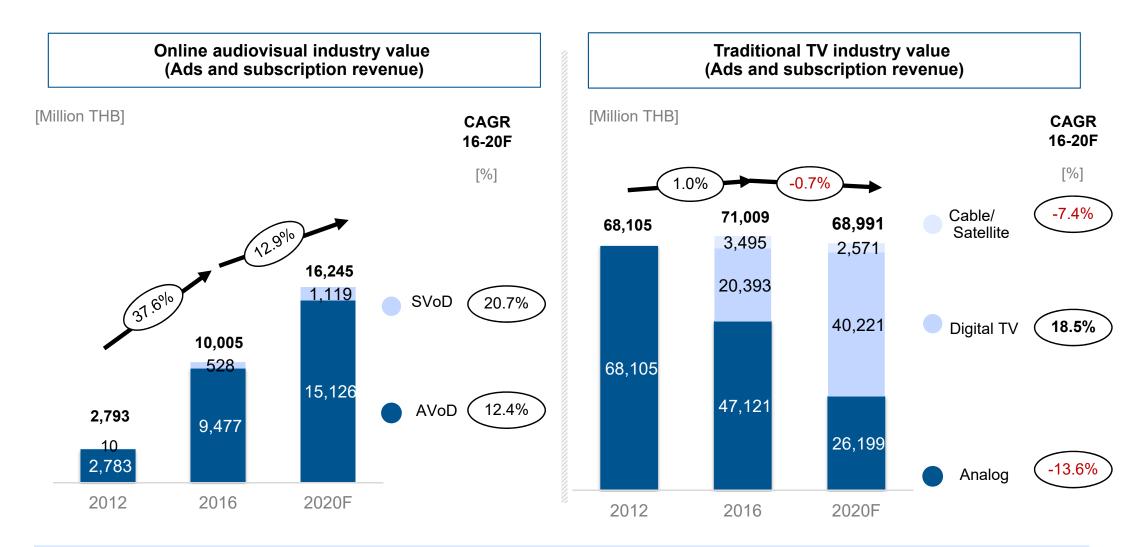
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## **OTT Audiovisual Players in Thailand**



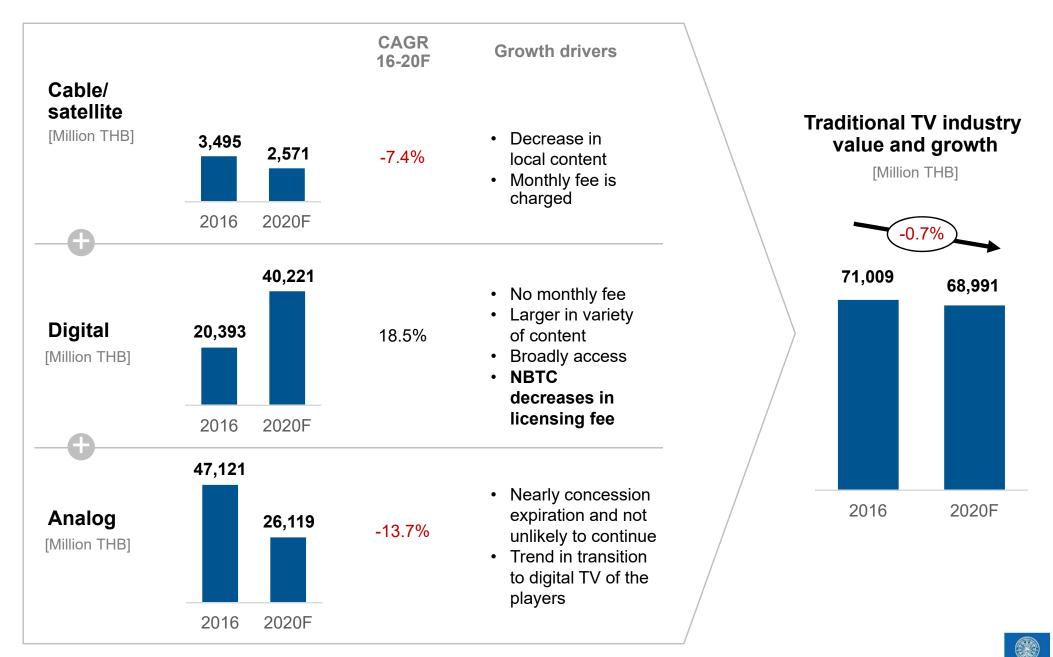
Note: <sup>1</sup>Others includes CH3, Workpoint, Line TV, etc.. <sup>2</sup>The revenue of FB is total revenue. It is not specified as ads in the videos.

#### Online Ads Market Vs. TV Ads. Market: Online shows rapid growth.



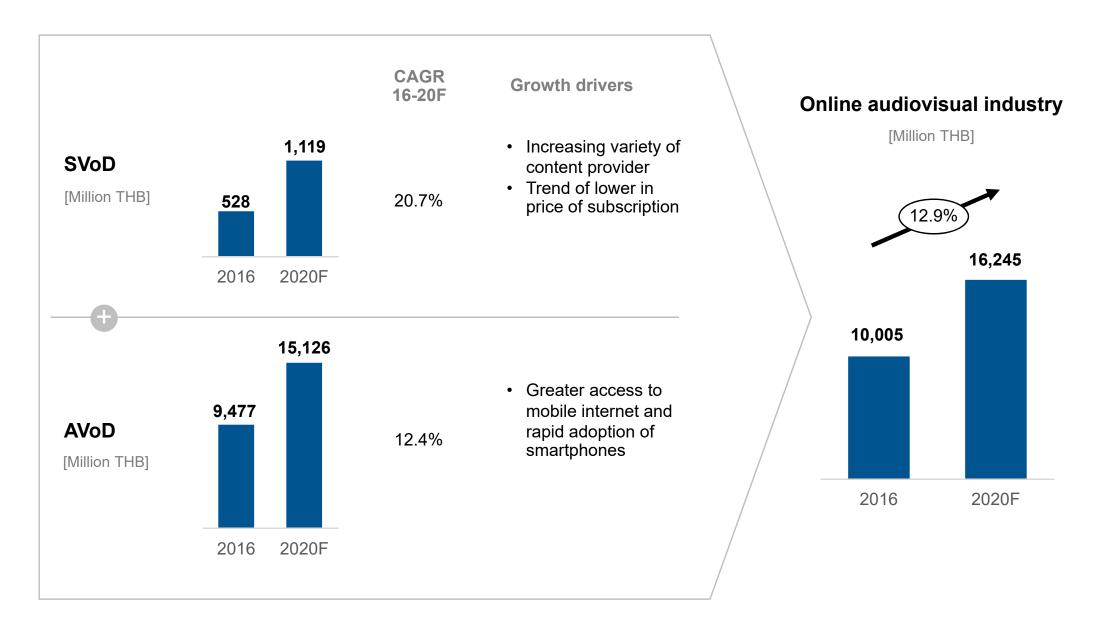
In 2012-2016, online advertising spending grew significantly with CAGR of 37.7%. In 2016-2020F, the trend will continue with online ads market presenting positive growth and traditional broadcasting/cablecasting ads spending presenting negative growth. Ads dollars are decreasing on the TV set, but increasing in digital TV.

#### Traditional TV Ads Market in Thailand: growth drivers



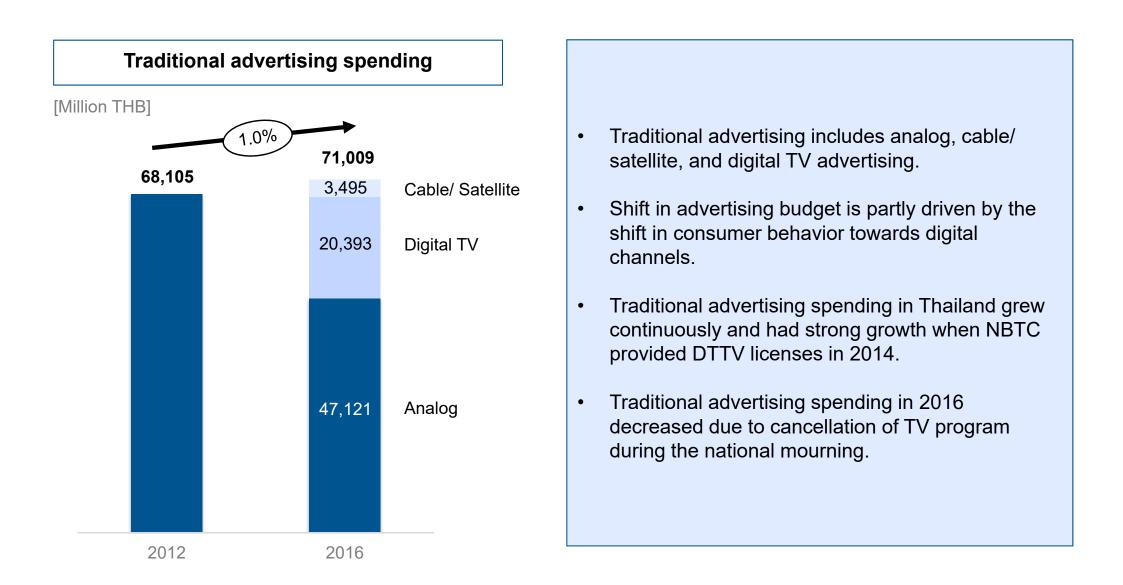
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#### **Online Ads Market in Thailand: growth drivers**



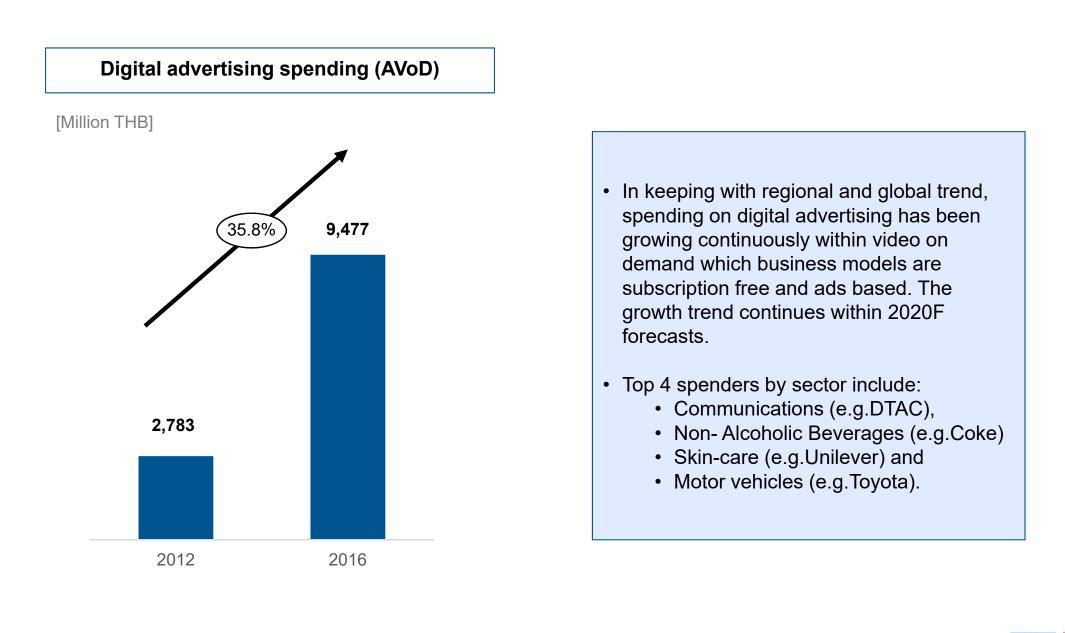


# Ads spending on traditional TV channels is diversifying, with positive growth on Ads spending on Digital TV.

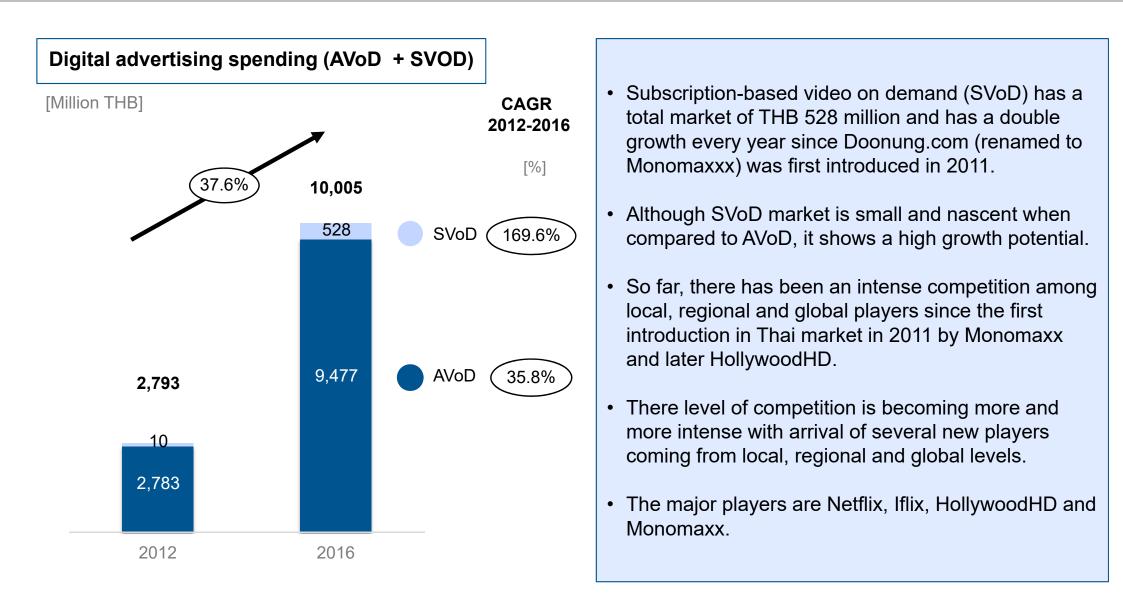


Note: Traditional advertising spending of digital TV and cable/ satellite are available from 2014 onwards. Source: CONC analysis based on the data from DAAT, eMarketer, The Nation



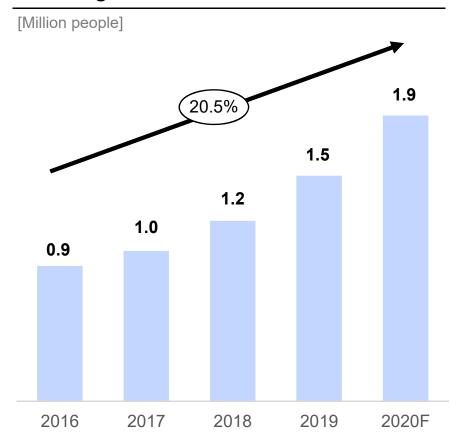




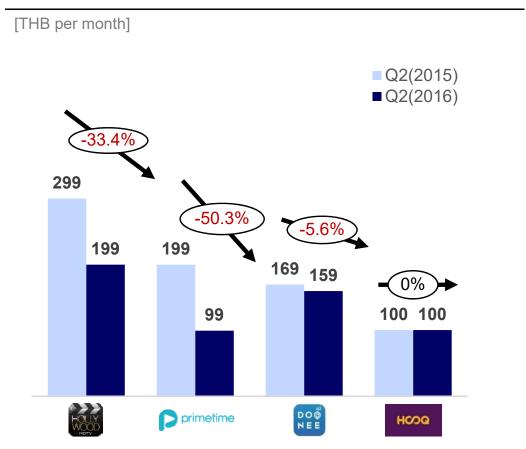


# SVoD: 1.9 million active subscribers by 2020F (20.5% CAGR) due to the growing of content variety and lower service fee

### Forecast of the number of active user in SVoD segment in Thailand

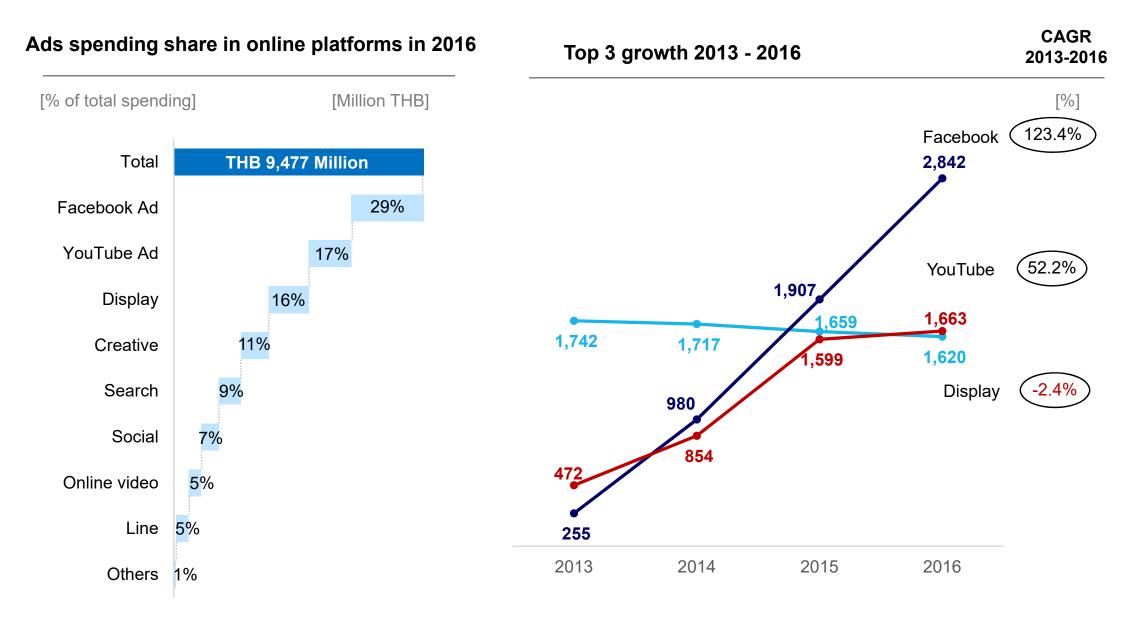


## Price trend in SVoD segment of key players in Thailand



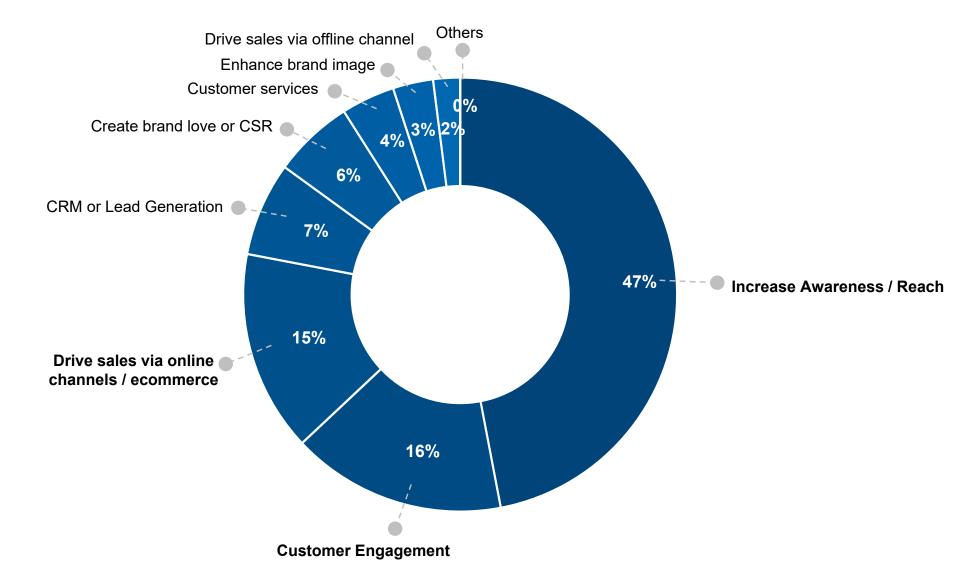


# Where \$\$ is spent online: Facebook Ad, YouTube Ad, and Display account for 62% in 2016



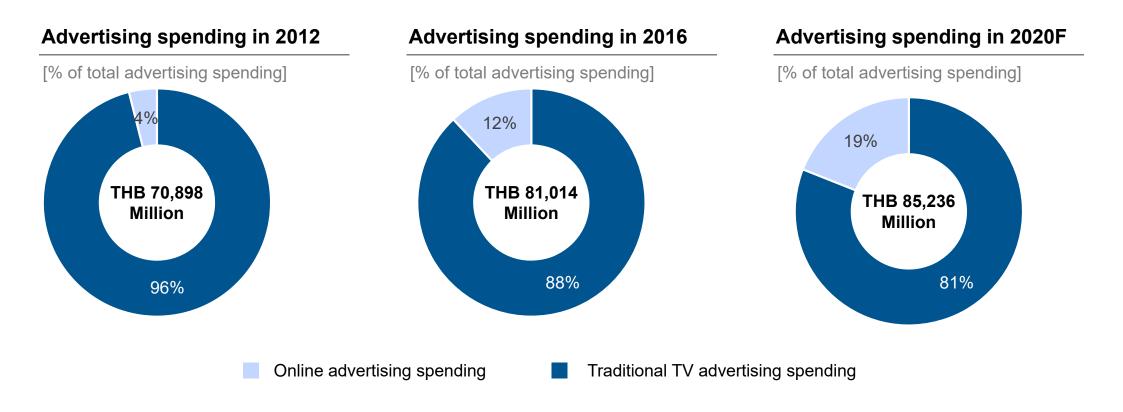


#### Advertisers core goals with online Ads in Thailand in 2016





# Summary: Online Ads Market Vs. TV Ads. Market: Ads spending on traditional broadcasting channels still is 4 times bigger.



Even though online advertising industry has a rapid expected growth during 2012-2020F, the proportion of online advertising spending is still small when compared to advertising spending in TV broadcasters.

Various "growth drivers" explain the evolution above.

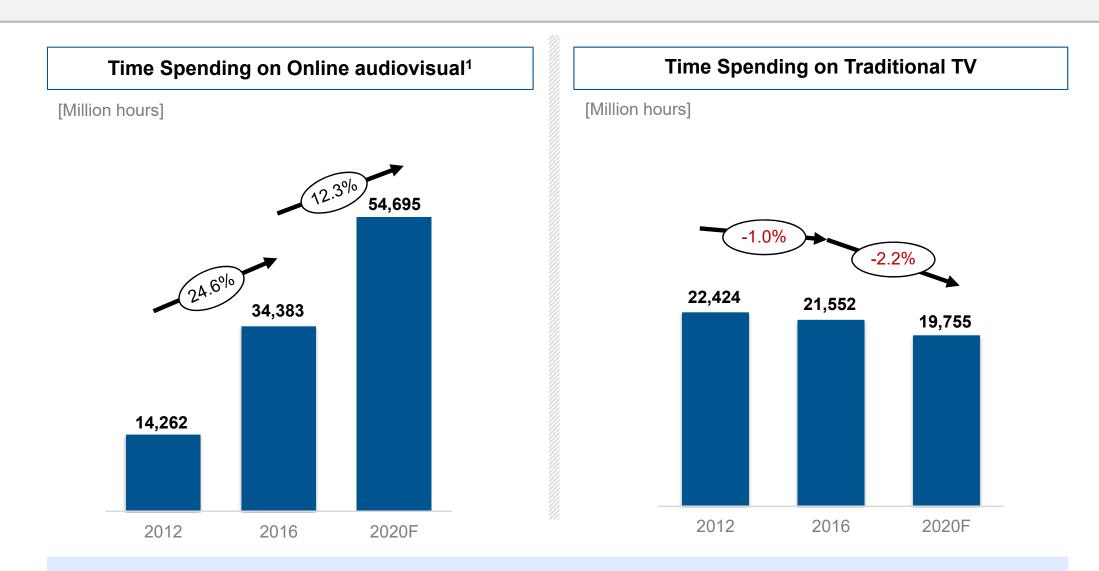


#### Section 2 Online audiovisual industry in Thailand

Consumption



#### **Viewership habits in Thailand**



In 2012-2016, online audiovisual industry grew significantly with CAGR of 24.6% and will grow continuously with CAGR of 12.3% in 2016-2020F. But traditional TV industry had negative growth with CAGR of -1.0% in 2012-2016 and will drop -2.2% annually during 2016-2020F.

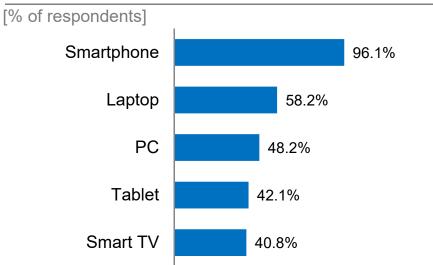
Note: <sup>1</sup> Including watching online content on SVoD (eg. Netflix) and AVoD (eg. Youtube)

Source: CONC analysis based on the data from online consumer survey (n=409)

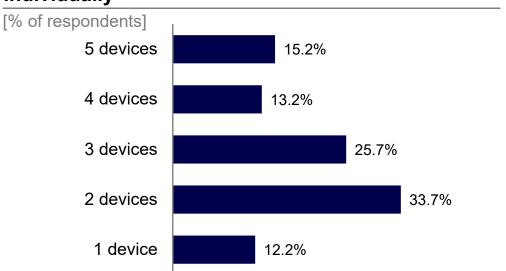


Average time spending on online audiovisual of respondents is 3.8 hours per day, and most used device is smartphone. In addition, most of consumers own more than one connected device.

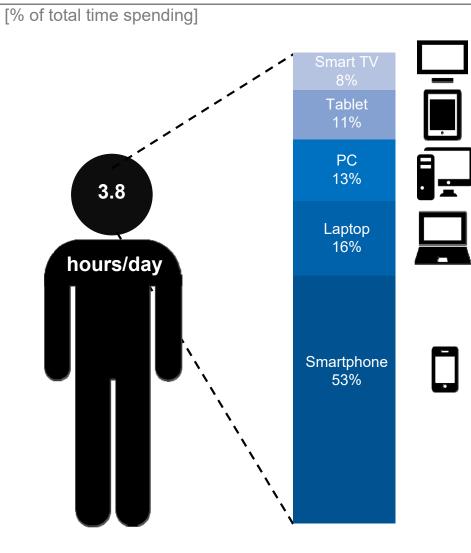
## Type of devices used to watch online audiovisual by respondents



## The number of devices used by respondents individually



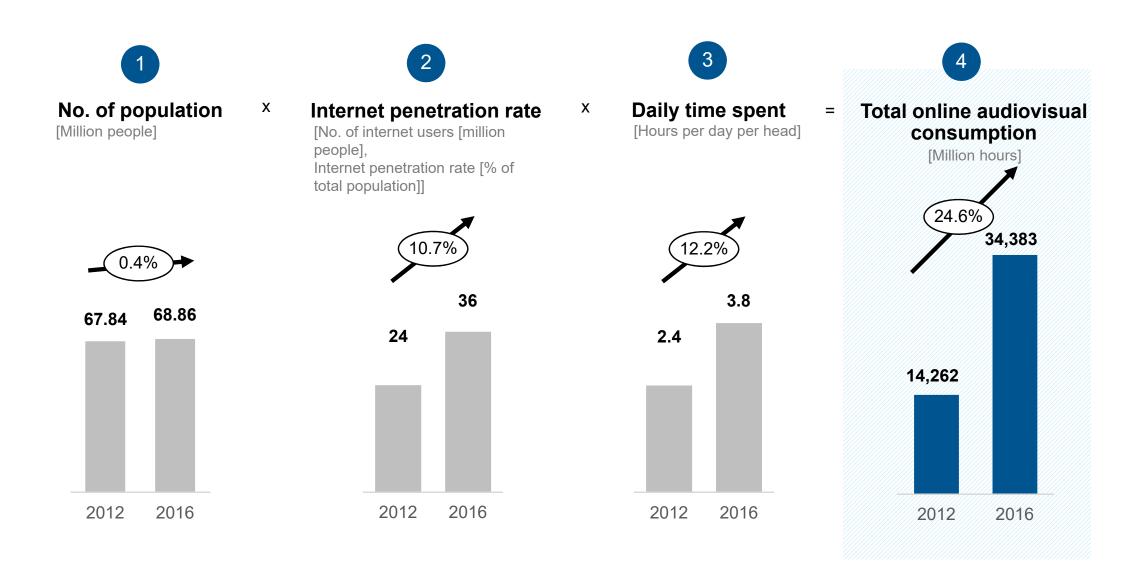
#### The average time spent on audiovisual OTT per day and average time spent on each device by respondents





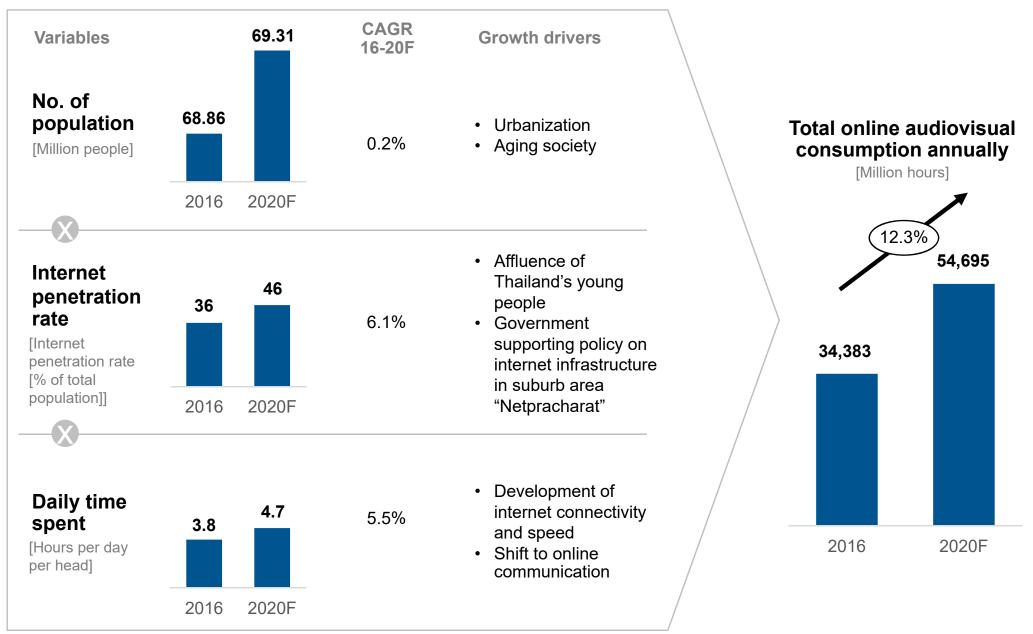
Source: CONC analysis based on the data from online consumer survey (n=409)

Total online audiovisual consumption in Thailand had a rapid growth in 2012-2016 with CAGR of 24.6% which was largely a result of increasing Internet penetration rate and time spent daily.





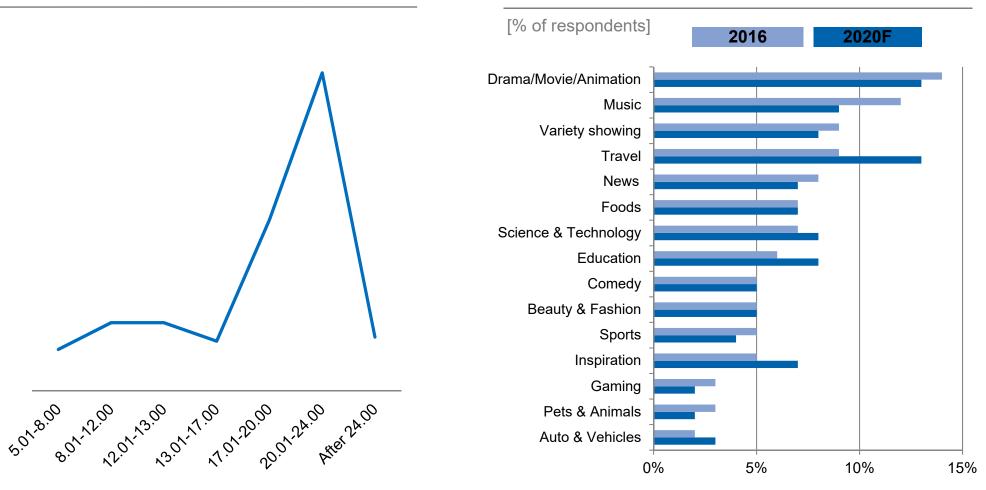
Online audiovisual consumption in Thailand is expected to grow with CAGR 12.3% in 2016-2020F which will be mainly impacted by increasing in the internet penetration rate and daily time spent.





#### Viewership habits in Thailand

Period of time watching online audiovisual in 2016 by Thai people

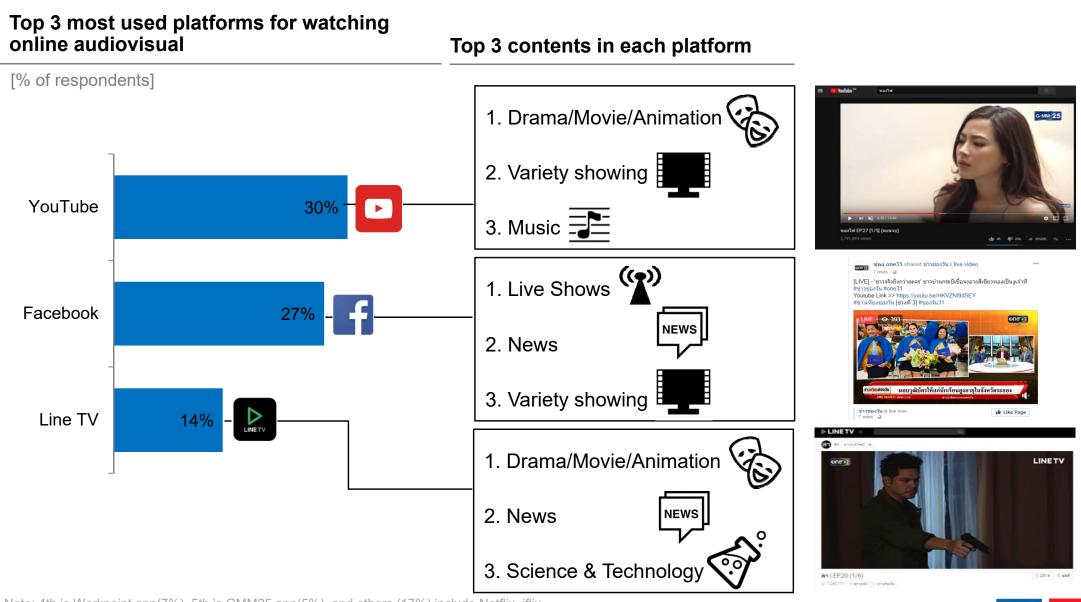


Contents consumed in 2016 and trend in the future

Most of respondents watch online audiovisual during 17.01-20.00 and 20.01-24.00 Hrs. which are after work, and before bedtime. The most viewed contents are drama/movie/ animation, music, variety showing, travel and the trend is increasing continually.



According to the survey, the most used online audiovisual platforms are YouTube, Facebook and Line TV. From these three platforms, the most viewed contents are drama/movie/animation. This is because majority of Thais watch online audiovisual for entertainment.



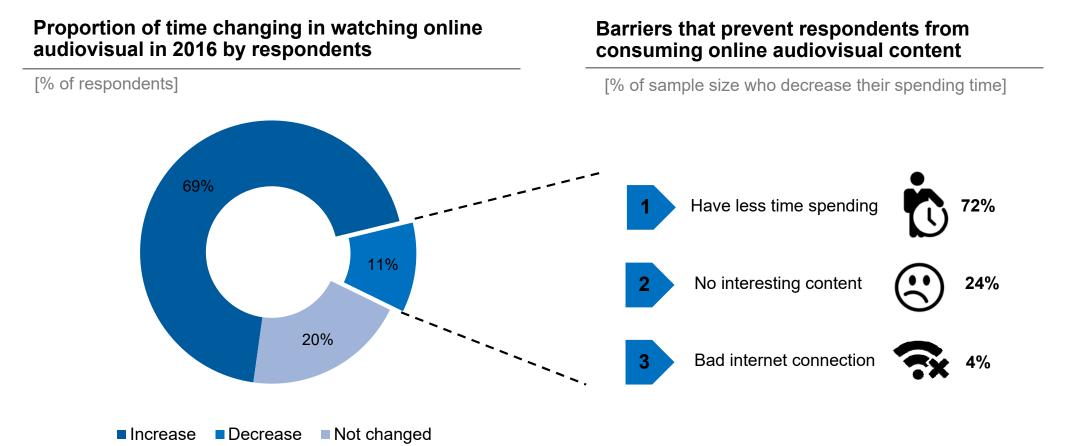
Note: 4th is Workpoint app(7%), 5th is GMM25 app(5%), and others (17%) include Netflix, iflix, PrimeTime, Hollywood HDTV, Ch3 app, Ch7 app, Kantana app, AIS play, and Truevision Anywhere.

Source: CONC analysis based on the data from online consumer survey (n=409)

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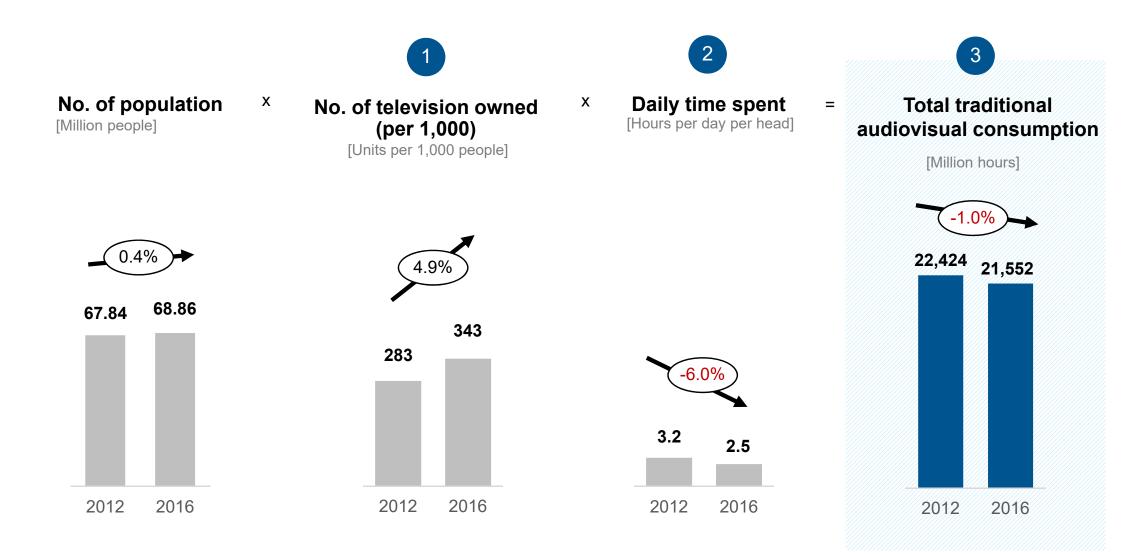
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There are only 11% who spent less time on online audiovisual in 2016. The main barriers are less available time spending, no interesting contents and bad internet connection (4%). However, 69% of respondents have spent more time watching online audiovisual.



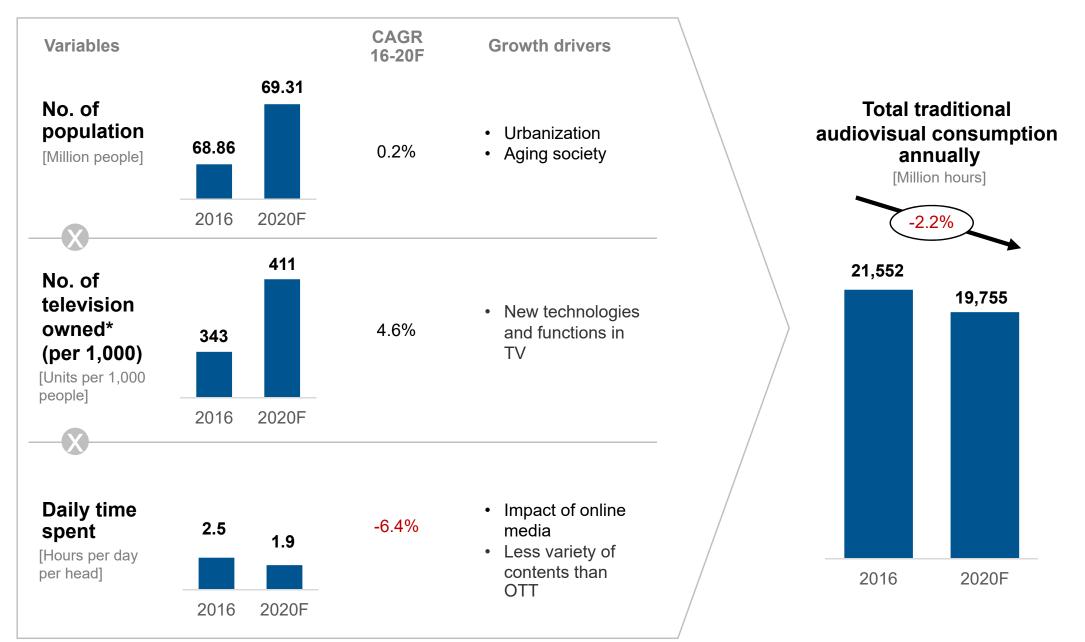


Total traditional audiovisual consumption in Thailand has decreased in 2012-2016 with CAGR of -1.0% which was mainly resulted from decreasing of daily time spent on traditional TV.



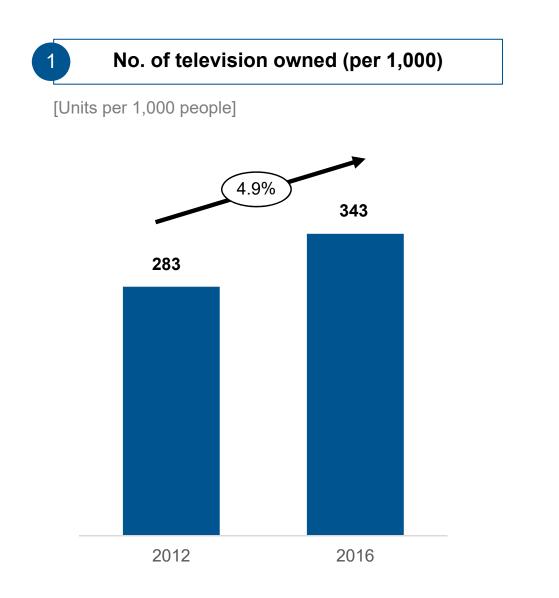


Traditional audiovisual consumption in Thailand is expected to have a negative growth with CAGR of -2.2% in 2016-2020F which will be largely resulted of decreasing daily time spent.





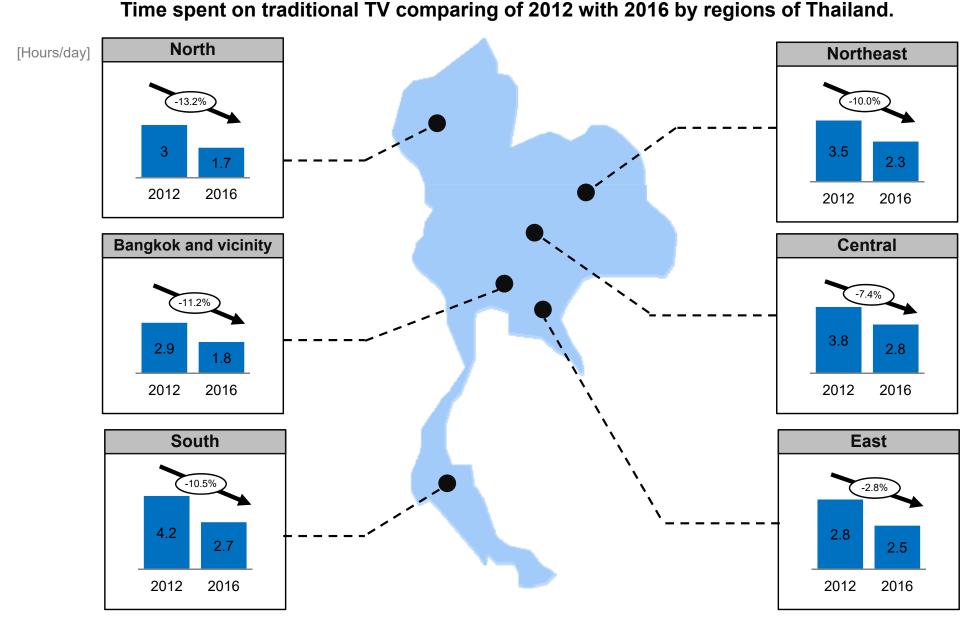
Although television is becoming relatively less popular popular, the number of television owned is actually increasing with moderate CAGR at 4.9% in 2012-2016. Growth of the sales were driven from smart TV.



- These years, smart TV is the key device that dominated TV sales. A number of manufacturers use new technologies and functions to develop their products including the internet and online platform.
- Moreover, TV content creators always update and create the interesting programs to drive their business.
- There is still a small growth in number of TV owners as more people especially in countryside and older generation, which mainly consume media via TV, is gaining more access.



# Respondents in Northern region spend least of their time watching traditional TV following by Bangkok and vicinity, Northeastern, Eastern, Southern, and Central in 2016.



Source: CONC analysis based on the data from online consumer survey (n=409)



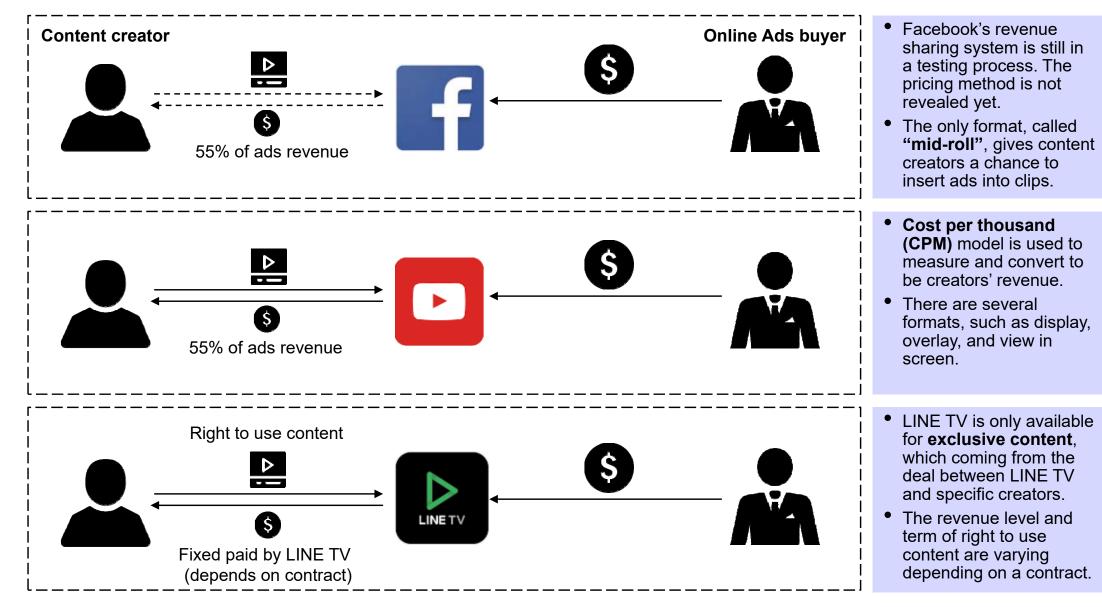
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#### Section 2 Online audiovisual industry in Thailand

Benefits of online audiovisual industry

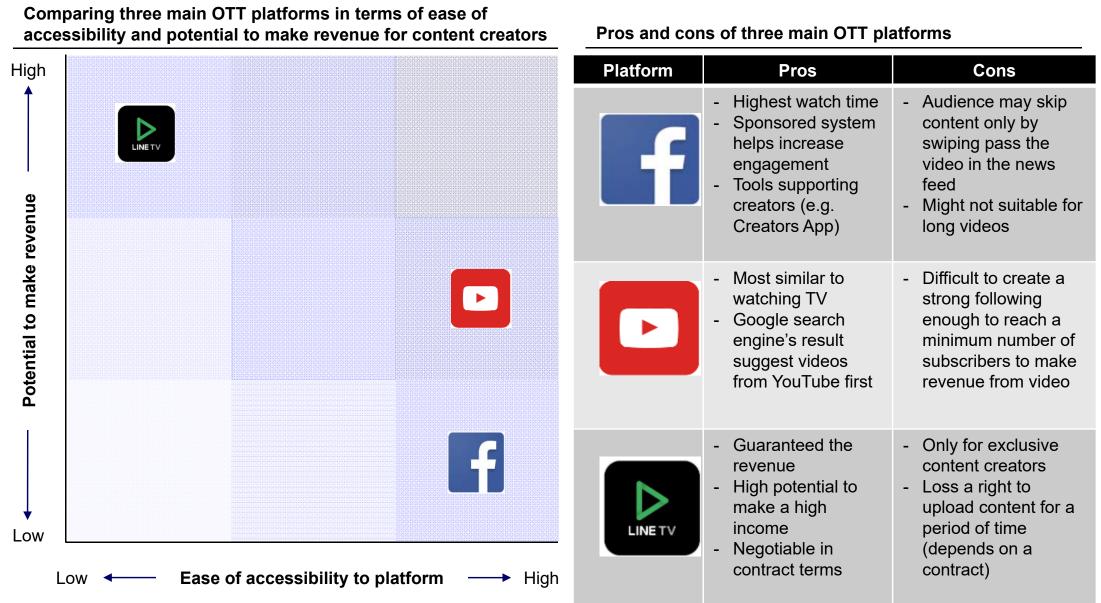


## Creators can share content direct to the public



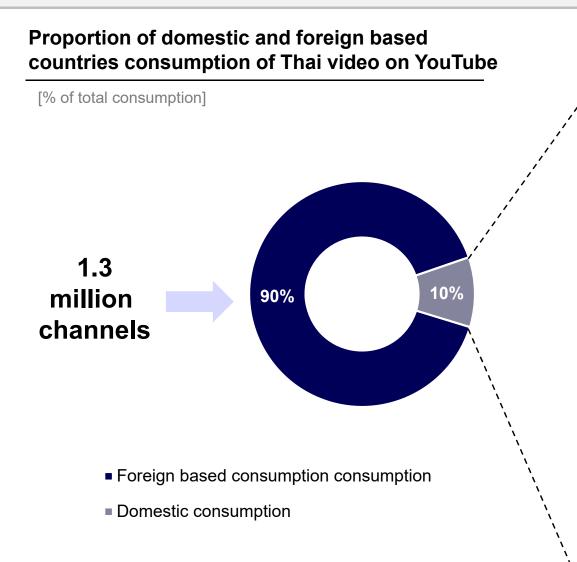


YouTube and Facebook are suitable for new content creators, while LINE TV is more suitable for the experienced and popular creators who want to make high revenue in exchange of the right to broadcast own contents.





Only around 10% of total consumption of Thai video is from foreign based countries due to several factors, such as language barrier, video searching prioritizing system and mismatch between preference of Thai and foreigners' type of content.



#### Popular types of video watching by foreigners



International cover music



How-to and Lifehack



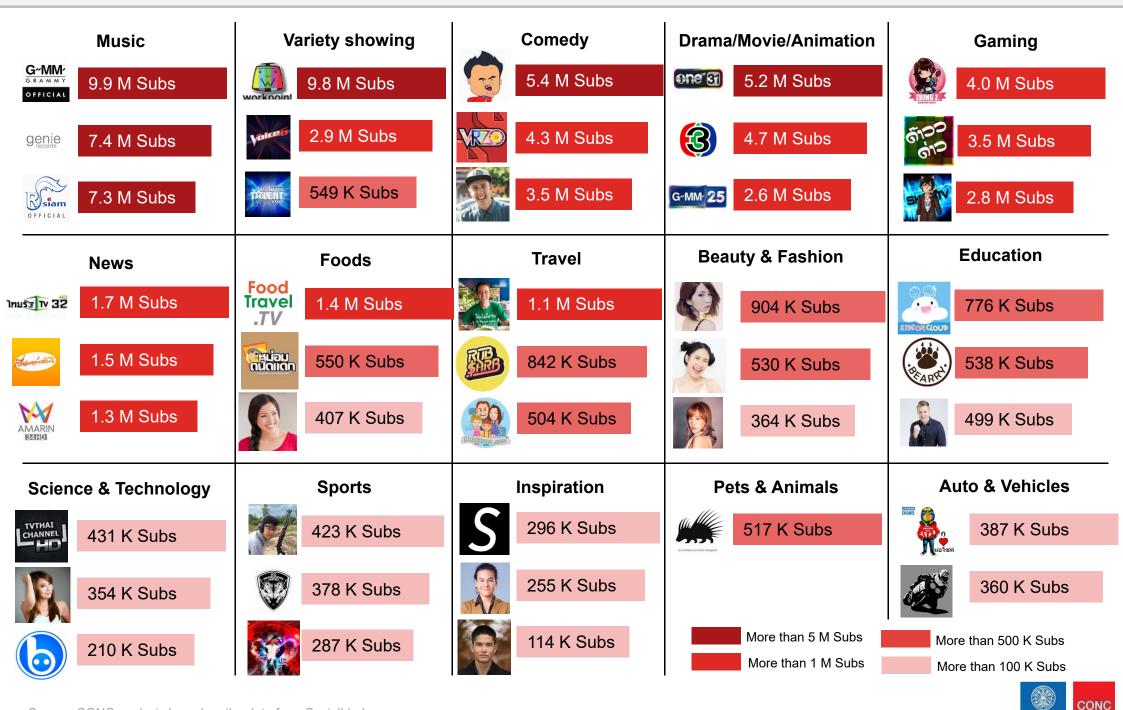
Pranking

#### Key obstacles for Thai exporting content

- **Language:** Most of Thai content creators still use Thai to communicate, so foreigner audiences could not be able to understand the content.
- **IP address:** It is a rare chance for foreigners who are searching outside Thailand and come across Thai videos, maybe due to searching prioritizing.
- Lack of content diversity: It is a mismatch between type of content and foreign demand. For example, there is not much local video about Thai boxing.



#### Examples of Thailand online audiovisual contents in YouTube



# Entertainment and music are the major types of content in top 100 Thailand YouTuber, based on subscribers. There are more individual content creators than creators from traditional platforms.

#### Top 100 Thailand YouTube subscriber classified by types Top 10 Thailand YouTube subscriber of content [%] Entertainment Channel **Subscriber** Rank Type 33 Music GMM GRAMMY OFFICIAL Music 9,889,112 1 Gaming 2 **WorkpointOfficial** Entertainment 9,793,806 People 16 Film 3 7,387,026 Genierock Music Howto 31 4 **RsiamMusic** Music 7,304,304 News Comedy 5 Bie The Ska Entertainment 5,430,639 Top 100 Thailand YouTube subscriber classified by 6 one31 Entertainment 5,227,920 content creator [%] 7 rsfriends Music 5,134,394 8 Ch3Thailand Entertainment 4,686,390 Individual player welovekamikaze 4,316,015 9 Music 43 10 57 Traditional player VRZOchannel Entertainment 4,282,733 Note: As of 28 September 2017

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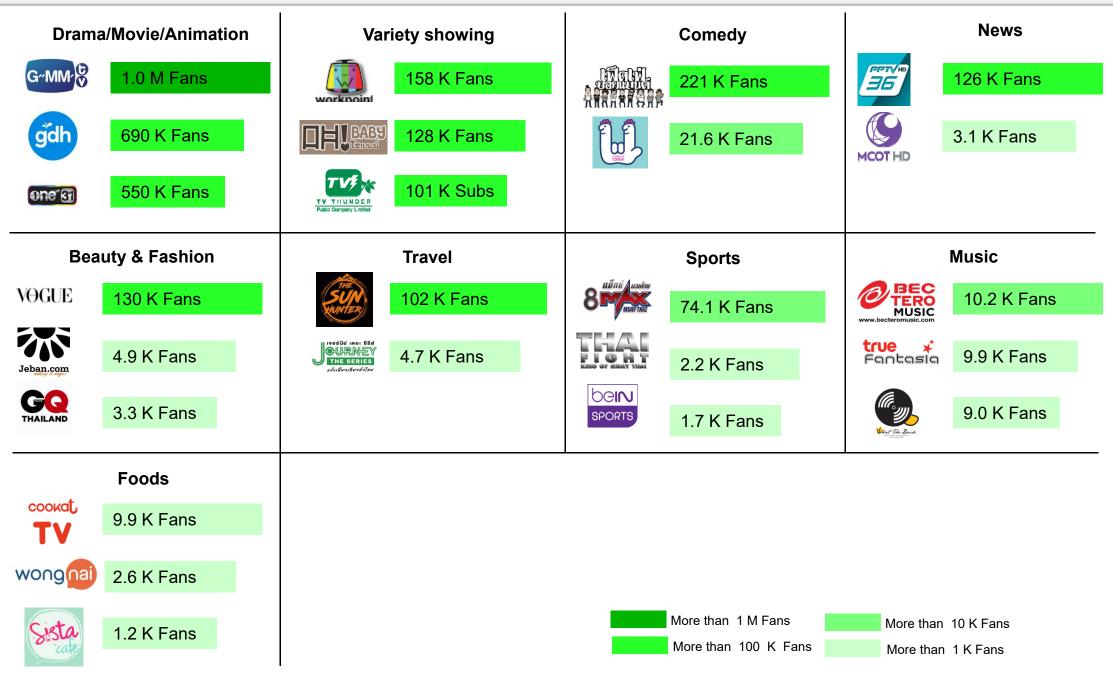
#### Examples of Thailand online audiovisual contents in Facebook

Variety showing	News	Drama/Movie/Animation	Foods	Comedy
11.5 M Followers	11.3 M Followers	9.3 M Followers	3.3 M Followers	2.1 M Followers
7.0 M Followers	าทมรัฐ Tv 32 8.7 M Followers	5.1 M Followers	3.2 M Followers	1.0 M Followers
5.0 M Followers	5.7 M Followers	G*MM* 25 3.7 M Followers	2.4 M Followers	547 K Followers
Beauty & Fashion	Music	Travel	Sports	Health
1.4 M Followers	Grammy Grammy Officiat	<b>1.4 M Followers</b> ເບເກດລັຍວາກີສວ	SIAMSPORT 2.0 M Followers	1.6 M Followers
1.4 M Followers	genie 1.2 M Followers	าร มี โหม โหม	1.4 M Followers	902 K Followers
1.2 M Followers	451 K Followers	765 K Followers	SPORT RADIO	580 K Followers
Pets & Animals	Inspiration	Education	Science & Technology	
3.1 M Followers	2.0 M Followers	1.3 M Followers	553 K Followers	More than 5 M Followers More than 1 M Followers
842 K Followers	356 K Followers	245 K Followers	372 K Followers	More than 500 K Followers
745 K Followers	337 K Followers	101 K Followers	260 K Followers	More than 100 K Followers

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#### Examples of Thailand online audiovisual contents in LiveTV





# There are several benefits for both traditional players and new independent content creators from using OTT platform.

	Traditional player		
Benefits of OTT to content creator	Expand viewer base	<ul> <li>Due to the ease of accessibility, OTT platforms help content creator reacher new audiences, both Thai and foreigners. For contents in Thai, there are all foreigners from Laos watching because the similarity of language.</li> <li>Traditional and online channels are complementing each others, not cannibalizing. Content creators are able to use both channels to maximize efficiency in reaching audiences.</li> </ul>	
	Increase engagement	<ul> <li>Traditional content creators can use OTT as a tool to engage audience interactively through features that platforms provide, such as comment, live chat, like/dislike and subscription buttons, and emoticons.</li> <li>OTT also create a society for fans to discuss and share about their common interest, which leads to the increase in the loyalty.</li> <li>Content creators can easily get feedbacks about their content from online comments.</li> </ul>	
	Power shifting	<ul> <li>Before OTT platform is introduced, broadcasters have an absolute control. They had a sole decision to choose what they want people to watch. However, now people can select content by themselves online from various sources. The ability to freely choose content makes quality become more important.</li> <li>Bargaining power is now shifting toward consumers rather than content creator/broadcaster. This results in higher competition among content creators and broadcasters, pressuring them to improve their content quality.</li> </ul>	



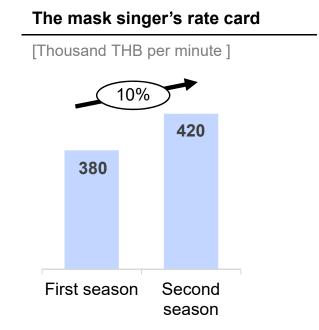
The Mask Singer is a solid example to show that both traditional channel and online channel are supporting each others, as the number of viewers from both channels were peaking at the same time.





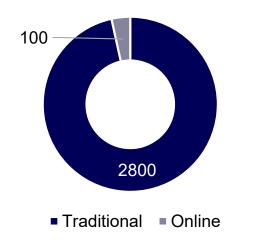
#### Case study: The Mask Singer

- The Mask Singer, produced by Workpoint Entertainment, is remarked as a talk-ofthe-town TV show in 2017 and became a flagship program of the channel.
- Chalakorn Panyashom, Chief Operating Officer, states that the program's key success factors are comprised of several attributes, which one of them are the adoption of social media to boost TV ratings. It is evidence that both channel are synergizing each others, not weakening.

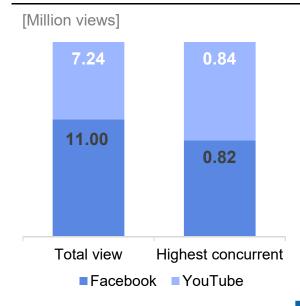


#### Workpoint revenue breakdown (2017F)

[Million THB]



OTT platforms' stat on the final episode (23 March 2017)





Kantana is a traditional player who sees an opportunity from the changing of consumer behavior in term of media consuming channel. OTT platform aids Kantana in expansion of viewer base, revenue stream and engagement to traditional audience.





#### Case study: The Face Men Thailand

- The Face Men Thailand , produced by Kantana Group , is an international Thai reality television modelling competition for male, aired on Channel 3 and also online platforms.
- To extend the show, there is a spin-off show, called Artemis Elite, where the Face Men's contestants living and training in the resident, exclusive content on LINE TV.
- Sasikorn Chansate, Chief executive of TV program, believes that OTT has benefits but it has to be used in a right way.





- Not only the full episodes of show, but also brand sponsors' clips are uploaded on OTT platforms for marketing purposes. So, Kantana has another revenue stream, asides from advertisement on the traditional platform.
- Live broadcasting on Facebook gives benefit in terms of expanding audience base. For example, there are some neighbor audiences watching the show on Facebook.



- LINE TV pay Kantana to produce exclusive content, which is a spinoff from The Face Men Thailand, so Katana can use the same resource, such as casts and production team to generate more revenue for LINE.
- The related content on online platform help expanding the reach and creating relationship with audiences from traditional platform.

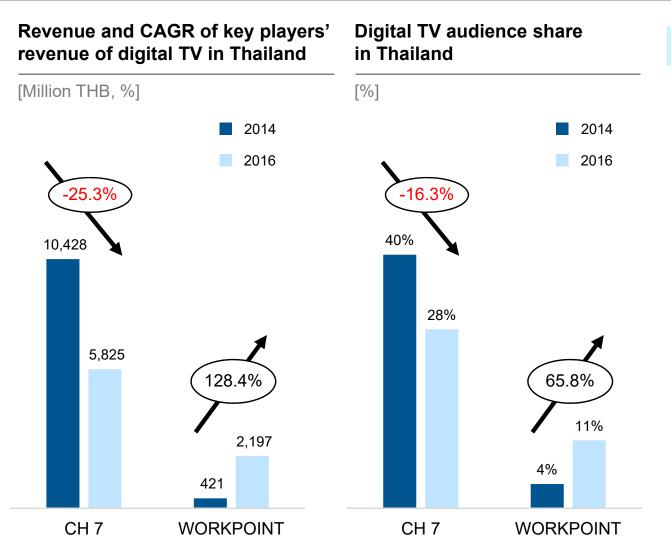


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# Workpoint's performance is improving continuously because of their business strategies. Online channels and content creators play a bigger role in the value chain.



#### Key success factors of Workpoint

#### Investing new programs

These years, Workpoint has invested in many interesting programs that have the potential to boost the company's ad rates by more than THB100,000/min.



#### Number one in online media

Workpoint is the leading TV station that is engaging viewers via online media platforms. The company expected that it can generate revenue more than THB 200 millions (30% of earnings) this year.

6 m. subscribe, 50 top viewers worldwide every month

23 m. likes, more than 40 m. video views per week

#1 top hashtag every week in 2016

#### **Surprising Contents**

Workpoint pays attention to audiences behavior and need by doing the research and getting feedback often. So, they always create interesting and surprising contents for audiences.



# OTT platforms generate benefits to both traditional players and new independent content creators

		Independent artist/creator	
Benefits of OTT to content creator	Job creation	<ul> <li>YouTubers can generate sufficient income from direct payment from platfor and tied-in advertisement. Some successful YouTubers expand to have the own production house with several employees.</li> <li>OTT platforms create an opportunity for normal people who want to turn the interest into a job, such as Nas Daily that has grown from single-person business to global channel with production teams.</li> </ul>	
	Less cost of production	<ul> <li>Online content creator has less cost of broadcasting, unlike TV programming, which need large investment and time commitment to produce. When comparing to traditional content production, OTT content requires less labor cost because the scale of production is smaller.</li> </ul>	
	Creativity space	<ul> <li>Independent artists, particularly niche content creator, can easily gain access to an online space to show their abilities. All the uploaded video on channel acts as work portfolio or reference in the future.</li> <li>The platform is an community to exchange ideas and foster creativity and innovation in society.</li> </ul>	



# Sean Buranahiran build his dream career by sharing videos about his life story and philosophy on Facebook.

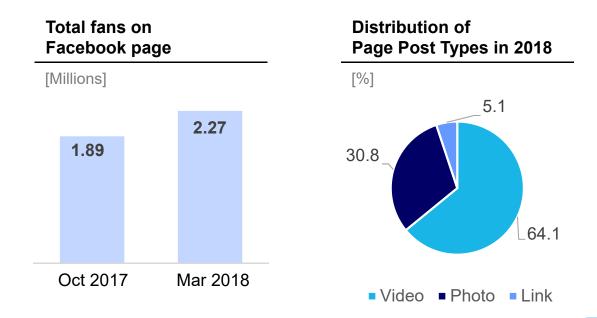


Posts

\* \*\*\* ฌอน บูรณะหิรัญ - Sean Buranahiran August 5, 2017 - 🌒 This is a famous story I heard in Thailand.. and I would love to share it with the world if I could 🥶 นี้เป็นเรื่องที่ผมได้ยินผู้คนมากมายพูดถึงในประเทศไทย และผมอยากจะส่งต่อให้ คนบนโลกใบนี้เท่าที่ผมจะสามารถทำได้ครับ 😫 ขอบคุณคุณออบขวัญที่เล่าเรื่องนี้ให้ผมพังครับ Movies used: Planet Earth, Lord of The Rings, The Neverending Story THE BUDDHA AND THE BEGGAR The mouse then told the homeless man, หนูพูดตอบกลับไปว่า 19M Views 🖒 Like Comment 🖒 Share 🗂 🔂 😵 262K Too Comments •

#### Case study: Sean Buranahiran

- Sean Buranahiran, the famous social influencer with 2.2 million followers on Facebook, is one of people who use OTT platform to create a job opportunity. He started to make short videos to share his life stories, aiming for changing audiences' lives.
- With his passion of sharing and good storytelling skill, he becomes a speaker for several organizations and public events.
- Until now, he also hosted live podcast show on Facebook, called "HaZara".
- He had his first live talk show in 2017, called "Story of My Life".



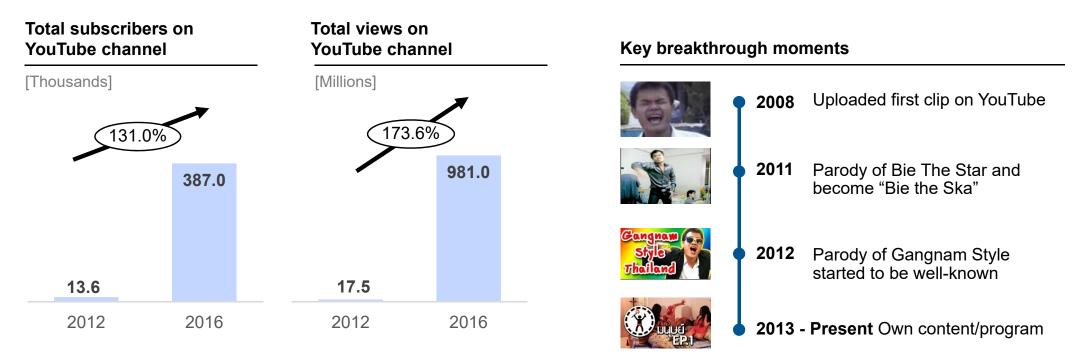


Krit Boonyarang (also known as Bie The Ska), a famous Thai YouTuber, started making videos for entertaining purpose. Up to now, he is managed to change a hobby to become his main job. He has founded his own production house and hired 17 employees to do online content.



## Case study: Bie The Ska

- Krit started his journey as video creator 9 years ago from making a parody music video on several platforms, such as MThai, Clipmass and Daily motion. Then when YouTube became more popular, he created Bie The Ska channel on YouTube.
- He founded his own company, called The Ska Film co ltd., currently consists of 17 employees.





# Section 2 Online audiovisual industry in Thailand

Benefits of online audiovisual industry

**Consumer Survey** 



# **Consumer Benefits: Survey objectives and methodology**

Research objectives					
Section 1: Explore Consumer behavior on OTT services	Section 2: Explore Consumer attitude towards OTT services	Section 3: Estimate spending and benefit from using OTT services			
Explore former and current consumption behaviour to find out the reason behind behaviourial shift. This part is done by comparing hours, usage purposes, content types, platform and device types	<ul> <li>Explore consumer opinion and attitude on three main areas :</li> <li>(i) The advantages that they would gain when using online audiovisual services.</li> <li>(ii) Comparing OTT services to traditional TV services</li> <li>(iii) Future direction of OTT services</li> </ul>	Estimate both direct and indirect benefits from using OTT services. Moreover, estimate the monetary spendings in order to calculate the consumer's economic benefits from online audiovisual comsumption.			

## **Research methodology**

- All 409 surveys were completed between September 1 and September 15, 2017, via online survey.
- Data were weighted by age and income level to correlate with demographics in different parts of Thailand

# Consumer benefits: from unwinding to accessing new content to creating communities of interest

# Consumer benefit from online audiovisual in 2016 by respondents

#### Make people relax and more comfortable

6%	16%	2	29%	47%	
0.5%	%	ation immediately			
Can access to I	news and morma	ation immediately			
8%	18%		34%	39%	
Be the source o		w interesting thing	S		
11%	22	2%	28%	38%	
					Strongly agree
Develop new sl	<sup>«</sup> kills by acquiring	new knowledge			Totally agree
	and by adquiring	new knowledge			Totally agree
10%	0.4%	26%	30%	30%	Agree
	<u></u> 2.4%				
Create new onl	line communities	and sharing			Quite agree
12%		23%	29%	31%	Disagree
	2% 2.2%				
Improve knowle	edge to develop v	vays to work			Strongly disagree
	13%	27%	24%	29%	Not sure
3.2%	-1.0%				
5.270					

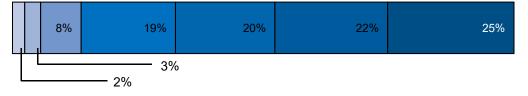


# Consumer expectations from online audiovisual services: easier access, good content, ability to multitasking while watching it

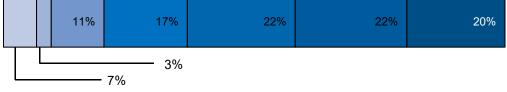
Good contents which matched with the interest

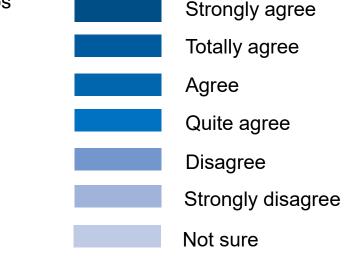


Prefer watching diverse content of online audiovisual in only one website and/or one app



# Multitasking online audiovisual with other apps like social media and other apps Strong 10% 12% 21% 25% 10% 12% 2% Totally 3% Agree Quite a Prefer 360 degree for more entertainment Disagree Disagree







# Most of respondents agree that online platforms comparing to traditional ones can give access to contents faster, cheaper, easier, and more comfortably.

# The opinion of respondents about traditional platforms and online platforms

an access to online	e audiovisual faste	er than traditional pla	attorms			
9%	17%	27%			44%	
0.5%	1%					
Can easier access	to online audiovisu	ual than traditional p	latforms			
9%	19%	25%			44%	
0.2%	- 2%					
The contents of onli	ne audiovisual has	s more variety than	the traditional plat	forms		
10%	19%		33%		36%	
0.5%	— 1%					
1%	ne audiovisual has	s more interest than	the traditional one	9		
13%	21%		31%		30%	
1%	— 3%					Strongly agree
The contents of onli	ine audiovisual are	e matching with the	interest than the ti	aditional one		Totally agree
12%		7%	30%		28%	
0.2%	— 2%					Agree
The costs of access	sing online audiovi	sual is lower than th	e traditional one			Quite agree
9%	17%	21%	22%		26%	
3%	1%					Disagree
Watching online au	diovisual helps pe	ople access to the t	aditional audiovis	ual contents		-
5% 7%	21%	16%	20%	17%	14%	Strongly disagree
						Not sure
he contents of onli	ne audiovisual is r	nore reliable than th	e traditional audio	visual		
5% 7%	18%	25%	18%	16%	11%	

Aside from a commercial aspect, OTT is providing <u>social benefits to consumers</u>. For example, OrmSchool is one of social enterprise that using YouTube as a platform to provide an invaluable education to Thai students for free.



## Case study: Orm School

- Ormschool has been a part of Thai education for 12 years. Nitikarn, the founder, states Ormschool as social enterprise, believing that giving knowledge should be free for everyone.
- Over 13,000 videos with 2.2 millions hours are uploaded on YouTube channel.
- The channel has around 130,000 subscribers, which most of them are middle and high school students.

## Social benefits through OTT

## Accessibility

 OTT platforms has changed the deliver method to the end consumers. The contents are used to be delivered by CD, which was costly, time-consuming and deflectable. After OTT became more influential, the videos are instead uploaded on YouTube, which allows anyone easily access the knowledge with lower cost.

# Value of time

 Watching and learning from YouTube at home reduces their time and money spending on traveling to /from tutorial schools. Moreover, it gives more time to spend with family or on activities that they love.

## **Gap reduction**

- The free online academic content helps reduce inequality between ones who have money to access a good education and ones who lack those opportunities.
- One of Ormschool's students got the top score on admission to faculty of medicine without studying from any other tutorial schools. It shows that free online tutoring channel can provide be an affordable option for less fortunate students.



## Online video also provide significant consumer surplus.

Consumer surplus means people are willing to pay extra for online audiovisual contents.

# Average THB consumer willing to pay on online audiovisual

### Survey question: How much are you willing to pay for benefits that happen from using online audiovisual in each month?

# Average THB consumer actual paid on online audiovisual

Survey question: How much do you actually pay on online audiovisual in each month (such as mobile/fixed internet broadband and SVoD fees)? Average consumer surplus on online audiovisual

537 THB/person/month

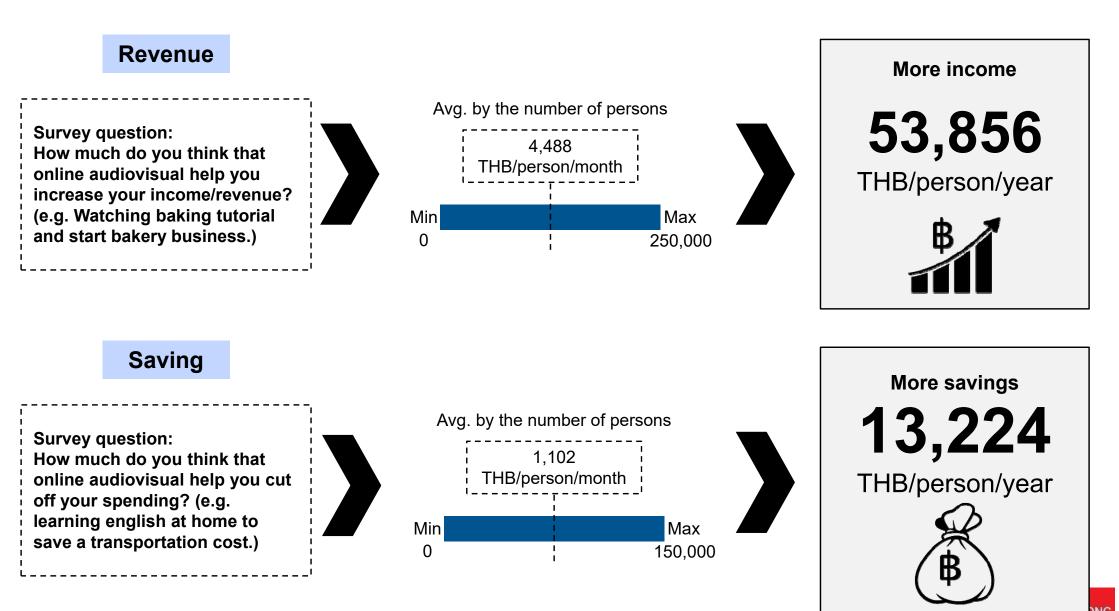




116 THB/person/month



The knowledge attained from watching online audiovisual leads to ability to generate revenue and savings. The average amount of income and saving that respondents generated more from the knowledge from online audiovisual are THB 53,857 and THB 13,218 consecutively.



Source: CONC analysis based on the data from online consumer survey (n=409)

	Accessibility	<ul> <li>Consumer can access the online audiovisual data from anywhere or at anytime they want via many devices, such as smartphone, tablet, or PC.</li> <li>About 90% of respondents agree that OTT platform help them gaining immediate access to news and information.</li> <li>Comparing with traditional platform, 88% of respondents agree that they can access online audiovisual content faster and easier than content on traditional platforms.</li> </ul>
Benefits of OTT to online audiovisual consumer	Content	<ul> <li>OTT platform composes of many contents which are variety, interesting and match with the consumers' interest. Moreover, around 88% of respondents agree that OTT is source of ideas to create new interesting things.</li> <li>About 51% of consumers agree that watching online audiovisual helps access to audiovisual contents that previously only available to only traditional channels.</li> </ul>
	Economic Benefits	<ul> <li>About 69% of consumers agree that costs of accessing online audiovisual is lower than the traditional one because of the ease of access.</li> <li>Consumer surplus: 116 THB/person/month</li> <li>The average amount of income and saving that respondents generated more from knowledge from online audiovisual contents are THB 53,857 and THB 13,218 respectively</li> </ul>



# Section 2 Online audiovisual industry in Thailand

Benefits of online audiovisual industry

Benefits to the Thai Economy

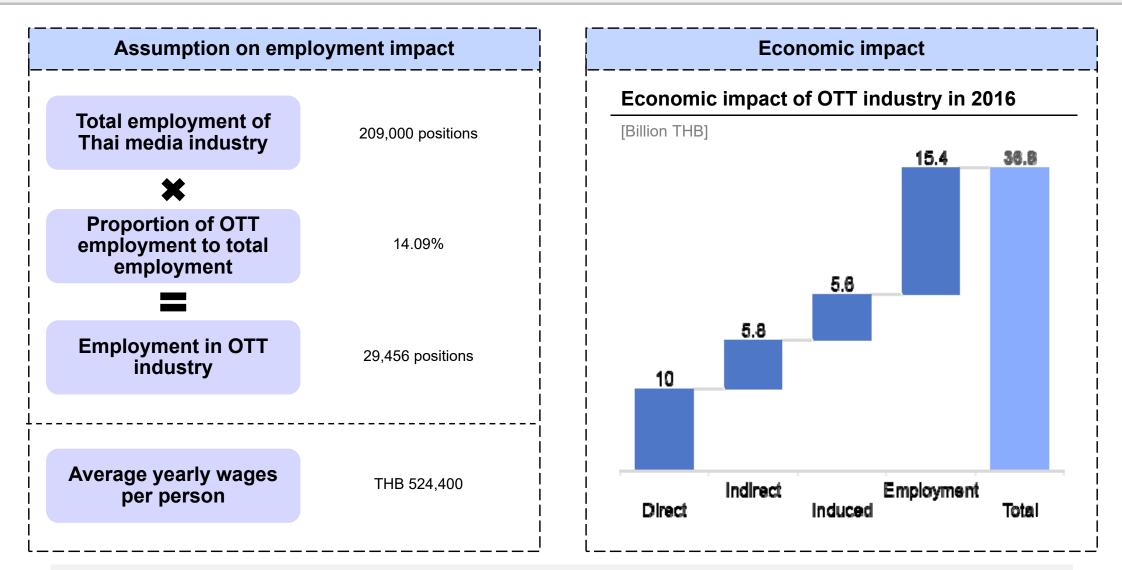


Based on Cebr analysis, the input-output modelling suggests that the art and culture industry's output multiplier is 2.15. We apply this calculation method to OTT industry.

Input-output Model				
	Description	Output		
Input	• Total spending on SVoD and AVoD market	<ul> <li>SVoD market size: THB 528 million</li> <li>AVoD market size: THB 9,480 million</li> <li>Total = THB 10,008 million</li> </ul>		
Direct impact	<ul> <li>Expenditure on OTT industry triggers industry's supply response. In providing its services, the OTT produce additional output.</li> </ul>	<ul> <li>THB 1 of output is the direct output impact of the relevant increment in expenditure on OTT industry.</li> </ul>		
Indirect impact	• To increase its supply, OTT must increase its demands on its suppliers, who increase demands on their suppliers and so on down the supply chain.	<ul> <li>An increase in output throughout the supply chain of THB 0.58 for every additional THB 1 of OTT industry's output.</li> </ul>		
Induced impact	• The combined direct and indirect impacts have an impact on household income throughout the economy, through increased employment, profits etc. A proportion of this income will be re-spent on final goods and services.	<ul> <li>This produces the induced impact of THB 0.56 for every additional THB 1 of OTT industry's output.</li> </ul>		
Total Output	<ul> <li>Impact of OTT industry to economy</li> </ul>	<ul> <li>For every THB 1 increase in OTT industry's output, the economy-wide increase in output due to direct, indirect and induced impacts is THB 2.15.</li> </ul>		



By estimating using input-output model and employment impact, OTT players in Thailand could generate economic impact of THB 36.8 billion to Thai economy in 2016.



OTT industry currently creates 29,456 job positions and contributes THB 36.8 billions or about 0.26% of total Thai GDP in 2016.



Section 1	Global and regional overview of Online audiovisual
	industry

Section 2 Online audiovisual industry in Thailand

Section 3 National and International Regulatory Debates

Section 4 Recommendation



# **Goals of Thailand digital policy**

Re	levant	governmen	t support
	ic vant	governmen	support



#### Thailand 4.0

#### **New Engine of Growth**

- Goals: Become high income country by creating 3 New Growth Engine – Productive Growth Engine, Inclusive Growth Engine and Green Growth Engine
- Change from commodities to innovative products
- Change from product-based to servicebased
- Move technology toward 5 target industries:
  - Food Agricultural & Bio-Tech
  - Health, Wellness & Bio-med
  - Smart Devices, Robotics & Mechatronics
  - Digital, IoT & Embedded Technology
  - Creative, Culture & High-valued Services

#### What to do and How?

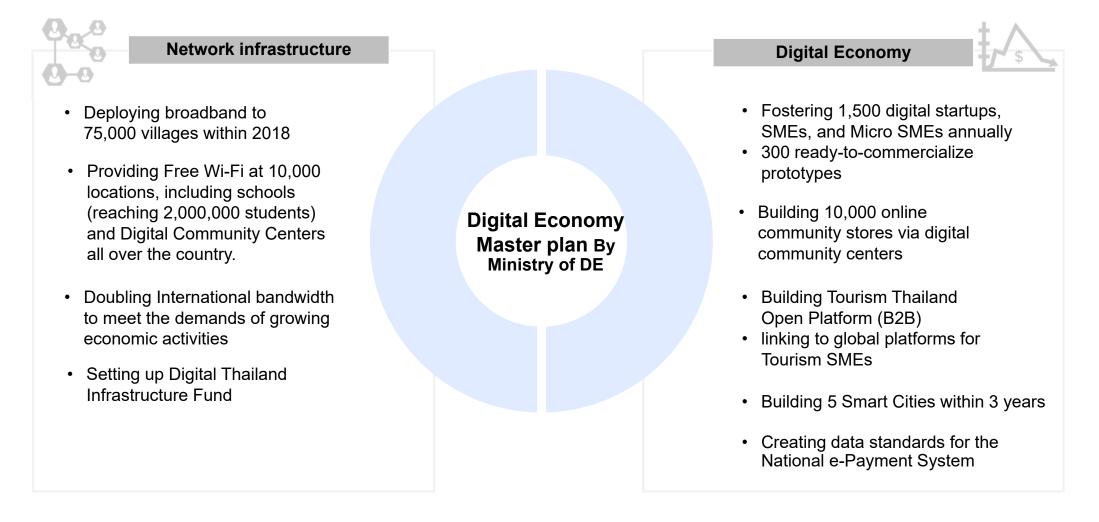
- 1. Active Role of Private Sector
- 2. Demand-driven Policy
- 3. Offer Tailored Support Fund
- 4. Build a Global, Reginal & R&D Networks
- 5. Strengthen Vocational Training & Educational System
- 6. Develop Infrastructure
- Introduce Capacity-Based Investment Promotion Scheme & Performance Based Conditional Grants & Incentives

Source: Dr. Suvit Maesincee, Deputy Minister of Commerce.



# **Goals of Thailand digital policy**







Regulation should take into consideration public interest justification, technology and market differences. While traditional broadcast regulation generally does not apply to online video providers, OTTs must follow a series of sector specific laws.

In Thailand	Traditional boardcasters	OTT Players
Infrastructure / Network	Own the network and gain license to use spectrum from the government through license auction.	OTTs do not own or control the infrastructure and the network.
Licensing	Must pay for annual license fee to operate for 15 years.	No specific operation licensing.
Data Privacy	Strict data protection and privacy requirements by Law. (E.g.data retention and usage Telecommunications Business Act (2001))	OTT submitted to national privacy laws, and contractual obligations with its users. (E.g. Computer Crime Act B.E. 2550)
Quality of Service (QoS)	License includes requirements for Services Level Agreement (SLA).	OTTs are not submitted to QoS since they do not own, nor control the infrastructure.
Consumer protection	Subject to consumer protection government policy	OTT submitted to national consumer laws, and contractual obligations with its users.
Taxation	Sector-specific fees e.g. spectrum , USO, license and general corporate taxes	OTT submitted to national tax law (e.g. corporate taxes). Nature and value varies by country.
Content		OTT submitted to Copyright Act B.E. 2558 (revision of the Copyright Act B.E. 2537) + more (see following slide)



Nowadays online platforms are regulated by existing government policies as well as self/co -regulatory systems. Specific laws mostly exist to address content related issues.

Overview of current regulation that impacts OTT in Thailand				
Re	egulation	Primary regulator	Key governing	
Content Regulation	Harmful and offensive material	Computer Act 2017	<ul> <li>Ministry of DE has full authority to govern illicit content</li> <li>Collaborate with Technology Crime Suppression Division to take action against illegal or harmful content.</li> <li>Harmful and offensive material regulation is now under a mix of Computer Crime Act and self/co-regulatory systems such as self-censorship from content creators whereas OTT providers also have their own mechanism to block or remove those.</li> </ul>	
on OTT	Copyright Infringement	Copyright Act 2015	<ul> <li>While the OTT platforms follow their piracy global policies rigorously and establish partnership with MPAA to reduce online piracy, the Copyright Act is now legislated and covered to online content in Thailand.</li> <li>This specific law require platforms to take responsibility on removing copyright work, including audiovisual work, when author appeals to the court.</li> </ul>	
Consur	ner Protection	Consumer Protection Act 1979	<ul> <li>Consumer protection is governed by both co-regulatory system from stakeholders snd OCPB's Consumer protection Act, along with other departments in relevant issues.</li> <li>OCPB mostly regulates online advertisng on post-protection concept as the consumer's behalf to take action when they receive complaints,</li> </ul>	



Source: CONC analysis based on the data from Department of intellectual property, Office of The Consumer Protection Board, Ministry of Digital Economy and Society

Previous structure for digital TV annual license fee		
Rate of fee		
[%]		
0.5		
0.75		
1		
1.75		
2		

### New structure for digital TV annual license fee

Total revenue per year	Rate of fee
[Million THB]	[%]
0-100	0.125
> 100-500	0.25
> 500-1,000	0.5
> 1,000-10,000	0.75
> 10,000-25,000	1
> 25,000-50,000	1.25
> 50,000	1.5

#### An example of broadcaster that received discount for licensing fee



Spring News is the first broadcaster to receive reduction on licensing fee and annual operating fee as part of NBTC plan to bring down current unsustainable fee to benefit all traditional TV operators.



Various jurisdictions have discussed or are discussing different approaches towards regulating OTT. No model or best practice have emerged. They have dropped the idea of regulating OTT to let the market flourish first.

COUNTRY	AUTHORITY	VIDEO REGULATION THAT IMPACTS OTT
	Federal Communications Commission	<ul> <li>The FCC is no longer considering expanding MVPD definition to include online video distributors.</li> <li>In the US the FCC has made an active decision not to license ISPs or service providers to encourage the further development of the internet application market.</li> </ul>
۲	Telecom Regulatory Authority of India	<ul> <li>Regulators are considering proposals to require that the OTT services be placed under a telecom licensing-style regulatory framework.</li> </ul>
*	MATI NO S	<ul> <li>Currently in Taiwan, OTT service providers are not regulated except for content restrictions. There are currently no laws or regulations that specifically apply to OTT and other online video streaming services.</li> </ul>



Various jurisdictions have discussed or are discussing different approaches towards regulating OTT. No model or best practice have emerged. They have dropped the idea of regulating OTT to let the market flourish first.

## COUNTRY

## AUTHORITY

#### VIDEO REGULATION THAT IMPACTS OTT

Regarding to the Review of Television and Sound Broadcasting
 Regulatory Regimes on February 2018, the Commerce and Economic
 Development Bureau proposes to level down regulations on broadcasters
 and further promote self-regulation. Four groups of major broadcasting
 regulatory issues that are subjected to further review are cross-media
 ownership restrictions, foreign control restrictions, requirement of a
 licensee being a non-subsidiary company, and licensing authority.



 In Singapore, the Minister for Communications and Information in January 2017 revealed plans to amend the Films Act and the Broadcasting Act in 2017 to clarify the application of content regulation to 'over the top' (OTT) video providers. This might impose strict content restrictions w/r/t nudity, references to homosexuality, and extreme language.



# Section 4 Recommendations



There is a real risk that **small local content providers** would be caught by requirements such as licensing and **subjected to unnecessary regulatory burdens**. This would greatly restrict local Thai providers from being able to compete and have their content distributed globally. **And deny Thailand and its citizens the very many social, cultural and economic benefits that arise from supporting local emerging artists and Thailand's creative sectors.** 

The **negative impact on the industry and overall economy in Thailand should not be underestimated**. For example, economic modeling in a variety of industries has shown that licensing requirements especially on new and innovative services can significantly delay launch of new services.

At the very least platforms that do not exercise editorial control over the content in question should be out of scope. There should also be a distinction between TV like content vs other content, and user-generated-content (UGC) should clearly be out of scope.

Rather than jumping in and imposing overly broad and potentially counterproductive regulations, any Government should step back and carefully evaluate the benefits of online video services, and the potential costs of regulation.



We believe that a competitive online video ecosystem should provide local and global businesses opportunity to innovate as opposed to being restricted by prescriptive rules. Lower restriction should promote content creation, expansion of the local media industry and subsequently strengthen the position of Thailand as a regional and global hub for creative content creation.

Based on our findings, and on the early stage of the OTT Video market in Thailand, we make the following recommendations that focus on how the government can step-in to create an environment that generates economic growth and benefits Thai society.

**1. Treat digital literacy as a foundational issue:** Government and private sector should work together to promote digital literacy as targeted support scheme.

1.1. Digital literacy, including digital security, acts as a strong foundation to help the public make their own judgement and selection of content, supporting better decisions in regard to inappropriate content.

1.2. Specific digital literacy programs can also provide professional training in support of a new generation of talents and content creators.

**2. Support investment and partnerships:** Government should create incentives for both foreign and local investors to partner with local creators. It should also establish government supporting system to promote creative content production in Thailand . In particular it can further expand DEPA supporting funds that currently provide financial support for new and existing players in the creative content business. All of these aim to create high-paid local jobs and expand the Thai media industry. This would subsequently contribute towards increasing the overall competitiveness of the country.

**3. Allow self-regulation.** Self-regulation has proven itself an effective way to address emerging challenges in fast moving industries. The self regulation body should be represented by key stakeholders in a public-private partnership manner.

**4**. **Adopt a reactive as opposed to proactive approach:** Introduce regulations and amend laws only when required to tackle a specific problem that cannot otherwise be solved by self-regulation, rather than predicting the rules to address an issue which may not have come fully into focus yet. This is especially when technology has not fully developed.

**5. Review and simplify:** Review the current regulations applied to broadcasters and cable broadcasters based on a rule-byrule analysis and forgo or level down regulations that are not justifiable due to technology and market changes as well as the needed flexibility that these traditional business require to catch-up and innovate.

6. Engage in dialogue: Existing regulatory bodies such as NBTC should better discuss and engage with the industry and stakeholders in order to generate appropriate informal and formal response to fast-changing industrial landscape.

