



Applying to carry BBC content and services: a partners' guide to process

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Introduction

1. This document outlines the processes the BBC follows in meeting partner's requests to carry¹ BBC content and services on a platform ('carriage request'). All such requests are evaluated on the basis of compliance with the BBC's Distribution Policy² – it is recommended that this document is read in conjunction with the Distribution Policy.
2. The processes described apply both to new distribution arrangements, and to circumstances where changes are made to a platform in a manner that materially affects the way in which audiences access BBC content and services.
3. The processes are indicative as the BBC needs to have the flexibility to treat each request on its own merits while also taking into account its obligation to treat all partners in a fair, reasonable and non-discriminatory manner.
4. The BBC may update this document from time to time in the light of our and our partners' evolving experience of handling requests for carriage.

Process overview

5. The process of arranging carriage for BBC content and services on a third party platform typically begins with the partner contacting the BBC's Distribution & Business Development team (D&BD) with a carriage request. *See paragraphs 10 – 15 for more detail.*
6. D&BD and the partner will exchange information about the proposed integration to ensure compliance with the BBC's Distribution Policy. If compliant, D&BD will approve the integration in principle (subject to completion of device certification for syndicated TV services and contract signature). If an aspect of the proposal is considered not to be compliant, D&BD will explain the issue with reference to the Distribution Policy, and work with the partner to identify a compliant solution. *See paragraphs 16 - 19 for more detail.*

¹ We use the term *carriage* to refer to the platform's role in making BBC content and services available to audiences as part of the BBC's distribution arrangements

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<http://www.bbc.co.uk/corporate2/insidethebbc/howwework/policiesandguidelines/distributionpolicy>

7. For the BBC's syndicated TV services, once a carriage arrangement has been agreed in principle, the device will need to undergo a two-stage certification process conducted by the partner and the BBC's Testing team to ensure that performance is as expected. A performant device will be certified, and can proceed to contract signature. A device with minor outstanding issues may be granted a provisional certification and proceed to contract signature, subject to the outstanding issues being resolved within a reasonable agreed timeframe. More significant outstanding issues will require resolution by the partner and another BBC test procedure before contract signature. *See paragraphs 20 - 27 for more detail.*
8. A contract detailing the conditions of carriage will need to be agreed before the implementation goes live. This will normally be arranged through the BBC's and the partner's respective legal teams. *See paragraphs 28 - 30 for more detail.*
9. This process can be iterative, and the timings can vary considerably depending on the complexity and novelty of the proposed implementation, and the actions of the partner. As such, while the BBC cannot offer a single generic timeline, it will, for its part, commit to complete each stage in a timely manner and avoid any unnecessary delays.

Initiating a carriage request

Who do I contact?

10. Partners that have worked with the BBC before may have a named contact within the BBC's Distribution & Business Development team to direct new carriage requests or questions to.
11. Prospective new partners can make contact via carriage.enquiries@bbc.co.uk and a member of the Distribution & Business Development team will make prompt contact.

When do I make contact?

12. We advise that partners make contact with the BBC as early as is practical within the platform's development or upgrade process, at the point which it can provide reasonable information (see paragraph 13-15) on how it would like to carry BBC content and services. This is to ensure that any areas that require more detailed exploration and discussion are identified early and so that timely certification may be scheduled.

What information should I provide?

13. The BBC needs to ensure that each proposed arrangement is compliant with the conditions of its Distribution Policy. To facilitate this, we request that partners provide the BBC with information relevant to the request. The level of detail required may vary according to the particular circumstances of the case but, as an indicative guide, we normally would expect the following information to be provided for a new carriage request:
 - a. An overview of the platform (e.g. what service does it provide, whether it is free or paid-for, whether it operates as B2B or B2C, which parties own the platform and/or operating services to the platform)
 - b. A description of how it is anticipated that users will access and interact with BBC content, services and metadata on the platform (e.g. content discovery mechanisms, prominence mechanisms, means of attribution)
 - c. A description of any novel features or functionality (to the extent that they are relevant to the way audiences access BBC content and services)
 - d. An indication, if known, of whether a standard implementation is sought or whether significant bespoke integration work may be required
 - e. Indicative launch timescales and dependencies (although the BBC cannot guarantee to prioritise requests with short timescales)
14. The BBC does not disclose information provided by one partner to any other third party (nor more broadly within the BBC than is necessary to fulfil the request for carriage) and will sign a Non-Disclosure Agreement if required by the third party.
15. We advise that prospective partners first read the BBC's published Distribution Policy and satisfy themselves that their proposal is likely to be compliant with the conditions. Where prospective partners are unsure of how certain conditions would be interpreted with respect to aspects of the platform in question, they should highlight such queries to the BBC and provide details of any area of uncertainty.

Agreeing conditions of carriage

16. The BBC will seek to respond promptly to any request for carriage, and – pending clarifications on the information received from the partner – will seek to provide:
 - a. Details on any aspects of the proposal that it considers problematic where relevant (with regard to the conditions of the Distribution Policy)
 - b. A named contact (if not previously allocated)
 - c. The information required to begin the certification process for syndicated TV services (see below)
 - d. An indicative timeline for the remainder of the process
17. The indicative timeline (above) will be informed by the perceived complexity of the arrangement from the information provided. In general, bespoke implementations can be expected to take longer to agree than standard implementations, due to the greater number of variables (e.g. the BBC's access to data conditions under 3.17-3.18 of the Distribution Policy are met by default through standard arrangements, but generally require clarification and discussion for bespoke arrangements), technical and value-for-money considerations, and often more complex market impact considerations.
18. Proposals that meet the conditions of the Distribution Policy will be approved in principle, and can proceed to Device Certification (for syndicated TV services) and contract formation. Where a proposal does not meet certain conditions of the Distribution Policy, D&BD will enter into discussions with the partner to resolve issues. Should such discussions conclude with a decision by the BBC to withhold or withdraw content from the platform, D&BD will provide written reasons for that decision.
19. While partners may have recourse to the BBC's complaints procedure at any point (see paragraphs 31 – 34), we encourage partners to engage in discussions over any issues identified for a reasonable period – typically, not less than two months – before escalating the matter through the BBC's complaints procedure, to ensure that there is adequate opportunity to seek a mutually agreeable solution.

Device Certification (syndicated TV services)

20. In order to ensure that an implementation of the BBC's syndicated TV services works as expected, and that audiences' experience is of the quality they expect of a BBC service (in keeping with paragraph 3.14 of the Distribution Policy), the BBC must test and certify each implementation before it goes live.
21. For deployment of standard products the certification process is completed, as below. For bespoke implementations a greater degree of technical cooperation is required throughout the process of designing and implementing the solution.

Stage 1: Partner Verification

22. The BBC will provide technical specifications to enable configuration of the platform (e.g. browser configuration), and a series of tests of hardware and software performance to carry out. The partner should use this material to verify that the platform meets criteria.

Stage 2: BBC Certification

23. The partner must book a date for device testing to take place. The BBC typically finds that, due to the product release cycles for televisions, we experience peak demand for finite BBC testing capacity between September to April. The BBC seeks to be fair in allocating such capacity – typically on a 'first come first served' basis.
24. For device testing to begin:
 - a. The partner must provide two working devices, and software representative (insofar as it relates to the carriage of BBC services) of the launch product
 - b. The partner must have completed their own verification testing
 - c. The ways in which BBC content will be accessed and represented on the platform have been agreed in principle between the partner and the BBC
25. We request that partners only schedule testing for a date by which they are confident that they will have met these requirements.

26. Once device testing has begun, the partner will be informed within a week of the outcome.
27. If there are no unresolved issues, the BBC service can go live on the platform at contract signature. If there are minor unresolved issues, the BBC may agree to go live with the implementation subject to an agreement that the issues are resolved within a given timeframe. If the unresolved issues are more substantial the partner will be advised of the issues, and the device will need to be retested once these issues have been corrected, before the BBC service can go live.

Contracts between the BBC and distribution partners

28. To protect the interests of licence fee payers and provide legal certainty, the BBC requires a contractual agreement with partners for the carriage of its services.
29. The BBC maintains a standard Multi-Product Agreement (MPA) which forms the basis of the majority of contractual arrangements with platform partners for syndicated TV services, with additional details and changes as appropriate. The standard MPA includes:
 - a. A royalty-free grant of rights to make the relevant BBC content and services (BBC iPlayer/BBC News/BBC Sport/BBC Interactive TV services) available on the platform, as well as the BBC Nitro API for metadata and the use of BBC trademarks
 - b. List of partner devices which have been certified to carry the BBC's services
 - c. Screenshots showing the approved use description and agreed prominence of the BBC services on the platform's user interface
 - d. Marketing commitment from the partner
 - e. Details of relevant consents and licences that the partner warrants it has obtained
 - f. Data reporting obligations from the partner on the performance of BBC products on the device
30. In keeping with the release cycles of consumer electronics devices, the contract term is typically one year in duration, although longer terms are sometimes agreed where appropriate.

Escalation & Complaints

31. The BBC endeavours to meet all carriage requests fairly and efficiently. However, if a partner or prospective partner does not consider that its request is being handled in line with this guidance and/or the BBC's Distribution Policy, it can escalate the matter to the Director of Distribution & Business Development.
32. All partners also have recourse to the BBC Complaints Framework and Procedures published in 2017
https://ssl.bbc.co.uk/complaints/forms/assets/complaintsnew/resources/BBC_Complaints_Framework.pdf
33. A complaint about the BBC's approach to a distribution request which raises questions about the BBC's compliance with its duties under the Charter and Agreement and/or Ofcom's Operating Framework for the distribution of BBC public services should be submitted using the regulatory complaints procedure set out in Section 6 of the BBC Complaints Framework.
34. Should a partner be unhappy about the outcome of the BBC's complaints procedure, it is open to them to appeal to Ofcom. Only in exceptional circumstances will Ofcom accept a complaint which has not first been raised with the BBC under its complaints framework. Further details of the Ofcom process and the type of complaints they will consider are available at

https://www.ofcom.org.uk/_data/assets/pdf_file/0010/102520/Procedures-for-enforcement-of-BBC-competition-requirements.pdf

and

https://www.ofcom.org.uk/_data/assets/pdf_file/0024/99420/bbc-agreement.pdf.

Ongoing product enhancements

35. The BBC will continue to develop and enhance its products and services to deliver more value to its audiences.
36. Each spring the BBC produces a technical specification for its TV products, which it shares with its existing distribution partners, which

comes into effect six months later (the 'sunrise date'). Except in exceptional circumstances, the BBC will not release any features or functionality in its standard product that exceed these specifications for the period of 12 months following the sunrise date.

37. The BBC welcomes any technical feedback from partners on the specification in the six month period from its release to the sunrise date.
38. The BBC endeavours to support implementations of its services for as long as they continue to represent value-for-money for audiences and meet the other conditions of the Distribution Policy. However, there may be occasions when, despite best efforts of the BBC to work with platforms to find alternative means of carriage of BBC content and services, the incremental cost to the BBC of supporting an ageing platform may outweigh the audience benefit. By way of non-exhaustive examples, this might be because a substantially diminished userbase means that the additional audience reach provided by the platform no longer justifies the cost of supporting the implementation, or because the experience of the BBC service on the platform has fallen well below audience's then-current expectations.³
39. Because the relevant factors will vary considerably from platform to platform, the BBC cannot guarantee a minimum period of support for a product (beyond contractual obligations). However, by way of illustration based on past experience, since implementing iPlayer v3 (based on the TV Application Layer) in 2010, the BBC has not withdrawn support for technical reasons from any TV product less than 6 years old, and the majority of BBC iPlayer implementations launched in 2012 are still functional as at the date of publication of this document.

³ See further section 4 of the Distribution Policy