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The BBC On-demand Syndication Guidelines

Purpose

On 3 August 2007 the BBC Trust published a Policy Statement on the syndication of on-demand content by the BBC ("the Policy").

The Policy specifically requires the BBC Executive to implement more detailed 'On-demand Syndication Guidelines' about content syndication, following approval by the Trust. The Guidelines elaborate on the principles contained in the Policy for syndication of BBC public service on-demand content to third parties (referred to as "partners" in these Guidelines) through formal agreements or under standard terms. In particular, they specify additional requirements designed to protect the BBC brand, ensure technical integrity, maximise delivery of the Public Purposes and ensure a quality experience for users.

The Guidelines do not refer to any commercial provision of BBC content, nor any content that has been commissioned and placed by the BBC's Marketing department.

These guidelines cover new syndication opportunities following the conclusion of the BBC Trust Public Value Test relating to the BBC's new on-demand services¹, including simulcasting of content over fixed and mobile internet protocol networks, and other on-demand syndication activities covered by the BBC's existing approvals.

Although the Policy and these Guidelines do not apply to the current distribution of the BBC's linear television and radio public services on 3rd party platforms (other than simulcasting as described above), the BBC Executive at its discretion will have due regard to the Guidelines in relation to such distribution.

The Policy and On-demand Syndication Guidelines will be reviewed by the Trust alongside its review of the BBC's On-demand services. In addition, these Guidelines will be kept under review by the BBC Executive. Any significant changes may only be made with the approval of the Trust.

BBC Syndication Overview

The BBC engages in a wide range of on-demand syndication activities that are designed to ensure that BBC public service content is made available as widely as possible in the best interests of the licence fee payer. This activity can be divided into four main areas reflecting both linking and hosting syndication:

- Full asset (programme or clip) syndication
- Promotional asset distribution
- Embedding
- Linking

The BBC assets that are offered for on-demand syndication include logos, stills, branded links to bbc.co.uk, RSS / XML feeds, text and metadata, trailers, clips, podcasts, promotional videos, short form content, full programmes and channels (referred to in these Guidelines as "BBC assets").

Attachment 1 to these Guidelines details these activities, in particular setting out the BBC assets used (including programme assets, promotional assets and data), the specific syndication activities carried out by the BBC, whether current or planned, and where relevant the method used to deliver BBC assets to partners.

BBC Trust Requirements

The BBC Trust's Policy sets out considerations that the BBC Executive should take into account when considering whether new on-demand syndication activities are in the licence fee payers' best interests, together with seven key principles with which all on-demand syndication activity shall comply.

¹ See http://www.bbc.co.uk/bbctrust/consult/closed_consultations/ondemand.html

The considerations that shall be taken into account by the BBC Executive when deciding whether to syndicate are:

- *Impact on the wider market – When syndicating content, the BBC should endeavour to minimise negative competitive impacts on the wider market².*
- *Ability of the BBC to fulfil its Public Purposes – Syndication of Content should not adversely affect the BBC's ability to fulfil its Public Purposes, for instance through syndication to a third party liable to bring the BBC into disrepute.*
- *Value for money - there may be occasions on which the costs that would be incurred by the BBC would be disproportionate to the public value that would be created.*

The BBC Trust's seven key principles ("Syndication Principles") with which all syndication activity covered by the BBC Trust's Policy must comply, to ensure that it is provided on a fair, reasonable and non-discriminatory basis, are:

1. *Terms should be materially the same for all syndication arrangements except to the extent that differences are required because of the different circumstances facing each party or are otherwise justifiable;*
2. *Access to BBC content must be provided on a non-exclusive basis;*
3. *Subject to value for money and as technology allows, BBC content shall be supplied on a platform neutral basis;*
4. *BBC content may only be distributed for consumption within the UK³;*
5. *BBC content must be available free of charge at the point of use or in the lowest possible tier of any subscription offer;*
6. *Syndication arrangements must not have an adverse effect on the BBC's ability to fulfil its Public Purposes;*
7. *Syndication of BBC content must comply with all relevant legal and regulatory requirements, including the BBC Editorial Guidelines and Fair Trading framework.*

For the avoidance of doubt, the principles do not prevent the BBC from designing different syndication products or packages of assets for specific platforms or technologies, where this is objectively justifiable. Furthermore due to the BBC's finite resources and its regulatory obligation to deliver value for money to licence fee payers, the BBC may wish to prioritise specific syndication opportunities based on objective grounds such as compliance with these Guidelines, size of audience, audience demographics etc. The analytical framework applied to the assessment of these principles will be consistent with the approach adopted in BBC Management's Fair Trading Guidelines⁴ and its Editorial Guidelines⁵.

The fifth principle is a minimum requirement and for the avoidance of doubt does not prevent partners from also offering BBC assets within additional tiers or bundles.

The Trust Syndication Policy also states that, in terms of process:

- All new syndication deals will be assessed by BBC Management, on a case by case basis, against the Trust's Policy and these Guidelines.
- The BBC Executive will need to report to the BBC Trust on a six-monthly basis all new syndication deals including those that have been considered and rejected.
- Where a new syndication agreement could potentially represent a significant change to the BBC's UK Public Services⁶, either in itself or in its cumulative effect with syndication agreements which have already been concluded, then it will need to be submitted to the BBC Trust for prior consideration.

² As noted by Ofcom in its Market Impact Assessment syndication could raise market impact concerns. See www.ofcom.org.uk/research/tv/bbcmias/ondemand/bbc_ondemand/

³ This does not preclude BBC on-demand content being distributed on websites with a global presence. The BBC will seek Geo-IP limits from global websites in order to restrict access to its content to UK users.

⁴ In particular, see Chapter 1 of the BBC's Fair Trading Guidelines.

⁵ For further information about the BBC's Public Purposes, the BBC Editorial Guidelines and BBC Fair Trading framework, see the links at the end of this document.

⁶ Further details are presented in Clause 25 of the BBC Framework Agreement.

BBC Executive Guidelines

Based on the Syndication Principles set out by the BBC Trust and on the additional BBC requirements of brand protection, technical integrity, quality of user experience and maximisation of the BBC's Public Purposes, the BBC Executive has drawn up a set of specific Guidelines against which all proposed on-demand syndication arrangements will be reviewed. In conducting this review the relative size of the partner, the partner's resources, the BBC assets involved and the types of syndication activity being carried out may also be taken into consideration. The following guidelines may apply in varying degrees according to whether the partner is hosting links or content.

General

1. The BBC's aim is wherever possible and appropriate to promote the BBC and its products and services on partner sites and platforms via syndication in order to drive availability, consumption, reach and approval. All assets syndicated to partners shall be offered on a fair, reasonable and non-discriminatory basis. The BBC will not offer 'exclusive' arrangements to particular partners.
2. Wherever possible partners will link to BBC services or players (e.g. channel broadcasts, bbc.co.uk, Radio Player, BBC iPlayer etc.). However there may be reasonable grounds for permitting partners to host and serve BBC assets which the BBC will review on a case by case basis. For example, there may be technical reasons why the partner is unable to link to the BBC's services.
3. Partners shall be consistent with the values set out in the BBC Editorial Guidelines and shall not bring the BBC into disrepute.
4. All BBC syndication activity is subject to rights clearances and subject to contract on BBC standard terms.

Service Levels & Reporting

5. Partner services shall have a "delivery to publish" time which is acceptable to the BBC, taking into account the specific BBC assets being syndicated.
6. Partners shall be able to respond reasonably to last minute amendment, revision or deletion of the BBC assets.
7. Where applicable, Partners shall be capable of receiving BBC assets and BBC promotional assets prior to its transmission time and have adequate processes and systems in place to embargo such content on its service until after transmission.
8. Where partners host and serve BBC audio or video assets, the quality of service shall be acceptable to the BBC, including technical integrity, picture and audio quality and service delivery.
9. The partner service shall have acceptable security for any BBC assets hosted to prevent unauthorised alterations (e.g. hacking), piracy or unlicensed content re-distribution.
10. Partners shall employ suitable protection systems for effective post water-shed labelling of BBC assets.
11. Partners shall be able to restrict the BBC assets to the UK where required, and to present regional variants where appropriate.
12. Partner services need to be able to support publication windows as directed by the BBC. All rights protection mechanisms shall be subject to prior written approval by the BBC.
13. Partners shall be able to collect and supply to the BBC reasonable data on usage of the BBC assets on the partner service and any relevant audience research.

BBC Assets

14. The BBC shall make available a package of BBC assets and / or content for syndication which will be selected by the BBC. The BBC will treat partners on a fair and non-discriminatory basis with respect to the packages of BBC assets made available, whilst always ensuring that it can fulfil its Public Purposes and meet its other obligations (e.g. achieving value for money for the licence fee payer).
15. The BBC reserves the right to change the overall BBC asset proposition that it makes available for the partner's platform. All such changes will be applied consistently to partners (where relevant) and will be based on objectively justified rationale.
16. The BBC reserves the right to combine BBC promotional material with BBC assets (e.g. branded and promotional content before and after the BBC assets, BBC trade mark images, DOGs and calls to action) in order to promote the BBC, its brands and/or its public service output.
17. Partners shall not edit or change any BBC assets which shall be used as supplied by the BBC.
18. Partner shall not use any BBC assets to bring the BBC into disrepute.
19. The BBC shall have a right of prior written and editorial approval of any part of the partner service user interface where there is a significant quantity of BBC assets, and over the integration of BBC assets and promotional content into the partner service navigation.

Commercial Terms and Advertising

20. All BBC assets shall be free to view at point of use (i.e. no incremental charges shall be levied for access to BBC assets), and within the lowest cost or entry tier if a subscription is charged.
21. The BBC assets shall not be used to secure business from advertisers.
22. The BBC's (public service) content which is syndicated to a partner must be kept separate and clearly distinguishable from the BBC's commercial content (i.e. BBC Worldwide and BBC World content).
23. The partner shall not claim any exclusivity in relation to the BBC assets or in relation to its association with the BBC.
24. The partner shall not claim or imply any BBC endorsement of the partner or its business activities.
25. Navigation pages of the partner service displaying BBC promotional assets may show advertising provided there is no implied association between the BBC and such advertising. The partner shall not display any advertising on screens displaying BBC assets.
26. The partner shall not package BBC assets in a way that might imply it has access to a new BBC channel or service.
27. Where appropriate the BBC may seek an area dedicated to free content within the partner service.

Navigation

28. Where viable and subject to commercial negotiation, the BBC may require a BBC channel, BBC branded interface or other BBC only aggregation area where the audience can find all BBC assets in one place. In this way the BBC can manage the navigation and promotion of its content and create categorisations and listings that are optimised for the full range of BBC assets.
29. Where BBC assets are integrated into the partner service's own navigation, the BBC requires that navigational links be offered, where technically possible, with all BBC assets to bbc.co.uk and to other BBC programmes and services or the BBC channel within the partner service (e.g. navigation from BBC linear channel to BBC on-demand content, link from one BBC on-demand asset to other relevant BBC on-demand assets etc.).
30. BBC supplied and / or approved metadata shall be displayed and associated with all BBC assets on the partner service where technically possible (e.g. programme metadata, programme content, related

on-demand, archive, iTV, mobile materials and assets). The BBC reserves the right to change, improve and enhance the metadata provision to enhance the user experience from time to time.

31. There shall be a clear distinction between BBC public service content and BBC commercial content / non-BBC content, goods, services or branding. In some instances this may be simply by use of the BBC brand (e.g. on a tuning aggregator list).

Brand and Marketing

32. The BBC requires clear BBC branding and effective accreditation back to the BBC. Where BBC assets are listed or indexed in disaggregated format, then the BBC will require consistent use of thumbnails, logos and / or use of a BBC prefix across the full BBC asset range to ensure credit and consistency of experience.
33. Related BBC programmes and services shall be promoted from promotional areas around BBC assets where technically possible and in navigation to and from BBC assets and promotional assets. Where technically possible the BBC may select this promotional content on a case by case basis.
34. The BBC shall determine the appropriate BBC branding that shall be displayed with BBC assets, including aggregate BBC brands for groups of BBC assets (e.g. BBC Radio Player or BBC iPlayer), channel brands for same channel content (BBC One), and programme brands.
35. Where supported, the BBC may “bookend” content with BBC brands and (targeted) promotional material, or otherwise associate text and additional information with the BBC assets.
36. All marketing using BBC promotional content shall be approved by the BBC.
37. All use of BBC trade marks is subject to the standard BBC trade mark licence terms.

Complaints and Appeals Procedure

These Guidelines represent the BBC’s intended approach to on-demand content syndication at the time of publication. However the BBC acknowledges that the media market is fast-changing, and these Guidelines may need to be revised on a regular basis.

If any (potential) partner believes that BBC Management has breached the Syndication Guidelines or the Trust’s Syndication Policy they are invited to make a representation to BBC Management. In the first instance, please send your complaint and supporting evidence to:

Controller, BBC Fair Trading
MC3 C4, Media Centre
201 Wood Lane
London, W12 7TQ

In the event that the (potential) partner is not satisfied with the response from BBC Management then it shall have a right of appeal to the BBC Trust. You may write to appeal to the BBC Trust within two months of BBC Management’s final response to your complaint. Send your appeal to:

Head of Finance, Economics and Strategy
BBC Trust
Room 211, 35 Marylebone High Street
London W1U 4AA

Further Information

Policy and Guidelines

BBC Editorial Guidelines <http://www.bbc.co.uk/guidelines/editorialguidelines/>

BBC Fair Trading Guidelines http://www.bbc.co.uk/info/policies/commercial_guides/

BBC Brand and Navigation Guidelines (to be published shortly)

Terms & Conditions

BBC News RSS terms <http://news.bbc.co.uk/1/hi/help/rss/4498287.stm>

BBC News Embedding Trial terms <http://news.bbc.co.uk/1/hi/technology/6670205.stm>

ATTACHMENT 1

BBC ON-DEMAND SYNDICATION ACTIVITY

This attachment details current on-demand syndication activity carried out under the BBC's existing Service Licences or as BBC trials that have been subsequently approved as a result of the BBC Trust Public Value Test relating to the BBC's new on-demand services.

1. Full asset on-demand syndication

This involves distribution of asset files to third parties for hosting and distribution within their own network to their own audience. The primary purpose is to reach existing audiences where they want to consume BBC assets, and to reach new audiences who do not choose to access BBC services. A secondary purpose will usually be to promote the BBC and its programmes, sites and services.

BBC assets:

- TV or radio programmes (e.g. Casualty, In Our Time)
- Self-contained pieces of audio visual content (e.g. BBC News loops, iTV content, Video nation, audio podcasts and other online and/ or mobile content) that is already published by BBC, but not within a channel schedule
- Live channels (e.g. BBC One, BBC News24, BBC Asian Network) over IP networks

Syndication activity:

- Full programmes syndicated to closed network TV operators only (e.g. Tiscali TV, Orange TV)
- Complete short form content (e.g. news stories)
- Clips and trail material may be used for promotional activity (see below)

Delivery of the BBC assets:

- Neutral - made available at a generic collection point (e.g. Media Bank, Neutral drop-off zone, RSS feeds)
- Active - to a specific partner (e.g. ftp)

2. Promotional asset syndication

This overlaps with the full asset distribution set out above. However this category covers asset distribution that has the specific primary purpose of promoting the BBC, its programmes, sites and services and to drive audiences to BBC sites and services.

BBC assets:

- Self-contained pieces of audio visual content (e.g. BBC News loops, iTV content, Video Nation, audio podcasts and other online and/ or mobile content)
- Marketing assets such as stills, promos and trailers

Syndication activity:

- Video promotion – made available to third party social networking sites for hosting and distribution amongst their communities (e.g. YouTube, MySpace)
- Audio promotion – BBC audio files available as Podcasts for download and unrestricted viral distribution
- Mobile promotion – short form promotional clips made available for download to mobile devices, where possible without any restriction on onward viral dissemination
- Website promotion – text, images and data available for third party incorporation into non-BBC websites (e.g. ISP portals, listing sites, newspaper sites etc.)
- Advertising – assets distributed by BBC MC&A for display in third party advertising (e.g. TV advertisements, outside media, internet banner ads)

Delivery of BBC assets:

- delivered directly to specific third party
- made available from a generic collection point (e.g. BBC Media Bank)

3. Embedding

BBC assets are served to an audience on a third party website or service. The assets are presented in a BBC environment (e.g. BBC branded player or box etc.). The BBC asset and the BBC environment is served and managed by the BBC.

BBC assets:

- Short form video content
- Radio programmes
- Headlines and other text

Syndication activity:

- Embedded BBC Radio Player
- Embedded BBC video players (BBC iPlayer)
- Tear off video clips (e.g. Seven Ages of Rock)
- BBC News Headline Boxes

Delivery of BBC assets:

- Software code
- XML / RSS

4. Linking

The BBC actively encourages third party internet sites and service to link to the BBC website and web services.

BBC assets:

- BBC trade marks, brands and logos
- Images and graphics
- Data and text

Syndication activities:

- Simple branded links - to specific BBC sites, products, streams, events etc. (e.g. Olympics, Wimbledon, Radio Player)
- Rich links - Links supported by additional BBC promotional assets (see above)
- Feeds of links - links made available generally via the internet using XML, usually RSS. These are generally dynamic and regularly updating (e.g. News RSS)

Delivery of BBC assets:

- XML / RSS for links to BBC website
- Active - to a specific partner (e.g. ftp)
- Neutral - made available at a generic collection point (e.g. BBC Media Bank)