

## Freely: Scope of Access for Content Providers

### **Section A: Freely IP Channels**

*Please note that the Freely LCN Policy and the Freely LCN Terms and Conditions apply to all channels on Freely, including IP channels: see [www.everyonetv.co.uk/freelylcnpolicy](http://www.everyonetv.co.uk/freelylcnpolicy) and [www.everyonetv.co.uk/freelylcnterms](http://www.everyonetv.co.uk/freelylcnterms).*

IP-delivered<sup>1</sup> channels are an important part of the Freely viewer experience. Freely IP Channels may be 'standalone' channels that are not made available via broadcast (DTT or DSat<sup>2</sup>) means, or they may be simulcasts of existing linear channels.

It is important that channels meet viewer expectations for high quality content, offering a seamless, 'broadcast-like' experience, and we therefore have a number of requirements which services must fulfil to be given access to Freely. All of the requirements are ongoing. All Freely IP Channels must comply with all of the requirements in order to be allocated and retain an LCN on Freely.

Once they are given access to Freely, IP channels will be allocated an LCN slot and listed in the Freely EPG<sup>3</sup>; made available via the Freely IP player; and have their content surfaced within areas of the Freely user interface as appropriate<sup>4</sup>.

### **Commercial**

Access to Freely for IP channels will be contingent on the channel provider entering into contractual arrangements with Everyone TV, including the payment of any fees or charges required thereunder.

The 'onboarding' of channels to Freely will be undertaken at Everyone TV's discretion in terms of the prioritisation, volume of channels, and frequency of launches.

### **Broadcast licence**

All channel providers wishing to provide an IP channel on Freely must hold an Ofcom licence for a TV broadcast service (i.e. a TLCS, DTSP or DTAS licence). The licence need not necessarily apply to the

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<sup>1</sup> For the avoidance of doubt this terminology includes 'FAST' channels

<sup>2</sup> DTT means Digital Terrestrial Television, and DSat means Digital Satellite

<sup>3</sup> Freely will also give LCN slots to DTT channels that meet the relevant criteria in the DTT LCN Policy, and to DSat channels that have Freesat EPG carriage agreements – although DSat channels will not be receivable by Freely devices at first. LCNs will be issued in accordance with Everyone TV's prevailing LCN Policy for Freely.

<sup>4</sup> Separately, ETV has allocated the 1001+ LCN range for the use of the manufacturer, sitting outside of the Freely EPG as managed by ETV. Subject to commercial agreement and technical integration, there may be access provided to these services from within the Freely navigation (including the Guide) but for the avoidance of doubt such services are not Freely IP Channels, and LCNs are not issued by ETV.

IP channel that will be carried on Freely – but the licence must be held by a company under ‘common control’ with the IP channel that will be carried on Freely<sup>5</sup>.

All Freely IP Channels – whether or not an Ofcom licence applies to those channels – must comply with Ofcom’s Broadcasting Code, Code on the Scheduling of Television Advertising, and other broadcasting regulations that apply to channels that hold a TLCS licence.

If a channel previously held an Ofcom licence, and that licence has since been revoked by Ofcom, then we consider that the channel does not comply with Ofcom’s Broadcasting Code and will therefore not be eligible for an LCN on Freely.

### **Technical compliance**

Freely IP Channels must be delivered to the Freely technical specification as published by Everyone TV and updated from time to time.

Any channels that are delivered using hybrid DTT/IP delivery (such as those that currently appear in the Freeview EPG in the Streamed section) will not be a Freely IP Channel but may be allocated LCNs if permitted by, and in accordance with, the Freely LCN Policy.

Any IP channels that are delivered using any other technical specification will not be a Freely IP Channel (and for the avoidance of doubt will not be allocated an LCN by Everyone TV).

### **Content requirements**

For the avoidance of doubt, all IP channels must comply with the genre categorisations and minimum broadcast hour requirements of the Freely LCN Policy. If a channel’s output consists mainly of promotional content (including self-promotional content, e.g. ‘barker’ content for a subscription-funded VOD app), this would be considered a Teleshopping channel and would be allocated an LCN in the appropriate genre.

#### Free content

Free-to-air content is central to the Freely platform. Each channel provider’s portfolio of IP channels on Freely must consist solely of free-to-air content, which viewers must be able to access without subscription or other consideration. (Channel providers may, if they wish, require viewers to sign in.)

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<sup>5</sup> The definition of ‘common control’ is as per the LCN Policy. Channels will be considered to be under ‘common control’ where they are owned or controlled by companies in the same corporate group. The corporate group consists of a holding company and all its subsidiaries, the terms ‘holding company’ and ‘subsidiary’ having the meanings given in section 1159 of the Companies Act 2006. In addition, where a holding company directly or indirectly holds 50% of the voting rights in a channel which does not otherwise fall within the definition of ‘subsidiary’ in section 1159 of the Companies Act 2006, that channel will be treated as under common control with any of the holding company’s subsidiaries with which the channel in question has common branding.

Any services which are made available within the ranges designated in the LCN Policy for 'promotional use' (currently LCNs 31 and 90-99) must be available for free and without any registration or other restriction.

### Content restriction

IP channels will not be given access to Freely if those channels would be categorised as 'Adult Sex Material' or 'Transactional Gambling' channels.

Everyone TV will determine, in its reasonable opinion, whether it is appropriate to categorise a channel as 'Adult Sex Material' or 'Transactional Gambling'. We will consider the amount and nature of programming which is of an Adult Sex Material or Transactional Gambling nature that is broadcast on that channel.

As defined in Ofcom's Broadcasting Code, Adult Sex Material contains images and/or language of a strong sexual nature which is broadcast for the primary purpose of sexual arousal or stimulation<sup>6</sup>.

Transactional Gambling content is that which would meet the description in Ofcom's statement on the regulation of transactional TV gambling<sup>7</sup>, or similar content.

### Time-shifts

Time-shifted IP channels (such as '+1' services) may be given access to Freely if they are IP simulcasts of an existing time-shift service that broadcasts free-to-air on DTT or DSat in the UK.

The IP channel's broadcast hours must at least match the broadcast hours of its DTT or DSat equivalent.

For the avoidance of doubt, if an IP channel is a time-shifted version of a DTT or DSat channel, but there is no time-shifted version of the channel on DTT or DSat, then the IP time-shifted version of the channel will not be given access to Freely.

### **Radio**

At launch, Freely does not support audio-only streams. Until such time as this is possible, services are permitted to launch at LCNs through a 'red button' deep-link to a Freely Player App.

In order to efficiently manage demand for LCNs in the Radio section of the listing, Everyone TV will only allocate LCNs to IP-delivered radio channels if those channels hold Ofcom licences.

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<sup>6</sup> <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-standards/section-one-protecting-under-eighteens/>

<sup>7</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0022/15934/gambling.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0022/15934/gambling.pdf)

## **Section B: Freely Players**

Please note that the Freely App Placement Policy applies to all Freely players: see [www.everyonetv.co.uk/freelyappplacementpolicy](http://www.everyonetv.co.uk/freelyappplacementpolicy).

### **Commercial**

Access to Freely for video-on-demand and/or audio players will be contingent on the content provider entering into contractual arrangements with Everyone TV, including the payment of any fees or charges required thereunder.

The 'onboarding' of players to Freely will be undertaken at Everyone TV's discretion in terms of the prioritisation and frequency of launches.

Any player that enables users to enter into transactions must comply with Freely's rules on transactions, which will be communicated to content providers.

### **Relationship with linear channels**

Freely content providers which operate channels on DTT must make any and all of those channels available via IP on Freely.

Freely content providers which do not operate any DTT channels must offer at least two IP-delivered linear channels on Freely.

### **Content requirements**

Freely players must contain a substantial amount of free content.

A material amount of the content in the player should also be broadcast on the channel provider's linear channels.

### **Audio-only apps**

Apps that consist only of audio / radio services will be eligible to launch on Freely if they contain radio services that are broadcast via DTT. They must comply with all other rules that apply to Freely players – but note that, while Freely does not support audio-only streams on LCNs, the apps' "relationship with linear channels" obligations may be met by means of a 'red button' link (see paragraph headed 'Radio' under Section A).